

NOTICE OF CONFIRMATION OF A DEFINITIVE MAP MODIFICATION ORDER

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 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 BRIDLEWAY ACASTER MALBIS 8 & PUBLIC BRIDLEWAY NABURN 9
MODIFICATION ORDER 2020**

On 9 January 2024, an Inspector appointed by the Secretary of State modified and confirmed the above-named Order.

The effect of the confirmed Order is to modify the definitive map by adding the bridleway Acaster Malbis 8 between SE 5974 4563 to SE 5912 4554 and the bridleway Naburn 8 between SE 5977 4558 to SE 5981 4554.

A copy of the confirmed Order and Map may be seen free of charge on our website www.york.gov.uk/PROWNotices until 12 July 2024. Alternatively, you may write to the Rights of Way Officer at City of York Council, West Offices, Station Rise, York, YO1 6GA requesting a copy of the Order. There is no charge for this service.

If any person aggrieved by the confirmed Order wishes to question its validity on the ground that it is not within the power of Section 53 of the above-named Act, or that any requirement of Schedule 15 of the Act has not been complied with in relation to the Order, they may, within 42 days of the date of this Notice, make an application to the High Court under Schedule 15(12) to the Act.




Dated: 31 May 2024

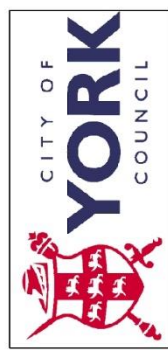
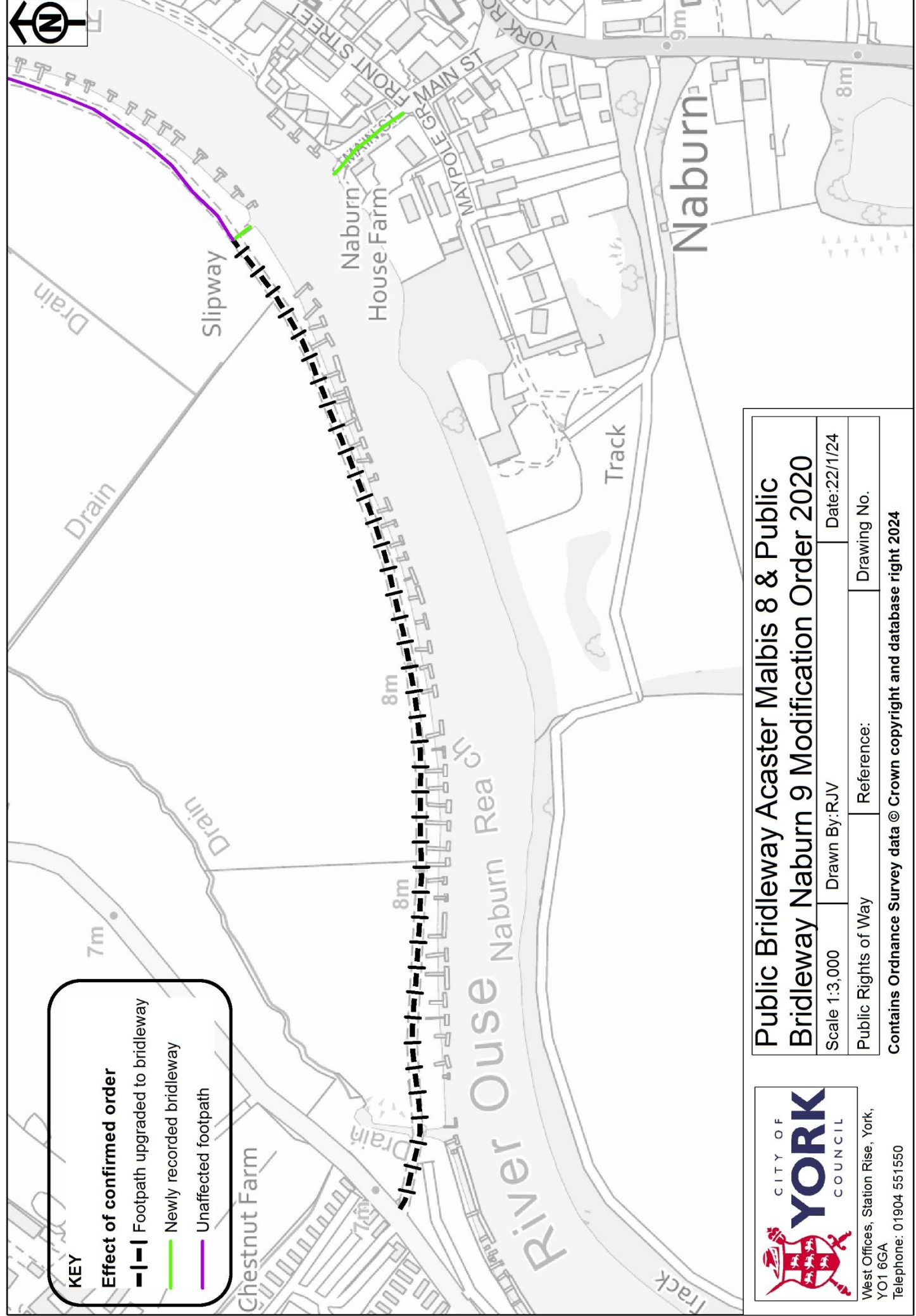
Bryn Roberts
Director of Governance
City of York Council
West Offices
Station Rise
York
YO1 6GA



KEY

Effect of confirmed order

-  Footpath upgraded to bridleway
-  Newly recorded bridleway
-  Unaffected footpath



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

**Public Bridleway Acaster Malbis 8 & Public
Bridleway Naburn 9 Modification Order 2020**

| | | |
|----------------------|--------------|--------------|
| Scale 1:3,000 | Drawn By:RJV | Date:22/1/24 |
| Public Rights of Way | Reference: | Drawing No. |

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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 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~~ ^{BRIDLEWAY} ACASTER MALBIS 8 & ~~PUBLIC RESTRICTED BYWAY~~ ^{BRIDLEWAY}
NABURN 9 MODIFICATION ORDER 2020

Janie Berry
Director - Legal & Governance
City of York Council
West Offices
Station Rise
York
YO1 6GA

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 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 & PUBLIC RESTRICTED BYWAY NABURN 9~~
MODIFICATION ORDER 2020

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 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 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 15 December 2020.
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 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 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 Restricted Byway~~ ^{Bridleway} Acaster Malbis 8 & ~~Public Restricted Byway~~ ^{Bridleway} Naburn 9 Modification Order 2020.

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

this 16 day of APRIL 2021

in the presence of:



An Authorised Officer



No. In Seal Register: 12633

The foregoing order is hereby confirmed
subject to the red ink modifications thereon

Catherine Beeby 9 JAN 2024

An Inspector appointed by The Secretary of
State for Environment, Food and
Rural Affairs

SCHEDULE
PART I

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

public bridleway

| Section of restricted byway as shown on the attached Map | Description |
|---|--|
| <p>Acaster Malbis 8</p> <p>Indicated on the Order Map and marked as A – B – C.</p> | <p><i>public bridleway</i></p> <p>Commencing at grid reference (GR) SE 5974 4563 (POINT A) at the edge of the River Ouse the restricted byway heads north west up the 2.5 metres wide concrete slip way for approximately 13m to GR SE 5973 4564 (POINT B) from where the restricted byway heads generally west following the existing crushed stone surfaced 3 metres wide access track along the river bank for approximately 642 metres to GR SE 5911 4554 (POINT C) where it joins the maintainable highway known as Hauling Lane.</p> |
| <p>Naburn 9</p> <p>Indicated on the Order Map and marked as X – Y – Z.</p> | <p><i>public bridleway</i></p> <p>Commencing at grid reference (GR) SE 5977 4558 (POINT X) at the edge of the River Ouse the restricted byway south east up the 3.5 metres wide concrete slip way for approximately 47 metres to GR SE 5980 4555 (POINT Y) where the surface changes to tarmac and the restricted byway narrows to 2 metres and continues south east for approximately 12 metres to GR SE 5981 4554 (POINT Z) where it joins the maintainable highway known as Front Street.</p> |

public bridleway

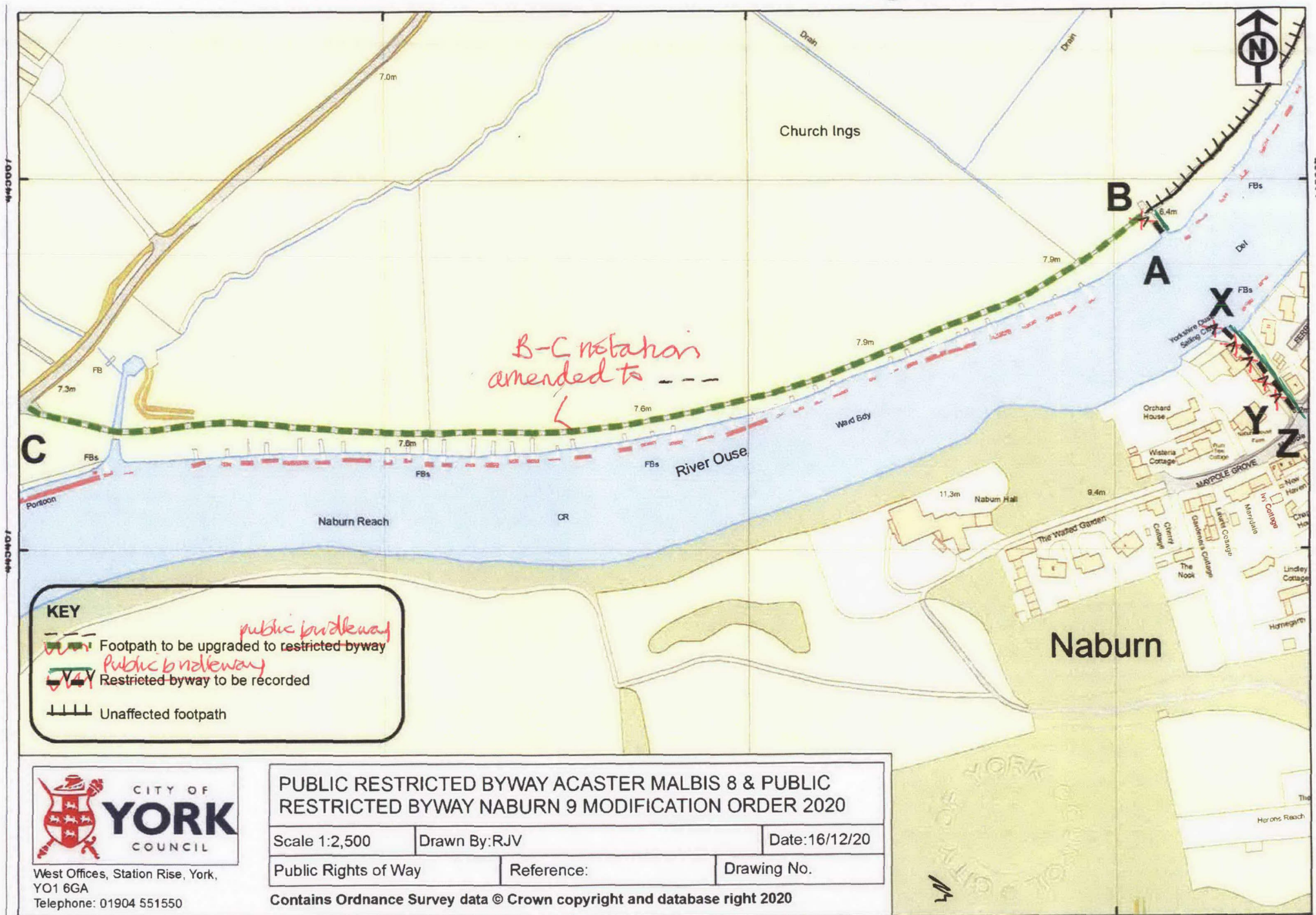
public bridleway

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 |
|----------|---------------------------------------|---|---|--|--|------------------------------------|
| 20/8 | SE 5974 4563 to SE 5911 4554 | <i>public bridleway</i> Commencing at grid reference (GR) SE 5974 4563 at the edge of the River Ouse the restricted byway heads north west up the 2.5 metres wide concrete slip way for approximately 13m to GR SE 5973 4564 from where the restricted byway heads generally west following the existing crushed stone surfaced 3 metres wide access track along the river bank for approximately 642 metres to GR SE 5911 4554 where it joins the maintainable highway known as Hauling Lane. | Concrete (SE 5974 4563 to SE 5973 4564) Crushed stone (SE 5973 4564 to SE 5911 4554) | 0.013km (SE 5974 4563 to SE 5973 4564) 0.642km (SE 5973 4564 to SE 5911 4554) Total 0.656km | 2.5m * (SE 5974 4563 to SE 5973 4564) 3m * (SE 5973 4564 to SE 5911 4554) | None |
| 4/9 | SE 5977 4558 to SE 5981 4554 | <i>public bridleway</i> Commencing at grid reference (GR) SE 5977 4558 at the edge of the River Ouse the restricted byway south east up the 3.5 metres wide concrete slip way for approximately 47 metres to GR SE 5980 4555 where the surface changes to tarmac and the restricted byway narrows to 2 metres and continues south east for approximately 12 metres to GR SE 5981 4554 where it joins the maintainable highway known as Front Street. | Concrete (SE 5977 4558 to SE 5980 4555) Tarmac (SE 5980 4555 to SE 5981 4554) | <i>0.047km</i> 0.47km (SE 5977 4558 to SE 5980 4555) 0.012km (SE 5980 4555 to SE 5981 4554) Total 0.059km | 3.5m * (SE 5977 4558 to SE 5980 4555) 2m * (SE 5980 4555 to SE 5981 4554) | None |

* seven feet or thereabouts, as set out in the Ouse and Derwent Division Quarter Sessions, 1824.



B-C notation amended to

KEY

- Footpath to be upgraded to *public byway* restricted byway
- Public byway* Restricted byway to be recorded
- Unaffected footpath



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

PUBLIC RESTRICTED BYWAY ACASTER MALBIS 8 & PUBLIC RESTRICTED BYWAY NABURN 9 MODIFICATION ORDER 2020

| | | |
|----------------------|--------------|---------------|
| Scale 1:2,500 | Drawn By:RJV | Date:16/12/20 |
| Public Rights of Way | Reference: | Drawing No. |

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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

