

# NOTICE OF ORDER

## Wildlife and 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(s) has/have been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. Following an earlier inquiry/hearing/exchange of written representations, the Inspector appointed to determine the Order issued a letter in which he/she proposed to make modifications to the Order as drafted. Following advertisement of those proposals objections/representations have been received.

The **start date** for the above Order is 5 July 2024.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case which contain evidence in respect of the Inspector's proposed modifications only.

The effect of the Order, if confirmed without modifications will be to

- The effect of the proposed modifications(s) would be to Delete '*Map*' in the third line of paragraph 2 of the Order and insert '*Maps*'.
- Add to the Order Map the churchyard path.
- Add the supplementary map to the Order.
- Insert the following at the end of Part I of the Order Schedule:

<u>Section of footpath as shown on the attached Maps</u>	<u>Description</u>
<b>Bishopthorpe 3 (part)</b> Indicated on the Order Map and the supplementary Order Map and marked as <b>X – Y – Z</b>	Commencing on Ferry Lane at grid reference (GR) SE 5987 4767 (POINT X) the 1.2 metre wide earth and grass surfaced footpath heads north west along the western bank of the River

	Ouse for approximately 94 metres to GR SE 5980 4774 (POINT Y) from where the 1.2 metre wide earth and grass surfaced footpath heads generally west for approximately 76 metres to GR SE 5973 4772 (POINT Z) where it meets the maintainable highway known as Chantry Lane.
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- Insert the following text at the end of Part II of the Order Schedule:

Path No.	Grid Reference End Points	Description	Nature of Surface	Length (Km)	Width (M)	Lawful Obstructions And Conditions
3	SE 5987 4767 to SE 5973 4772	Commencing on Ferry Lane at grid reference (GR) SE 5987 4767 the 1.2 metre wide earth and grass surfaced footpath heads north west along the western bank of the River Ouse for approximately 94 metres to GR SE 5980 4774 from where the 1.2 metre wide earth and grass surfaced footpath heads generally west for	Earth & Grass (SE 5987 4767 to SE 5973 4772)	0.17km (SE 5987 4767 to SE 5973 4772) Total 0.17km	1.2 metres (SE 5987 4767 to SE 5973 4772)	None

		<p>approximately 76 metres to GR SE 5973 4772 where it meets the maintainable highway known as Chantry Lane.</p>				
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Any queries relating to this Order should be referred to Zoe McPhail by email: [zoe.mcphail@planninginspectorate.gov.uk](mailto:zoe.mcphail@planninginspectorate.gov.uk) quoting reference number **ROW/3286833** on all correspondence. Alternatively, queries may be sent in writing to 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 444 5481.

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, YO13 6GA and online at [www.york.gov.uk/prownotices](http://www.york.gov.uk/prownotices) and may be inspected free of charge during normal working hours. Please contact Russell Varley on [russell.varley@york.gov.uk](mailto:russell.varley@york.gov.uk) or 01904 553691.

**Timetable for sending in statements of case and comments**

**Within 8 weeks of the start date [by 30 August 2024]**

The Order Making Authority, the applicant and everyone who has made an objection or representation following the proposed modification(s) 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 receiving it the Secretary of State will send a full copy 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 everyone who has made an objection or representation following the proposed modification(s), the applicant and any other person who has previously written to us in respect of the Order.

**Within 14 weeks of the start date [by 11 October 2024]**

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

All parties must keep to the timetable set out above and ensure that statements of case are received by the Secretary of State 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 mods

**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  
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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~~ <sup>Maps</sup> 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 OF YORK** was hereunto affixed

this 10<sup>th</sup> day of October 2019

in the presence of:

  
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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><b>Acaster Malbis 9</b> Indicated on the Order Map and marked as <b>A – B – C – D – E</b></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><b>Bishopthorpe 3</b> Indicated on the Order Map and marked as <b>E – F – G – H – I – J – K</b></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>

<u>Section of footpath as shown on the attached Maps</u>	<u>Description</u>
<p><b>Bishopthorpe 3 (part)</b> Indicated on the Order Map and the Supplementary Order Map and marked as <b>X – Y – Z</b></p>	<p>Commencing on Ferry Lane at grid reference (GR) SE 5987 4767 (POINT X) the 1.2 metre wide earth and grass surfaced footpath heads north west along the western bank of the River Ouse for approximately 94 metres to GR SE 5980 4774 (POINT Y) from where the 1.2 metre wide earth and grass surfaced footpath heads generally west for approximately 76 metres to GR SE 5973 4772 (POINT Z) where it meets the maintainable highway known as Chantry 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

Path No.	Grid Reference End Points	Description	Nature of Surface	Length (Km)	Width (M)	Lawful Obstructions And Conditions
3	SE 5987 4767 to SE 5973 4772	Commencing on Ferry Lane at grid reference (GR) SE 5987 4767 the 1.2 metre wide earth and grass surfaced footpath heads north west along the western bank of the River Ouse for approximately 94 metres to GR SE 5980 4774 from where the 1.2 metre wide earth and grass surfaced footpath heads generally west for approximately 76 metres to GR SE 5973 4772 where it meets the maintainable highway known as Chantry Lane.	Earth & Grass (SE 5987 4767 to SE 5973 4772)	0.17km (SE 5987 4767 to SE 5973 4772)  Total 0.17km	1.2 metres (SE 5987 4767 to SE 5973 4772)	None



