

# **NOTICE OF ORDER**

## **WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53**

**North Yorkshire County Council  
Footpath No 30.23/40, Tin Ghaut Car Park, Whitby Modification  
Order 2008**

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and the Secretary of State to determine the Order.

The **start date** for the above Order is **13 December 2016**.

Consideration of the Order will take the form of a public local inquiry.

**The Inquiry will be held at Caedmon College (Scoresby site),  
Airy Hill, Whitby YO21 1QA on 31 May 2017 at 10:00am.**

The effect of the Order, if confirmed without modifications, will be to modify the Definitive Map and Statement for the area by adding the triangular public footpath commencing off Church Street and proceeding through the Tin Ghaut Car Park in a generally west-south-westerly direction across the car park for approximately 27 metres to the metal railings overlooking the Upper Harbour, then continuing across the car park in a generally north-north-easterly direction for approximately 29 metres to the gap in the metal railings leading onto Grape Lane, then continues across the car park in a generally south easterly direction for approximately 26 metres to its junction at the metal railings at the entrance to the car park.

Any queries relating to this Order should be referred to Clive Richards at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5502. Email: [clive.richards@pins.gsi.gov.uk](mailto:clive.richards@pins.gsi.gov.uk). Please quote reference number FPS/P2745/7/52 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 Whitby Library, Windsor Terrace, Whitby, North Yorkshire, YO21 1ET during normal opening hours (Mon: 9:30am-5pm, Tues: 9:30am-7pm, Wed: Closed, Thurs: 9:30am-5pm, Fri: 9:30am-5pm, Sat: 10am-1pm 7 Sun: Closed). Library Tel No: 01609 534350.

## **Timetable for sending in statements of case and proofs of evidence**

### **Within 8 weeks of the start date [by 07 February 2017]**

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 and the applicant and any other person who has written to us in respect of the Order.

### **Within 14 weeks of the start date [by 21 March 2017]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case<sup>1</sup> 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 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 (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

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, the 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).

### **4 weeks before the date of the inquiry [by 03 May 2017]**

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

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<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

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

Notice of order for inquiry

**NORTH YORKSHIRE COUNTY COUNCIL**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE EASTERN PART OF THE COUNTY OF THE FORMER NORTH RIDING OF YORKSHIRE  
DEFINITIVE MAP AND STATEMENT**

**FOOTPATH NO 30.23/40, TIN GHAUT CAR PARK, WHITBY  
MODIFICATION ORDER 2008**

This Order is made by North Yorkshire County Council under Section 53(2)(a) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that The Eastern Part of the County of the Former North Riding of Yorkshire Definitive Map and Statement require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i) of the Act, namely, 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 have consulted with every local authority whose area includes the land to which the Order relates. North Yorkshire County Council hereby order that:-

1. For the purposes of this Order the relevant date is 25 September 2008.
2. The Eastern Part of the County of the Former North Riding of Yorkshire Definitive Map and Statement shall be modified as described in Part 1 and Part 2 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 "Footpath No 30.23/40, Tin Ghaut Car Park, Whitby Modification Order 2008".

**SCHEDULE**

**PART 1**

**MODIFICATION OF DEFINITIVE MAP**

**DESCRIPTION OF PATH OR WAY TO BE ADDED**

<b><u>Section of Footpath as shown on the attached map</u></b>	<b><u>Description</u></b>
Marked by a bold broken black line and shown as A – B – C – D.	Commences off Church Street at the entrance to Tin Ghaut Car Park at Grid Reference 49006 51102 (Point A) and proceeds in a generally west-south-westerly direction across the car park for approximately 27 metres to the metal railings overlooking the Upper Harbour at Grid Reference 49004 51101 (Point B), then continues across the car park in a generally north-north-easterly direction for approximately 29 metres to the gap in the railings leading onto Grape Lane at Grid Reference 49004 51104 (Point C), then continues in a generally south easterly direction across the car park for approximately 26 metres to its junction with an earlier section of the footpath at the car park entrance railings at Grid Reference 49005 51102 (Point D).

**PART 2**

**MODIFICATION OF DEFINITIVE STATEMENT**

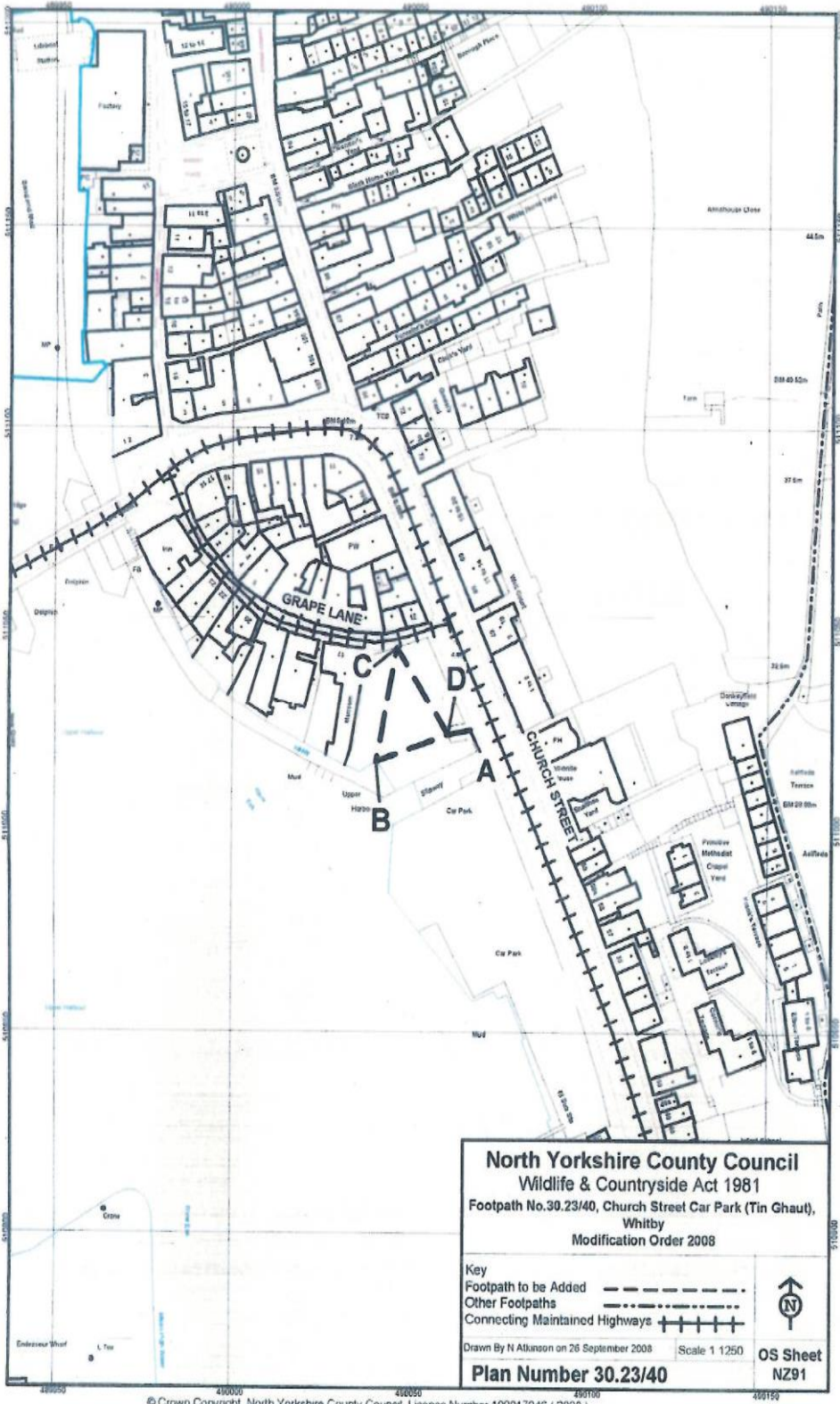
**PARTICULARS OF PATH OR WAY TO BE ADDED**

<u>Path Number</u>	<u>Grid Reference End Points</u>	<u>Description</u>	<u>Nature of Surface</u>	<u>Length (km)</u>	<u>Width (m)</u>	<u>Lawful Obstructions and Conditions</u>
30.23/40	49006 51102 (Start) to 49005 51102 (End)	Commences off Church Street at the entrance to Tin Ghaut Car Park and proceeds in a generally west-south-westerly direction across the car park for approximately 27 metres to the metal railings overlooking the Upper Harbour at Grid Reference 49004 51101, then continues across the car park in a generally north-north-easterly direction for approximately 29 metres to the gap in the railings leading onto Grape Lane at Grid Reference 49004 51104, then continues in a generally south easterly direction across the car park for approximately 26 metres to its junction with an earlier section of the footpath at the car park entrance railings.	Tarmac	0.076km	1.5m	None

THE COMMON SEAL of NORTH )  
YORKSHIRE COUNTY COUNCIL )  
was hereunto affixed this 9<sup>th</sup> day )  
of October 2008 in the presence )  
of:- )



*© J G Wood*  
**AUTHORISED  
SIGNATORY**



**North Yorkshire County Council**  
 Wildlife & Countryside Act 1981  
 Footpath No.30.23/40, Church Street Car Park (Tin Ghaut),  
 Whitby  
 Modification Order 2008

Key  
 Footpath to be Added - - - - -  
 Other Footpaths ————  
 Connecting Maintained Highways + + + + +



Drawn By N Atkinson on 26 September 2008 Scale 1:1250  
**Plan Number 30.23/40**  
 OS Sheet NZ91