



## Order Decision

Inquiry held on 20 February 2019

**by Sue M Arnott FIPROW**

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

**Decision date: 17 September 2019**

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### **Order Ref: ROW/3194825M**

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981. It is known as the East Riding of Yorkshire Council (Howden Footpath Nos 15 and 16) Definitive Map and Statement Modification Order 2017.
- The Order is dated 1 November 2017. It proposes to modify the definitive map and statement for the area by adding two footpaths between Knedlington Road and Marsh Drain, Howden, as shown on the Order map and described in the Order schedule.
- There were two objections outstanding when East Riding of Yorkshire Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.
- In accordance with Paragraph 8(2) of Schedule 15 to the Wildlife and Countryside Act 1981 I have given notice of my proposal to confirm the Order with modifications. One objection has been submitted in response.

**Summary of Decision: The Order is confirmed subject to the modifications previously proposed.**

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### **Reasons**

1. If confirmed with the modifications set out in paragraph 47 of my interim Order Decision issued on 17 April 2019, the Order would record on the definitive map and statement only one of the two public footpaths claimed between Knedlington Road and Marsh Drain, Howden, as originally shown on the Order map. In effect, Footpath 15 would be recorded as a public path but Footpath 16 would not.
  2. One objection has been submitted in response to advertisement of my proposed modifications. The Ouse and Humber Drainage Board (the Board) contends that no crossing point over Marsh Drain has ever existed at the point marked B on the Order map.
  3. However I previously noted (at paragraph 10 of my interim Decision) that the evidence before me showed that, since the 1970s, local people had used a small weir positioned within the drain at this point to cross the watercourse but that this had been removed in 2012. No further evidence has come forward to challenge that conclusion.
  4. Whilst I acknowledge the objector's concerns over providing an appropriate structure to facilitate a more formal public crossing in future, these are not matters which can be taken into account in an order of this nature. I have concluded that a public right of way has been established on the basis of long use. Any proposals for practical works here would be a matter for discussion between the highway authority, the landowners and the Board.
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### **Conclusion**

5. Having regard to the above and all other matters raised at the inquiry and in the written representations, I conclude that the Order should be confirmed subject to the modifications that have been advertised.

### **Formal Decision**

6. The Order is confirmed subject to the following modifications:

In the Order schedule

In **Part I: MODIFICATION OF DEFINITIVE MAP: Description of path or way to be added**

- Delete item (b) (Footpath 16);

In **Part II: MODIFICATION OF DEFINITIVE STATEMENT: Variation of particulars of path or way – additions:**

- Delete entry for Footpath 16;

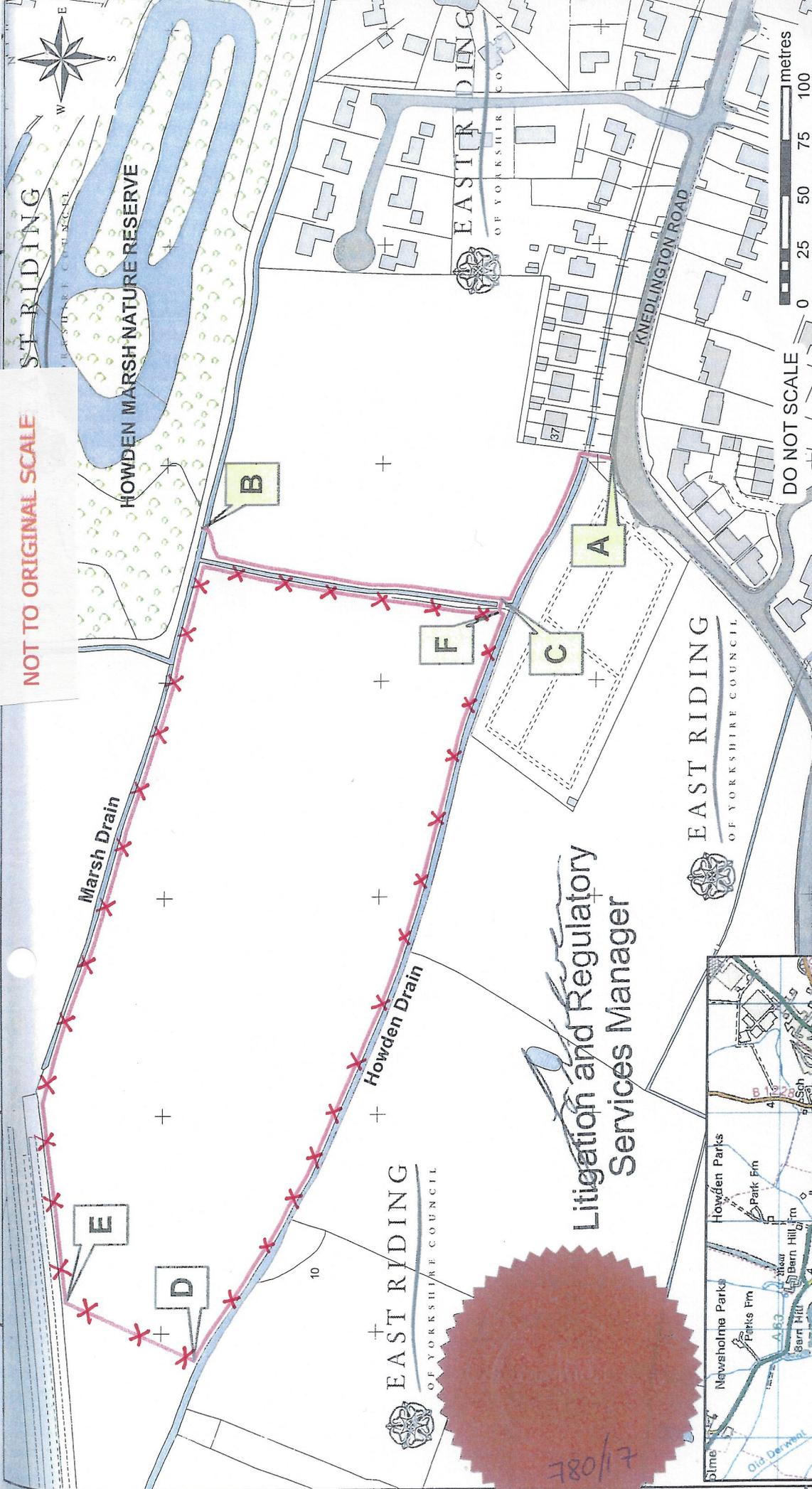
On the Order map

- Amend the line of "Footpath to be added" to remove section between points C, D, E and F as shown.
- In all other instances in the Order, delete references to Footpath 16;

*Sue Arnott*

**Inspector**

NOT TO ORIGINAL SCALE



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**EAST RIDING**  
OF YORKSHIRE COUNCIL  
Planning and Economic Regeneration

Alan Manzius

**EAST RIDING**  
OF YORKSHIRE COUNCIL  
The East Riding of Yorkshire Council  
(Howden Footpath Nos. 15 and 16)  
Definitive Map and Statement Modification Order 2017

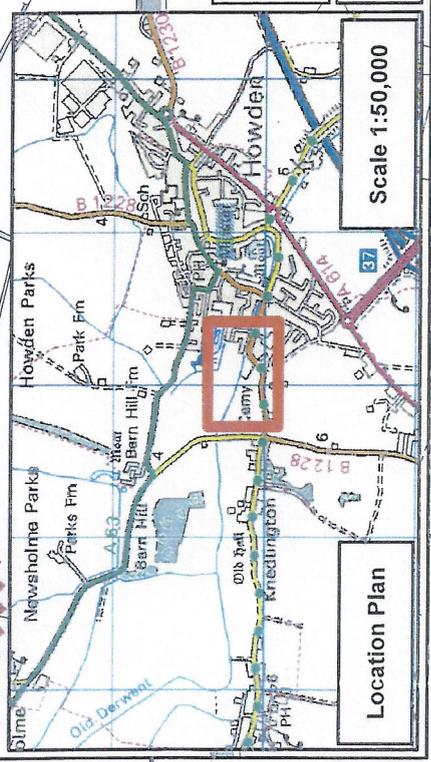
ORIGINAL SCALE	DATE	DRAWN	APPROVED	DRAWING NO.
1 : 1750	Oct 2017	MD	GG	PER/DM/S14/79/80/HOWD/Drp03

**Legend**

Footpath to be added (A-B) (~~G-F-D-E-F~~)

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