



Order Decision

Inquiry held on 31 May 2017

by Mark Yates BA(Hons) MIPROW

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

Decision date: 16 November 2017

Order Ref: FPS/P2745/7/52M

- This Order was made under Section 53(2)(a) of the Wildlife and Countryside Act 1981 ("the 1981 Act") and is known as "Footpath No 30.23/40, Tin Ghaut Car Park, Whitby Modification Order 2008".
- The Order was made by the North Yorkshire County Council on 9 October 2008 and proposed to add a footpath to the definitive map and statement, as detailed in the Order Map and Schedule.
- The 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 1981 Act I have given notice of my proposal to confirm the Order with modifications.

Summary of Decision: The Order is confirmed subject to the modifications that I formerly proposed.

Procedural Matters

1. This decision should be read in conjunction with my interim decision of 4 July 2017, in respect of the Order, which outlined the main issues to be addressed, an assessment of the evidence and my conclusions.
2. I proposed to confirm the Order subject to modifications. These predominantly relate to the extent of the footpath to be recorded in the definitive map and statement. None of the representations made to the interim decision raise any additional matters relevant to my final decision.

Conclusion

3. For the reasons set down in my interim decision I conclude that the Order should be confirmed with the modifications detailed below.

Formal Decision

4. I confirm the Order subject to the following modifications:
 - Delete from the first line of the preamble in the Order, "*Section 53(2)(a)*" and insert "*Section 53(2)(b)*".
 - Delete the text within the first column in Part 1 of the Order Schedule and insert "*Marked by a bold broken black line and shown as A-D-C*".
 - Delete the text within the second column in Part 1 of the Order Schedule and insert "*Commences off Church Street at the entrance to Tin Ghaut Car Park at Grid Reference 49006 51102 (Point A) and proceeds in a generally westerly direction to Grid Reference 49005 51102 (Point D) and then in a north north westerly direction between the numbered parking bays to Grid*".
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Reference 49004 51104 (Point C) at Grape Lane and having a total length of approximately 30 metres".

- Delete the text within the second column in Part 2 of the Order Schedule and insert "49006 51102 (Start) to 49004 51104 (End)".
- Delete the text within the third column in Part 2 of the Order Schedule and insert "Commences off Church Street at the entrance to Tin Ghaut Car Park and proceeds in a generally westerly direction to Grid Reference 49005 51102 and then in a north north westerly direction between the numbered parking bays to Grape Lane".
- Delete the text within the fifth column in Part 2 of the Order Schedule and insert "0.030km".
- Delete the text within the sixth column in Part 2 of the Order Schedule and insert "1.2m".
- Delete the text within the seventh column in Part 2 of the Order Schedule and insert "Limitations comprising of a 0.70m wide gap at Grid Reference 49005 51102 and a 0.38m wide gap at Grid Reference 49004 51104".
- Delete from the Order Map the section of the route shown between points D-B-C.

Mark Yates

Inspector

MAP NOT TO
ORIGINAL SCALE

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**