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# Order Decision

On papers on file

**by Alan Beckett BA MSc MIPROW**

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

**Decision date: 17 August 2015**

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## **Order Ref: FPS/E2001/7/29**

- This Order is made under Section 53 (2) (b) of the Wildlife and Countryside Act 1981 (the 1981 Act) and is known as the East Riding of Yorkshire Council (Aldbrough Nos. 10 and 19) Definitive Map and Statement Modification Order 2015.
- The Order is dated 24 February 2015 and proposes to modify the Definitive Map and Statement for the area by showing the route currently recorded as Bridleway and Footpath 10 Aldbrough as Bridleway 10 Aldbrough and Footpath 19 Aldbrough; to describe the position of these rights of way; and to specify that an 805 metre section of footpath 19 has a width of 1.22 metres. The modifications to the definitive map and statement are described in the Schedule and shown in the Order plan.
- There were no objections outstanding when East Riding of Yorkshire Council (the Council) submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

**Summary of Decision: The Order is confirmed subject to the modification set out in the Formal Decision.**

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## **Procedural Matters**

1. As noted above, there are no objections outstanding, the two objections or representations which had been made having been withdrawn. In such circumstances it would normally be open to the Council to confirm the Order as being unopposed. However, the Council has identified an error of a technical nature which occurred in the drafting of the Order and is unable to modify it prior to confirmation. Such a course of action is precluded by paragraph 6 (1) (b) of schedule 15 to the 1981 Act.
2. In Part II of the Schedule, the description of bridleway 10 states that the path "*Commences at the western side of Flinton Road*" when in fact the path commences on the eastern side. The Council has requested that the Order be confirmed with the description of bridleway 10 modified to record the path commencing on the eastern side of Flinton Road.
3. The current line of footpath 19 between points A and B on the Order plan arose from the *County Council of Humberside Parish of Aldbrough (No 1) Public Path Diversion Order 1976* (the 1976 diversion order). The Council seeks to clarify to which section of footpath 19 the width set out in the 1976 Order applies and has drafted Part II of the schedule accordingly. It is the Council's view that greater clarity with regard to the width of the path will help minimise the potential for misunderstanding between users and landowners regarding the lateral extent of the path available for use by the public.

4. This Order is primarily an administrative exercise by the Council to modify the particulars currently found in the definitive statement relating to the Order route; it does not affect the route on the ground. I concur with the Council that the clarification of the lateral extent of the public right of way over part of footpath 19 Aldbrough is likely to be of benefit to users and land managers.

**Conclusion**

5. Bearing in mind the above, I conclude that the Order should be confirmed subject to the modification sought by the Council.

**Formal Decision**

6. I confirm the Order subject to the following modification: in the description of bridleway 10 found in Part II of the Schedule, after "Commences at the" delete "western" and insert "eastern".

*Alan Beckett*

Inspector