

# **NOTICE OF ORDER**

## **WILDLIFE AND COUNTRYSIDE ACT 1981**

### **SECTION 53**

Kingston-Upon-Hull City Council  
Restricted Byway No. 1 (Passageway between Victoria & Park Avenues,  
with entrances between 8 & 10 Park Avenue and 18 & 20 Salisbury  
Street) Definitive Map and Statement Modification Order 2016

Restricted Byway No. 2 (The passageway between Victoria and Park  
Avenues, with entrances between 1 Victoria Avenue and 1 Avenues Court  
and 4 Park Avenue and 141 Prices Avenue) Definitive Map and Statement  
Modification Order 2016

Restricted Byway No. 3 (The passageway between Westbourne and  
Marlborough Avenues, with entrances between 79 Westbourne Avenue  
and Westbourne Health Centre and 108 and 110 Marlborough Avenue)  
Definitive Map and Statement Modification Order 2016

Restricted Byway No. 4 (The passageway between Westbourne and Park  
Avenues, with entrance between 2 Westbourne Avenue and 125 Princes  
Avenue and 3 Park Avenue and 139 Princes Avenue) Definitive Map and  
Statement Modification Order 2016

Notice is hereby given that the above referenced Orders have been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Orders.

The **start date** for the above Orders is **12 September 2017**.

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

The Inquiry will be held at **The Guildhall, Alfred Gelder Street, Kingston upon Hull, HU1 2AA** on **27 February 2018** at 10.00am.

The effect of the Orders, if confirmed without modifications, will be to modify the Definitive Map and Statement for the area by adding:-

**[Restricted Byway No. 1]** A restricted byway commencing at the highway boundary on the northern side of Park Avenue between the property numbers of 8 and 10 Park Avenue, grid reference TA 0829530346 (point A on map) and leads in a northerly direction for some 56 metres along the concrete driveway to grid reference TA 0829330402 (point B on map) and turning in a westerly direction for some 452 metres along the concrete driveway situate between the rears of Victoria Avenue and Park Avenue to grid reference TA 0784130381 (point C on map) terminating at the highway boundary between the property numbers of 18 and 20 Salisbury Street

From Point A to Point B the path will have a length of 56 metres. From Point B to Point C the path will have a length of 452 metres.

From Point A to Point B the path will have a width of approximately 3.7 metres. From Point B to Point C the path will have a width of approximately 3.55 metres.

**[Restricted Byway No. 2]** A restricted byway commencing from the highway boundary on the southern side of Victoria Avenue, along the concrete driveway situated between properties 1 Victoria Avenue and 1 Avenues Court, grid reference TA 08338 30459 (point A on map) and leads in a southerly direction for some 38 metres along the concrete driveway to the rear of Princes Avenue to grid reference TA 08339 30421 (point B on map) and turning westward for some 9 metres to grid reference TA 08330 30420 (Point C on map) then southwards for some 71 metres terminating at the highway boundary on the northern side of Park Avenue, between property No 4 Park Avenue and 141 Princes Avenue, grid reference TA 08333 30349 (point D on map)

From Point A to Point B the path will have a length of 37 metres. From Point B to Point C the path will have a length of 9 metres. From Point C to Point D the path will have a length of 71 metres.

From Point A to Point B the path will have a width of approximately 3.05 metres. From Point B to Point C the path will have a width of approximately 4.5 metres. From Point C to Point D the path will have a width of approximately 3 metres.

**[Restricted Byway No. 3]** A restricted byway commencing from the highway boundary on the southern side of Westbourne Avenue, grid reference TA 07857 30138 (point A on map) and leads in a southerly direction for some 49 metres along the concrete driveway situate between the sides of 79 Westbourne Avenue and Westbourne Health Centre to grid reference TA 07881 30089 (point B on map) and turning eastward for some 18 metres to grid reference TA 07899 30093 (point C on map) then southwards for some 35 metres to grid reference TA 07906 30057 (point D on map) then westwards for some 18 metres to grid reference TA 07888 30054 (Point E on map) then southwards for some 35 metres terminating at the highway boundary on the northern side of Marlborough Avenue, grid reference TA 07896 30008 (point F on map) situate between properties 108 and 110 Marlborough Avenue.

From Point A to Point B the path will have a length of 49 metres. From Point B to Point C the path will have a length of 18 metres. From Point C to Point D the path will have a length of 35 metres. From Point D to Point E the path will have a length of 18 metres. From Point E to Point F the path will have a length of 45 metres.

From Point A to Point B the path will have a width of approximately 3.1 metres. From Point B to Point C the path will have a width varying from approximately 4 - 3.65 metres. From Point C to Point D the path will have a width of approximately 3.05 metres. From Point D to Point E the path will have a width of approximately 3 metres. From Point E to Point F the path will have a width of approximately 3.1 metres.

**[Restricted Byway No. 4]** A restricted byway commencing from the highway boundary on the northern side of Westbourne Avenue, grid reference TA 08291 30216 (point A on map) and leads in a northerly direction for some 64 metres along the concrete/macadam/cobbled driveway situate between the sides of Westbourne Avenue and Park Avenue to the rear of Princes Avenue to grid reference TA 08284 30280 (Point B on map) and turning eastward for some 12 metres, grid reference TA 08296 30281 (point C on map) then northwards for

some 47 metres terminating at the highway boundary on the southern side of Park Avenue, grid reference TA 08294 30328 (point D on map).

From Point A to Point B the path will have a length of 64 metres. From Point B to Point C the path will have a length of 12 metres. From Point C to Point D the path will have a length of 47 metres.

From Point A to Point B the path will have a width varying from approximately 2.9 - 4.47metres. From Point B to Point C the path will have a width of approximately 3.67 metres. From Point C to Point D the path will have a width varying from approximately 3.67 - 3.55 metres.

Any queries relating to these Orders 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 numbers ROW/3172809, ROW/3172810, ROW/3172811 & ROW/3172812 on all correspondence.

Any person wishing to view the statements of case and other documents relating to these Orders may do so by appointment at the General Reception Area, The Kingston upon Hull City Council, The Guildhall, Kingston upon Hull, HU1 2AA (Tel: 01482 300300).

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

#### **Within 8 weeks of the start date by [by 07 November 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 Orders.

#### **Within 14 weeks of the start date [by 19 December 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 Orders (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 Orders (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

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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.

#### **4 weeks before the date of the inquiry [by 30 January 2018]**

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:

- 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

DATED

31 March

2016

WILDLIFE AND COUNTRYSIDE ACT 1981  
HUMBERSIDE COUNTY COUNCIL  
CITY OF KINGSTON UPON HULL  
DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

KINGSTON UPON HULL CITY COUNCIL  
RESTRICTED BYWAY NO. 4 (THE PASSAGEWAY BETWEEN WESTBOURNE  
AND PARK AVENUES WITH ENTRANCES BETWEEN 2 WESTBOURNE AVENUE  
AND 125 PRINCES AVENUE AND 3 PARK AVENUE AND 139 PRINCES AVENUE)  
DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2016

File No:	32966/RB4
Originator:	JG/AH
Date:	20.01.2016
Code:	20JAJG4 restricted byway folder

WILDLIFE AND COUNTRYSIDE ACT 1981  
HUMBERSIDE COUNTY COUNCIL  
CITY OF KINGSTON UPON HULL  
DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

KINGSTON UPON HULL CITY COUNCIL  
RESTRICTED BYWAY NO. 4 (THE PASSAGEWAY BETWEEN WESTBOURNE  
AND PARK AVENUES WITH ENTRANCES BETWEEN 2 WESTBOURNE AVENUE  
AND 125 PRINCES AVENUE AND 3 PARK AVENUE AND 139 PRINCES AVENUE)  
DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2016

This Order is made by Kingston upon Hull City Council under Section 53(2)(a) and 53(2)(b), of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Humberside County Council City of Kingston upon Hull definitive map and statement of Public Rights of Way requires modification in consequence of the occurrence of an event specified in:-

Section 53(3) (b) namely, the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path and

Section 53(3) (c) (i), namely, the discovery by the authority of evidence which when considered with all other relevant evidence, shows that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land to which the map relates

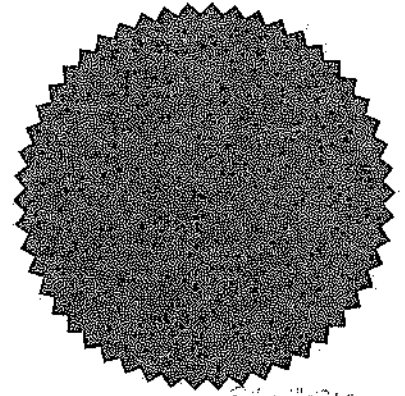
The Kingston upon Hull City Council hereby orders that:-

1. For the purposes of this order the relevant date is #
2. The Humberside County Council City of Kingston upon Hull definitive map and statement of Public Rights of Way shall be modified as described in Part I and Part II 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 the Humberside County Council City of Kingston upon Hull Definitive Map and Statement of Public Rights of Way Kingston upon Hull City Council Restricted Byway No. 4 (The passageway between Westbourne and Park Avenues with entrances between 2 Westbourne Avenue and 125 Princes Avenue and 3 Park

Avenue and 139 Princes Avenue) Definitive Map and Statement Modification  
Order 2016.

Given under the Corporate Common Seal of the Kingston upon Hull City Council on  
the 2<sup>nd</sup> day of # March 2016.

The affixing hereto of the )  
Corporate Common Seal of the )  
Kingston upon Hull City Council )  
is authenticated by )



52-2016

Handwritten signature of the authorised signatory.

Authorised Signatory

SCHEDULE

PART I

Modification of Definitive Map

Description of Path or Way to be added

A restricted byway commencing from the highway boundary on the northern side of Westbourne Avenue, grid reference TA 08291 30216 (point A on map) and leads in a northerly direction for some 64 metres along the concrete/macadam/cobbled driveway situate between the sides of Westbourne Avenue and Park Avenue to the rear of Princes Avenue to grid reference TA 08284 30280 (Point B on map) and turning eastward for some 12 metres, grid reference TA 08296 30281 (point C on map) then northwards for some 47 metres terminating at the highway boundary on the southern side of Park Avenue, grid reference TA 08294 30328 (point D on map).

From Point A to Point B the path will have a length of 64 metres.

From Point B to Point C the path will have a length of 12 metres.

From Point C to Point D the path will have a length of 47 metres.

From Point A to Point B the path will have a width varying from approximately 2.9 - 4.47 metres.

From Point B to Point C the path will have a width of approximately 3.67 metres.

From Point C to Point D the path will have a width varying from approximately 3.67 - 3.55 metres.

PART II

Modification of Definitive Statement  
Variation of particulars of path or way  
Additions

<u>TYPE</u>	Restricted Byway
<u>PUBLIC RIGHT OF WAY</u>	NO, RB4
<u>O.S. GRID REFERENCE</u>	<u>From</u> TA 08291 30216 <u>To</u> TA 08294 30328
<u>BETWEEN</u>	Westbourne and Park Avenues with entrances between 2 Westbourne Avenue and 125 Princes Avenue and 3 Park Avenue and 139 Princes Avenue



### APPROXIMATE LENGTH

From Point A to Point B the path will have a length of 64 metres.

From Point B to Point C the path will have a length of 12 metres.

From Point C to Point D the path will have a length of 47 metres.

### WIDTH

From Point A to Point B the path will have a width varying from approximately 2.9 - 4.47 metres.

From Point B to Point C the path will have a width of approximately 3.67 metres.

From Point C to Point D the path will have a width varying from approximately 3.67 – 3.55 metres.

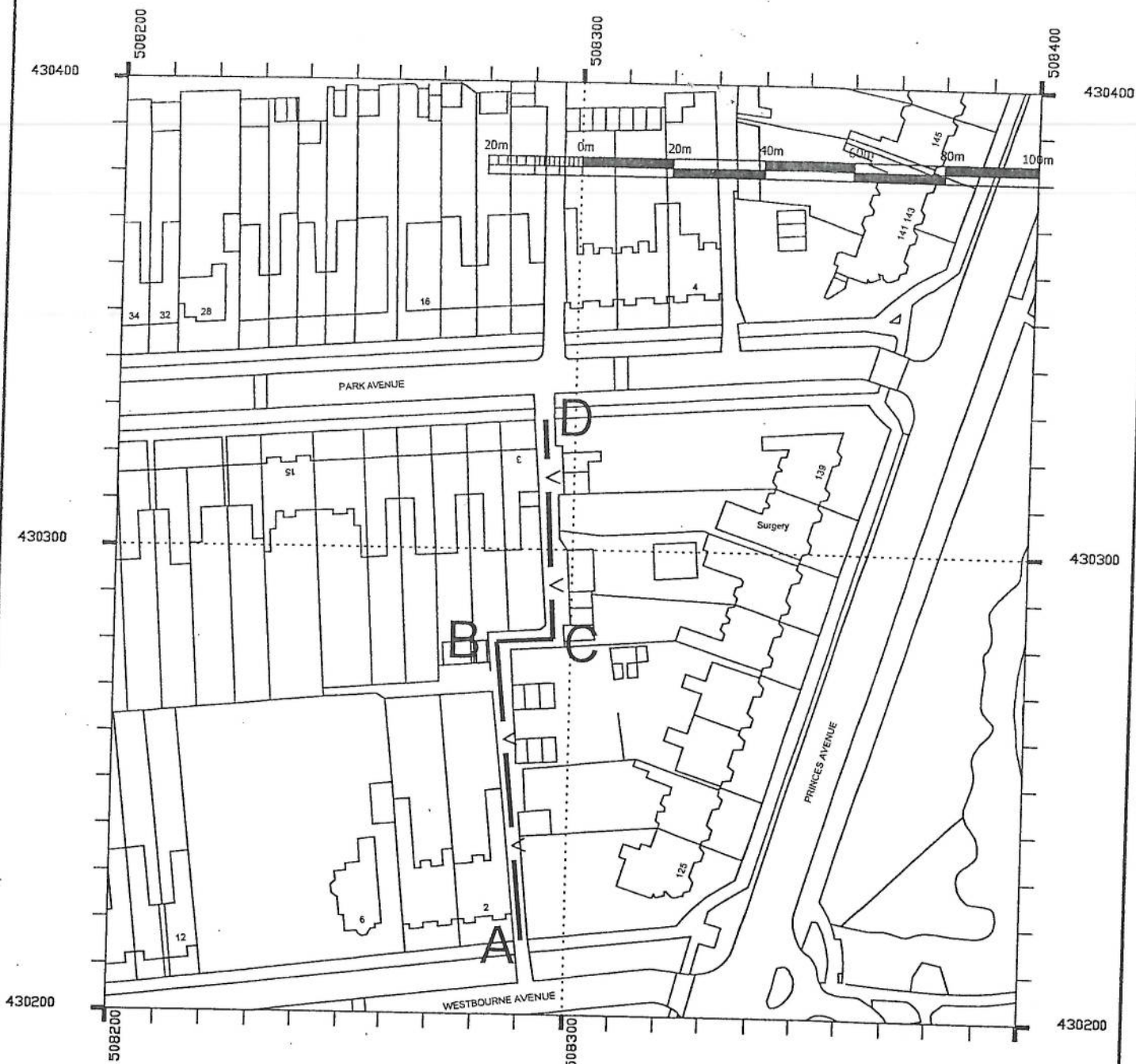
### DESCRIPTION

A restricted byway commencing from the highway boundary on the northern side of Westbourne Avenue, grid reference TA 08291 30216 (point A on map) and leads in a northerly direction for some 64 metres along the concrete/macadam/cobbled driveway situate between the sides of Westbourne Avenue and Park Avenue to the rear of Princes Avenue to grid reference TA 08284 30280 (Point B on map) and turning eastward for some 12 metres, grid reference TA 08296 30281 (point C on map) then northwards for some 47 metres terminating at the highway boundary on the southern side of Park Avenue, grid reference TA 08294 30328 (point D on map).

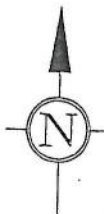
SURFACE TYPE                      Concrete/Macadam/Cobbled


PATH FURNITURE                      None

SIGNAGE                                      None



MAP NOT TO ORIGINAL SCALE



KEY:  
 Restricted Byway (A-B-C-D)

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DRAWING TITLE:  
 Kingston upon Hull City Council  
 Restricted Byway No. 4 (The passageway between Westbourne and Park Avenues with entrances between 2 Westbourne Avenue and 125 Princes Avenue and 3 Park Avenue and 139 Princes Avenue)  
 Definitive Map and Statement Modification Order 2016



Andy Burton  
 City Streetscene Manager, Festival House,  
 93 Jameson Street, Kingston Upon Hull, HU1 3JJ

DRAWN: DAR	CHECKED:	DATE: 10/02/2016	SCALES: 1:1250 at A4	DRAWING NUMBER: Restricted Byway No. 4	REVISION:
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DATED

3rd March

2016

WILDLIFE AND COUNTRYSIDE ACT 1981  
HUMBERSIDE COUNTY COUNCIL  
CITY OF KINGSTON UPON HULL  
DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

KINGSTON UPON HULL CITY COUNCIL  
RESTRICTED BYWAY NO. 3 (THE PASSAGEWAY BETWEEN WESTBOURNE  
AND MARLBOROUGH AVENUES WITH ENTRANCES BETWEEN  
79 WESTBOURNE AVENUE AND WESTBOURNE HEALTH CENTRE AND  
108 AND 110 MARLBOROUGH AVENUE)  
DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2016

File No:	32966/RB3
Originator:	JG/AH
Date:	20.01.2016
Code:	20JAJG3 restricted byway folder

WILDLIFE AND COUNTRYSIDE ACT 1981  
HUMBERSIDE COUNTY COUNCIL  
CITY OF KINGSTON UPON HULL  
DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

KINGSTON UPON HULL CITY COUNCIL  
RESTRICTED BYWAY NO. 3 (THE PASSAGEWAY BETWEEN WESTBOURNE  
AND MARLBOROUGH AVENUES WITH ENTRANCES BETWEEN  
79 WESTBOURNE AVENUE AND WESTBOURNE HEALTH CENTRE AND  
108 AND 110 MARLBOROUGH AVENUE)  
DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2016

This Order is made by Kingston upon Hull City Council under Section 53(2)(a) and 53(2)(b), of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Humberside County Council City of Kingston upon Hull definitive map and statement of Public Rights of Way requires modification in consequence of the occurrence of an event specified in:-

Section 53(3) (b) namely, the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path and

Section 53(3) (c) (i), namely, the discovery by the authority of evidence which when considered with all other relevant evidence, shows that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land to which the map relates

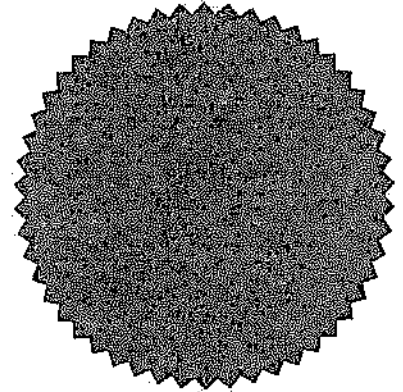
The Kingston upon Hull City Council hereby orders that:-

1. For the purposes of this order the relevant date is #
2. The Humberside County Council City of Kingston upon Hull definitive map and statement of Public Rights of Way shall be modified as described in Part I and Part II 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 the Humberside County Council City of Kingston upon Hull Definitive Map and Statement of Public Rights of Way Kingston upon Hull City Council Restricted Byway No. 3 (The passageway between Westbourne and Marlborough Avenues with entrances between 79 Westbourne Avenue and Westbourne

Health Centre and 108 and 110 Marlborough Avenue) Definitive Map and  
Statement Modification Order 2016.

Given under the Corporate Common Seal of the Kingston upon Hull City Council on  
the *30* day of # *March* 2016.

The affixing hereto of the )  
Corporate Common Seal of the )  
Kingston upon Hull City Council )  
is authenticated by )



*30-2016*

Authorised Signatory

## SCHEDULE

### PART I

#### Modification of Definitive Map

##### Description of Path or Way to be added

A restricted byway commencing from the highway boundary on the southern side of Westbourne Avenue, grid reference TA 07857 30138 (point A on map) and leads in a southerly direction for some 49 metres along the concrete driveway situate between the sides of 79 Westbourne Avenue and Westbourne Health Centre to grid reference TA 07881 30089 (point B on map) and turning eastward for some 18 metres to grid reference TA 07899 30093 (point C on map) then southwards for some 35 metres to grid reference TA 07906 30057 (point D on map) then westwards for some 18 metres to grid reference TA 07888 30054 (Point E on map) then southwards for some 35 metres terminating at the highway boundary on the northern side of Marlborough Avenue, grid reference TA 07896 30008 (point F on map) situate between properties 108 and 110 Marlborough Avenue.

From Point A to Point B the path will have a length of 49 metres.

From Point B to Point C the path will have a length of 18 metres.

From Point C to Point D the path will have a length of 35 metres.

From Point D to Point E the path will have a length of 18 metres.

From Point E to Point F the path will have a length of 45 metres.

From Point A to Point B the path will have a width of approximately 3.1 metres.

From Point B to Point C the path will have a width varying from approximately 4 - 3.65 metres.

From Point C to Point D the path will have a width of approximately 3.05 metres.

From Point D to Point E the path will have a width of approximately 3 metres.

From Point E to Point F the path will have a width of approximately 3.1 metres.

PART II

Modification of Definitive Statement  
Variation of particulars of path or way  
Additions

<u>TYPE</u>	Restricted Byway
<u>PUBLIC RIGHT OF WAY</u>	NO. RB3
<u>O.S. GRID REFERENCE</u>	<u>From</u> TA 07857 30138 <u>To</u> TA 07896 30008
<u>BETWEEN</u>	Westbourne and Marlborough Avenues with entrances between 79 Westbourne Avenue and Westbourne Health Centre and 108 and 110 Marlborough Avenue

APPROXIMATE LENGTH

From Point A to Point B the path will have a length of 49 metres.

From Point B to Point C the path will have a length of 18 metres.

From Point C to Point D the path will have a length of 35 metres.

From Point D to Point E the path will have a length of 18 metres.

From Point E to Point F the path will have a length of 45 metres.

WIDTH

From Point A to Point B the path will have a width of approximately 3.1 metres.

From Point B to Point C the path will have a width varying from approximately 4 - 3.65 metres.

From Point C to Point D the path will have a width of approximately 3.05 metres.

From Point D to Point E the path will have a width of approximately 3 metres.

From Point E to Point F the path will have a width of approximately 3.1 metres.

DESCRIPTION

A restricted byway commencing from the highway boundary on the southern side of Westbourne Avenue, grid reference TA 07857 30138 (point A on map) and leads in a southerly direction for some 49 metres along the concrete driveway situate between the sides of 79 Westbourne Avenue and Westbourne Health Centre to grid reference TA 07881 30089 (point B on map) and turning eastward for some 18 metres to grid reference TA 07899 30093 (point C on map) then southwards for some 35 metres to grid reference TA 07906 30057 (point D on map) then westwards for some 18 metres to grid reference TA 07888 30054 (Point E on map) then southwards for some 35 metres terminating at the highway boundary on the northern side of Marlborough Avenue, grid reference TA 07896 30008 (point F on map) situate between properties 108 and 110 Marlborough Avenue.

SURFACE TYPE

Concrete

PATH FURNITURE

None

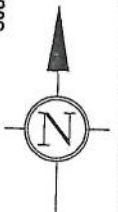
SIGNAGE


None





MAP NOT TO ORIGINAL SCALE



KEY:  
 Restricted Byway (A-B-C-D-E-F)

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DRAWING TITLE:  
 Kingston upon Hull City Council  
 Restricted Byway No. 3 (The passageway between Westbourne and Marlborough Avenues with entrances between 79 Westbourne Avenue and Westbourne Health Centre and 108 and 110 Marlborough Avenue)  
 Definitive Map and Statement Modification Order 2016



Andy Burton  
 City Streetscene Manager, Festival House,  
 93 Jameson Street, Kingston Upon Hull, HU1 3JJ

DRAWN: DAR	CHECKED:	DATE: 10/02/2016	SCALE: 1:1250 at A4	DRAWING NUMBER: Restricted Byway No. 3	REVISION:
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DATED

*21 Nov*

2016

WILDLIFE AND COUNTRYSIDE ACT 1981  
HUMBERSIDE COUNTY COUNCIL  
CITY OF KINGSTON UPON HULL  
DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

KINGSTON UPON HULL CITY COUNCIL  
RESTRICTED BYWAY NO. 2 (THE PASSAGEWAY BETWEEN VICTORIA AND  
PARK AVENUES WITH ENTRANCES BETWEEN 1 VICTORIA AVENUE AND  
1 AVENUES COURT AND 4 PARK AVENUE AND 141 PRINCES AVENUE)  
DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2016

File No:	32966/RB2
Originator:	JG/AH
Date:	20.01.2016
Code:	20JAJG2 restricted byway folder

WILDLIFE AND COUNTRYSIDE ACT 1981  
HUMBERSIDE COUNTY COUNCIL  
CITY OF KINGSTON UPON HULL  
DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

KINGSTON UPON HULL CITY COUNCIL  
RESTRICTED BYWAY NO. 2 (THE PASSAGEWAY BETWEEN VICTORIA AND  
PARK AVENUES WITH ENTRANCES BETWEEN 1 VICTORIA AVENUE AND  
1 AVENUES COURT AND 4 PARK AVENUE AND 141 PRINCES AVENUE)  
DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2016

This Order is made by Kingston upon Hull City Council under Section 53(2)(a) and 53(2)(b), of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Humberside County Council City of Kingston upon Hull definitive map and statement of Public Rights of Way requires modification in consequence of the occurrence of an event specified in:-

Section 53(3) (b) namely, the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path and

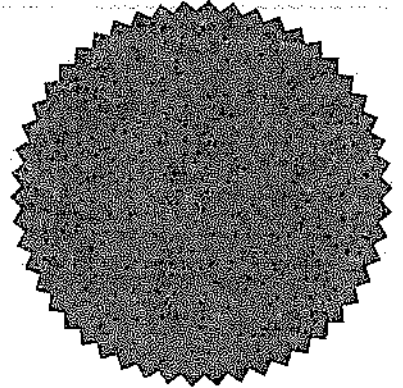
Section 53(3) (c) (i), namely, the discovery by the authority of evidence which when considered with all other relevant evidence, shows that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land to which the map relates

The Kingston upon Hull City Council hereby orders that:-

1. For the purposes of this order the relevant date is #
2. The Humberside County Council City of Kingston upon Hull definitive map and statement of Public Rights of Way shall be modified as described in Part I and Part II 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 the Humberside County Council City of Kingston upon Hull Definitive Map and Statement of Public Rights of Way Kingston upon Hull City Council Restricted Byway No. 2 (The passageway between Victoria and Park Avenues with entrances between 1 Victoria Avenue and 1 Avenues Court and between 4 Park Avenue and 141 Princes Avenue) Definitive Map and Statement Modification Order 2016.

Given under the Corporate Common Seal of the Kingston upon Hull City Council on  
the 3<sup>rd</sup> day of # March 2016.

The affixing hereto of the )  
Corporate Common Seal of the )  
Kingston upon Hull City Council. )  
is authenticated by )



30-2-016

Authorised Signatory

SCHEDULE

PART I

Modification of Definitive Map

Description of Path or Way to be added

A restricted byway commencing from the highway boundary on the southern side of Victoria Avenue, along the concrete driveway situated between properties 1 Victoria Avenue and 1 Avenues Court, grid reference TA 08338 30459 (point A on map) and leads in a southerly direction for some 38 metres along the concrete driveway to the rear of Princes Avenue to grid reference TA 08339 30421 (point B on map) and turning westward for some 9 metres to grid reference TA 08330 30420 (Point C on map) then southwards for some 71 metres terminating at the highway boundary on the northern side of Park Avenue, between property No 4 Park Avenue and 141 Princes Avenue, grid reference TA 08333 30349 (point D on map)

From Point A to Point B the path will have a length of 37 metres.

From Point B to Point C the path will have a length of 9 metres.

From Point C to Point D the path will have a length of 3717 metres.

From Point A to Point B the path will have a width of approximately 3.05 metres.

From Point B to Point C the path will have a width of approximately 4.5 metres.

From Point C to Point D the path will have a width of approximately 3 metres.

PART II

Modification of Definitive Statement  
Variation of particulars of path or way  
Additions

<u>TYPE</u>	Restricted Byway
<u>PUBLIC RIGHT OF WAY</u>	NO. RB2
<u>O.S. GRID REFERENCE</u>	<u>From</u> TA 08333 30459 <u>To</u> TA 08333 30349
<u>BETWEEN</u>	Victoria and Park Avenues with entrances between 1 Victoria Avenue and 1 Avenues Court and between 4 Park Avenue and 141 Princes Avenue

### APPROXIMATE LENGTH

From Point A to Point B the path will have a length of 37 metres.

From Point B to Point C the path will have a length of 9 metres.

From Point C to Point D the path will have a length of 71 metres.

### WIDTH

From Point A to Point B the path will have a width of approximately 3.05 metres.

From Point B to Point C the path will have a width of approximately 4.5 metres.

From Point C to Point D the path will have a width of approximately 3 metres.

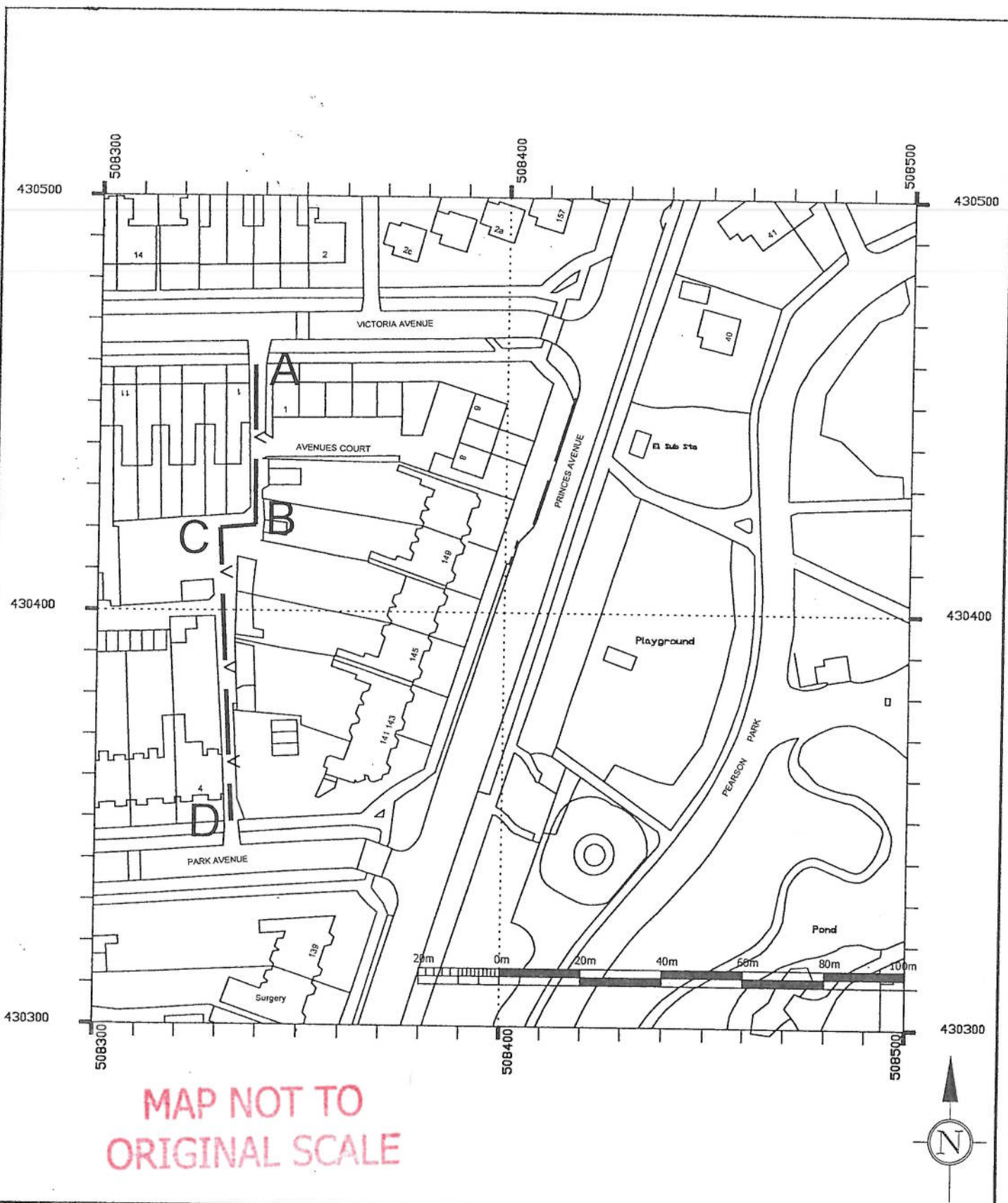
### DESCRIPTION

A restricted byway commencing from the highway boundary on the southern side of Victoria Avenue, along the concrete driveway situated between properties 1 Victoria Avenue and 1 Avenues Court, grid reference TA 08338 30459 (point A on map) and leads in a southerly direction for some 38 metres along the concrete driveway to the rear of Princes Avenue to grid reference TA 08339 30421 (point B on map) and turning westward for some 9 metres to grid reference TA 08330 30420 (Point C on map) then southwards for some 71 metres terminating at the highway boundary on the northern side of Park Avenue, between property No 4 Park Avenue and 141 Princes Avenue, grid reference TA 08333 30349 (point D on map)

SURFACE TYPE                      Concrete

PATH FURNITURE                    None

SIGNAGE                                None



MAP NOT TO ORIGINAL SCALE

KEY: **-V-V-** Restricted Byway (A-B-C-D)

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DRAWING TITLE:  
**Kingston upon Hull City Council**  
**Restricted Byway No. 2 (The passageway between Victoria and Park Avenues with entrances between 1 Victoria Avenue and 1 Avenues Court and 4 Park Avenue and 141 Princes Avenue)**  
**Definitive Map and Statement Modification Order 2016**



Andy Burton  
 City Streetscene Manager, Festival House,  
 93 Jameson Street, Kingston Upon Hull, HU1 3JJ

DRAWN: DAR	CHECKED:	DATE: 10/02/2016	SCALES: 1:1250 at A4	DRAWING NUMBER: Restricted Byway No. 2	REVISION:
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DATED

*20th Nov*

2016

WILDLIFE AND COUNTRYSIDE ACT 1981  
HUMBERSIDE COUNTY COUNCIL  
CITY OF KINGSTON UPON HULL  
DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

KINGSTON UPON HULL CITY COUNCIL  
RESTRICTED BYWAY NO. 1 (THE PASSAGEWAY BETWEEN VICTORIA AND  
PARK AVENUES, WITH ENTRANCES BETWEEN 8 AND 10 PARK AVENUE AND  
18 AND 20 SALISBURY STREET)  
DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2016

File No:	32966/RB1
Originator:	JG/AH
Date:	20.01.2016
Code:	20JAJG1 restricted byway folder



WILDLIFE AND COUNTRYSIDE ACT 1981  
HUMBERSIDE COUNTY COUNCIL  
CITY OF KINGSTON UPON HULL  
DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

KINGSTON UPON HULL CITY COUNCIL  
RESTRICTED BYWAY NO. 1 (THE PASSAGEWAY BETWEEN VICTORIA AND  
PARK AVENUES, WITH ENTRANCES BETWEEN 8 AND 10 PARK AVENUE AND  
18 AND 20 SALISBURY STREET)  
DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2016

This Order is made by Kingston upon Hull City Council under Section 53(2)(a) and 53(2)(b), of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Humberside County Council City of Kingston upon Hull definitive map and statement of Public Rights of Way requires modification in consequence of the occurrence of an event specified in:-

Section 53(3) (b) namely, the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path and

Section 53(3) (c) (i), namely, the discovery by the authority of evidence which when considered with all other relevant evidence, shows that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land to which the map relates

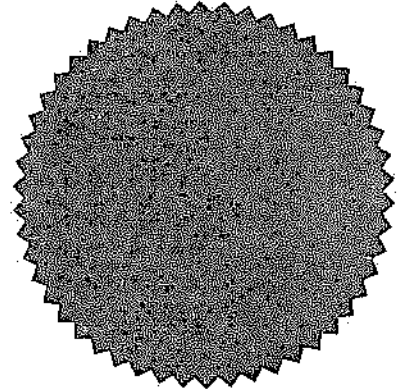
The Kingston upon Hull City Council hereby orders that:-

1. For the purposes of this order the relevant date is #
2. The Humberside County Council City of Kingston upon Hull definitive map and statement of Public Rights of Way shall be modified as described in Part I and Part II 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 the Humberside County Council City of Kingston upon Hull Definitive Map and Statement of Public Rights of Way Kingston upon Hull City Council Restricted Byway No. 1 (The passageway between Victoria and Park Avenue, with entrances between 8 and 10 Park Avenue and 18 and 20 Salisbury Street)

Definitive Map and Statement Modification Order 2016.

Given under the Corporate Common Seal of the Kingston upon Hull City Council on  
the 3<sup>rd</sup> day of # March 2016.

The affixing hereto of the )  
Corporate Common Seal of the )  
Kingston upon Hull City Council )  
is authenticated by )



29-2016

Handwritten signature of the authorised signatory.

Authorised Signatory

## SCHEDULE

### PART I

#### Modification of Definitive Map

##### Description of Path or Way to be added

A restricted byway commencing at the highway boundary on the northern side of Park Avenue between the property numbers of 8 and 10 Park Avenue, grid reference TA0829530346 (point A on map) and leads in a northerly direction for some 56 metres along the concrete driveway to grid reference TA 0829430402 (point B on map) and turning in a westerly direction for some 452 metres along the concrete driveway situate between the rears of Victoria Avenue and Park Avenue to grid reference TA 0784130381 (point C on map) terminating at the highway boundary between the property numbers of 18 and 20 Salisbury Street

From Point A to Point B the path will have a length of 56 metres.

From Point B to Point C the path will have a length of 452 metres.

From Point A to Point B the path will have a width of approximately 3.7 metres.

From Point B to Point C the path will have a width of approximately 3.55 metres.

### PART II

#### Modification of Definitive Statement Variation of particulars of path or way Additions

<u>TYPE</u>	Restricted Byway
<u>PUBLIC RIGHT OF WAY</u>	NO. RB1
<u>O.S. GRID REFERENCE</u>	<u>From</u> TA 08295 30346 <u>To</u> TA 07841 30381
<u>BETWEEN</u>	Victoria and Park Avenues with entrances between 8 and 10 Park Avenue and 18 and 20 Salisbury Street

### APPROXIMATE LENGTH

From Point A to Point B the path will have a length of 56 metres.

From Point B to Point C the path will have a length of 452 metres.

### WIDTH

From Point A to Point B the path will have a width of approximately 3.7 metres.

From Point B to Point C the path will have a width of approximately 3.55 metres.

### DESCRIPTION

A restricted byway commencing at the highway boundary on the northern side of Park Avenue between the property numbers of 8 and 10 Park Avenue, grid reference TA0829530346 (point A on map) and leads in a northerly direction for some 56 metres along the concrete driveway to grid reference TA 0829430402 (point B on map) and turning in a westerly direction for some 452 metres along the concrete driveway situate between the rears of Victoria Avenue and Park Avenue to grid reference TA 0784130381 (point C on map) terminating at the highway boundary between the property numbers of 18 and 20 Salisbury Street

### SURFACE TYPE

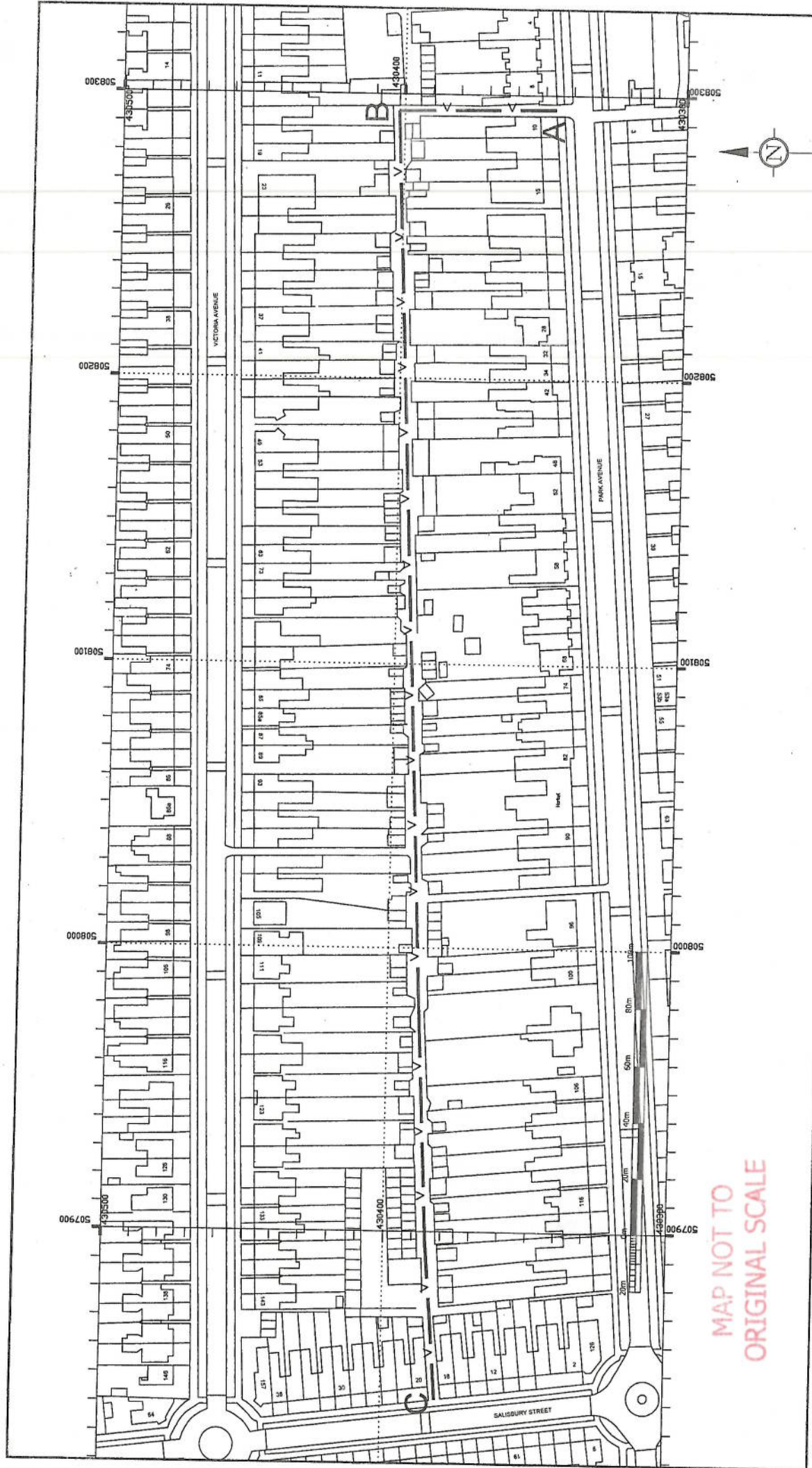
Concrete

### PATH FURNITURE

There is a metal bollard to the rear of 90 Park Avenue

### SIGNAGE

None



MAP NOT TO ORIGINAL SCALE

— V — V — Restricted Byway (A-B-C)

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Kingston upon Hull City Council  
 Restricted Byway No. 1  
 Park Avenues, with entrances between 8 and 10 Park Avenue  
 and 18 and 20 Salisbury Street  
 Definitive Map and Statement Modification Order 2016

**Hull City Council**  
 Andy Barton  
 City Streets Manager, Fezard House,  
 95 Jamaica Street, Kingston upon Hull, HU1 1J1

DRAWING NUMBER: Restricted Byway No. 1  
 REVISION:

DRAWN: DAR	CHECKED:	DATE: 10/02/2016	SCALE: 1:1250 at A3
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