

# NOTICE OF ORDER

## WILDLIFE AND COUNTRYSIDE ACT 1981 53 53

North Yorkshire County Council

The Former West Riding of Yorkshire Area 2 Definitive Map & Statement  
Public Footpaths 15.95/6 (Part) and 15.95/11, Moor Monkton Modification  
Order 2014

Notice is hereby given that the above referenced Order has 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 Order.

The **start date** for the above Order is **23 June 2020**.

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

The Inquiry will be held at **Tockwith Village Hall, 1 Marston Road, York, YO26 7PR** on **Wednesday 02 December 2020** 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 deleting the part of path no. 15/95/6 between Scallymoor Farm (SE 5340 5566) and Woodhouse Bridge (SE 5365 5570) and by adding path no. 15.95/11 from Scagglethorpe Lane (SE 5341 5566) running east on the southern side of the drainage ditch to Woodhouse Bridge (SE 5365 5570).

Any queries relating to this Order should be referred to Clive Richards at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5502. Email: [clive.richards@planninginspectorate.gov.uk](mailto:clive.richards@planninginspectorate.gov.uk). Please quote reference number ROW/3240185 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 Poppleton Library, Main St, Nether Poppleton, York, YO26 6JT (Library Tel: 01904 552680). **N.B. If you are unable to visit the library if it still closed due to the Covid 19 lockdown, contact North Yorkshire CC to request copies of documents.**

Contact details at North Yorkshire Council, Ron Allan, Tel: 01609 532558, Email: [Ron.Allan@northyorks.gov.uk](mailto:Ron.Allan@northyorks.gov.uk)

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

**Within 8 weeks of the start date by [by 18 August 2020]**

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 29 September 2020]**

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 November 2020]**

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 (including 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 (including 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 (including copies of any supporting

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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.

documents – although none should not 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 inflammatory, discriminatory 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 FORMER WEST RIDING OF YORKSHIRE AREA 2**  
**DEFINITIVE MAP AND STATEMENT**

**PUBLIC FOOTPATHS 15.95/6 (PART) AND 15.95/11, MOOR MONKTON**  
**MODIFICATION ORDER 2014**

This Order is made by North Yorkshire County Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Former West Riding of Yorkshire Area 2 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 and because it appears to that authority that the Former West Riding of Yorkshire Area 2 Definitive Map and Statement require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(iii) of the Act, namely, the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that there is no public right of way over land shown in the map and statement as a highway of any description.

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 14 July 2014.
2. The Former West Riding of Yorkshire Area 2 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 "Public Footpaths 15.95/6 (Part) and 15.95/11, Moor Monkton Modification Order 2014".

THE COMMON SEAL of NORTH )  
YORKSHIRE COUNTY COUNCIL )  
was hereunto affixed this 29<sup>th</sup> day )  
of July 2014 in the presence of:- )



*N. Irwin*

**AUTHORISED  
SIGNATORY**

**SCHEDULE**

**PART 1**

**MODIFICATION OF DEFINITIVE MAP**

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

<b><u>Section of Footpath 15.95/6 as shown on the attached map</u></b>	<b><u>Description</u></b>
Indicated on the Order map and marked as D - C - B - A.	From Grid Reference (G.R.) 45340 45566 (Point D), the three feet wide footpath runs east on the northern side of the drainage ditch and boundary for approximately 248 metres to G.R. 45365 45570 (Point C), from where it crosses a stile and heads south for approximately 7 metres to G.R. 45365 45570 (Point B), from where it heads east for approximately 6 metres to G.R. 45365 45570 (Point A).

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

<b><u>Section of Footpath 15.95/11 as shown on the attached map</u></b>	<b><u>Description</u></b>
Indicated on the Order map and marked as E - B - A.	From its junction with Soagglethorpe Lane at Grid Reference (G.R.) 45341 45566 (Point E), the two metre wide footpath runs east on the southern side of the drainage ditch and boundary for approximately 240 metres to G.R. 45365 45570 (Point B), from where it continues east for approximately 6 metres to the parish boundary on Woodhouse Bridge at G.R. 45365 45570 (Point A).

**PART 2**

**MODIFICATION OF DEFINITIVE STATEMENT**

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

<b><u>Path No</u></b>	<b><u>Grid Reference End Points</u></b>	<b><u>Description</u></b>	<b><u>Nature of Surface</u></b>	<b><u>Length (km)</u></b>	<b><u>Width (m)</u></b>	<b><u>Lawful Obstructions and Conditions</u></b>
15.95/6	Not recorded	Footpath and Bridle road commencing at its junction with Church Lane County Road south of All Saints Church and proceeding in an easterly direction via Kitchen House to Thickpenny thence southward to its junction with Scagglethorpe Lane County Road and east wards as a footpath to Woodhouse Bridge.	Pasture	2.19 0.83  Total Not recorded	1.5 0.9	No. 11 Field Gates No direction signs

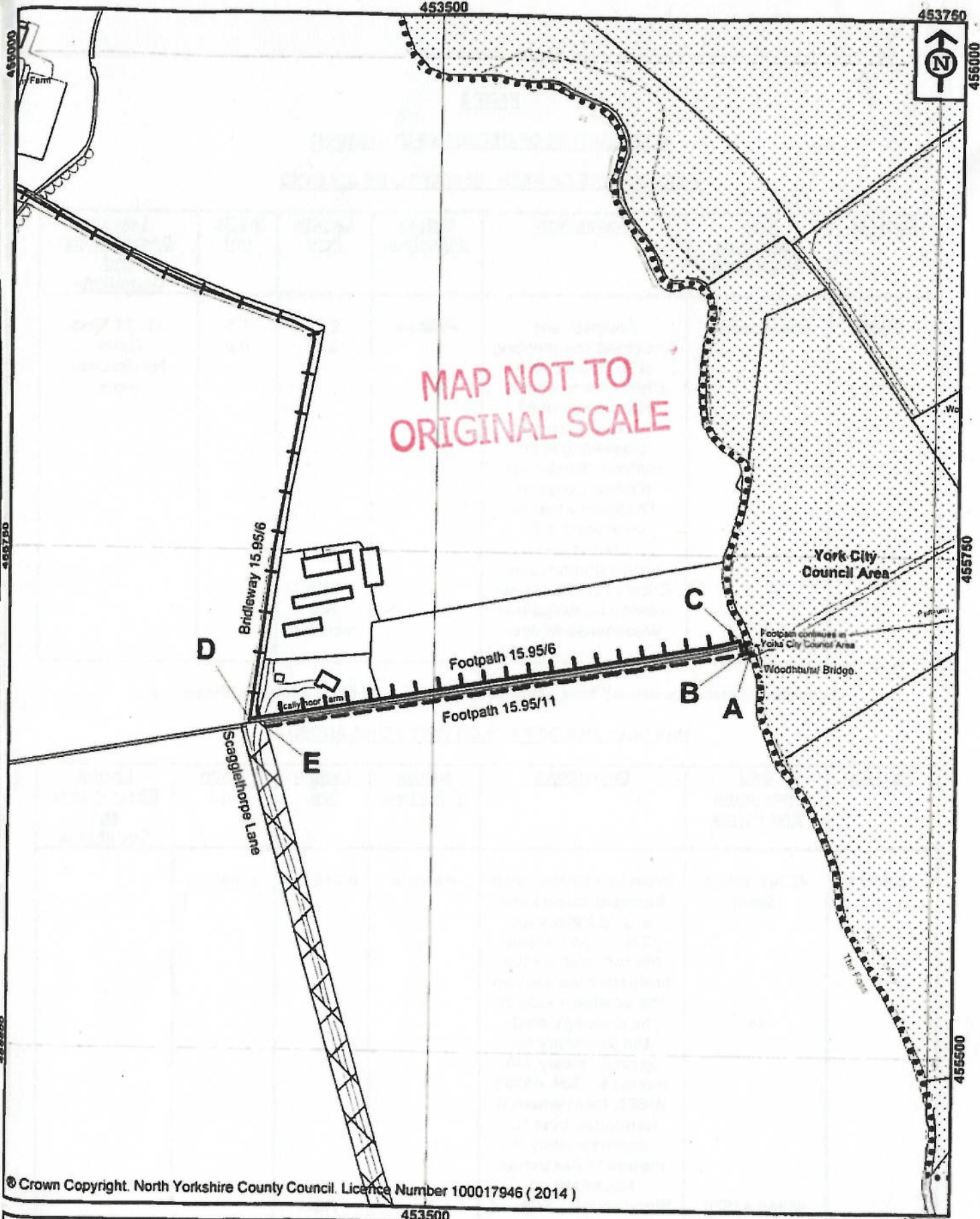
*[Crossed-out text to be deleted from Statement] [Text in bold to be added to Statement]*

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

<b><u>Path No</u></b>	<b><u>Grid Reference End Points</u></b>	<b><u>Description</u></b>	<b><u>Nature of Surface</u></b>	<b><u>Length (km)</u></b>	<b><u>Width (m)</u></b>	<b><u>Lawful Obstructions and Conditions</u></b>
15.95/11	45341 45566 (Start)  to  45365 45570 (End)	From its junction with Scagglethorpe Lane at Grid Reference (G.R.) 45341 45566, the two metre wide footpath runs east on the southern side of the drainage ditch and boundary for approximately 240 metres to G.R. 45365 45570, from where it continues east for approximately 6 metres to the parish boundary on Woodhouse Bridge at G.R. 45365 45570.	Pasture	0.246 km  Total 0.246 km	2 metres	

*[Crossed-out text to be deleted from Statement] [Text in bold to be added to Statement]*





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**North**  
**Yorkshire County Council**

**Public Rights of Way**  
**Waste and Countryside Services**  
**County Hall**  
**Northallerton**  
**DL7 8AH**

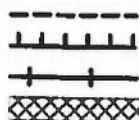
**Key:**

### Footpath to be recorded

### Footpath to be deleted

### Other bridleways

## Maintainable Highways



Map drawn on 23 June 2014

Drawn by RJV

Scale 1:2500

**North Yorkshire County Council**

**Wildlife and Countryside Act 1981**  
**Section 53**

**PUBLIC FOOTPATHS 15.95/6 (PART)  
AND 15.95/11, MOOR MONKTON  
MODIFICATION ORDER 2014**

File Ref No. HAR/2011/15/DMMO

**NORTH YORKSHIRE COUNTY COUNCIL**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE FORMER WEST RIDING OF YORKSHIRE AREA 2  
DEFINITIVE MAP AND STATEMENT**

**PUBLIC FOOTPATHS 15.95/6 (PART) AND 15.95/11, MOOR MONKTON  
MODIFICATION ORDER 2014**

**DAVID BOWE  
CORPORATE DIRECTOR  
BUSINESS AND ENVIRONMENTAL SERVICES  
COUNTY HALL  
NORTHALLERTON  
NORTH YORKSHIRE  
DL7 8AH**