

NOTICE OF ORDER

Wildlife & Countryside Act 1981 – Section 53

The Council of The City of York
Public Restricted Byway Copmanthorpe 8 Modification Order 2020

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 **06 October 2020**.

CHANGE OF PROCEDURE

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case.

~~Consideration of the Order will take the form of a hearing.~~

~~The Hearing will be held at City of York Council, West Offices, Station Rise, York, YO1 6GA on Tuesday 19 January 2021 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 adding a public restricted byway along Yorkfield Lane between the school and the railway (SE 5670 4708 to SE 5687 4711 and SE 5696 4717 to SE 5700 4720 and SE 5707 4727 to SE 5729 4745) as shown on the Order Map between Points A-B, C-D & E-F.

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 4445502. Email: clive.richards@planninginspectorate.gov.uk. Please quote reference number ROW/3251400 on all correspondence. **N.B. Due to Covid-19 restrictions, the Planning Inspectorate office is being run with minimal staff cover so corresponding by email is recommended.**

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at City of York Council, West Offices, Station Rise, YORK, YO1 6GA. Tel: 01904 551550 (Opening Hours: Mon-Fri 8:30am – 5:00p,) N.B. **Due to Covid-19 restrictions, it is suggested that you contact the Council to make arrangements to view documents.**

Timetable for sending in statements of case

Within 8 weeks of the start date [by 10 November 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, although these will be available to view at the Authority's offices) to everyone who has made an objection or representation, the applicant and any other person who has written to us in respect of the Order.

Within 12 weeks of the start date [by 08 December 2021]

Everyone who has made an objection or representation or any other written representation or any other person wishing to make representations in writing must ensure their statement of case is received by the Secretary of State.

~~Everyone who has made an objection or representation and anyone who wishes to give evidence at the Hearing 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 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).

NEW – COMMENTS INVITED [by 05 January 2021]

Everyone who has made an objection or representation, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure that their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of these comments to everyone else.

All parties must keep to the timetable set out above and ensure that statements of case 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 hearing

~~⁺ 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 hearing.~~

THE COUNCIL OF THE CITY OF YORK

WILDLIFE AND COUNTRYSIDE ACT 1981

**THE COUNCIL OF THE CITY OF YORK (PART OF THE FORMER NO 2 AREA
OF THE COUNTY OF THE WEST RIDING OF YORKSHIRE) DEFINITIVE MAP
AND STATEMENT**

**PUBLIC RESTRICTED BYWAY COPMANTHORPE 8
MODIFICATION ORDER 2020**

Janie Berry
Director - Legal & Governance
City of York Council
West Offices
Station Rise
York
YO1 6GA

Copmanthorpe 8 Modification Order

THE COUNCIL OF THE CITY OF YORK

WILDLIFE AND COUNTRYSIDE ACT 1981

THE COUNCIL OF THE CITY OF YORK (PART OF THE FORMER NO 2 AREA OF THE COUNTY OF THE WEST RIDING OF YORKSHIRE) DEFINITIVE MAP AND STATEMENT

PUBLIC RESTRICTED BYWAY COPMANTHORPE 8 MODIFICATION ORDER 2020

This Order is made by the Council of the City of York under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to the authority that the Council of the City of York (part of the Former No 2 Area of the County of the West Riding of Yorkshire) Definitive Map and Statement require modification in consequence of the occurrence of an event specified in [Section 53(3)(c)(i). This is due to 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.

The authority has consulted with every local authority whose area includes the land to which the Order relates. The Council of the City of York hereby order that:

1. For the purpose of this Order the relevant date is 10 January 2020.
2. Council of the City of York (part of the Former No 2 Area of the County of the West Riding of Yorkshire) Definitive Map and Statement 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 Public Restricted Byway Copmanthorpe 8.

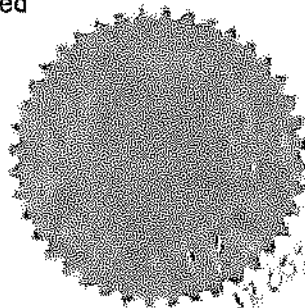
THE COMMON SEAL of THE COUNCIL OF THE CITY OF YORK was hereunto affixed

this 22nd day of January 2020

in the presence of:



An Authorised Officer



No. In Seal Register: 12033

Copmanthorpe 8 Modification Order

SCHEDULE PART I

Modification of Definitive Map
Description of path or way to be added

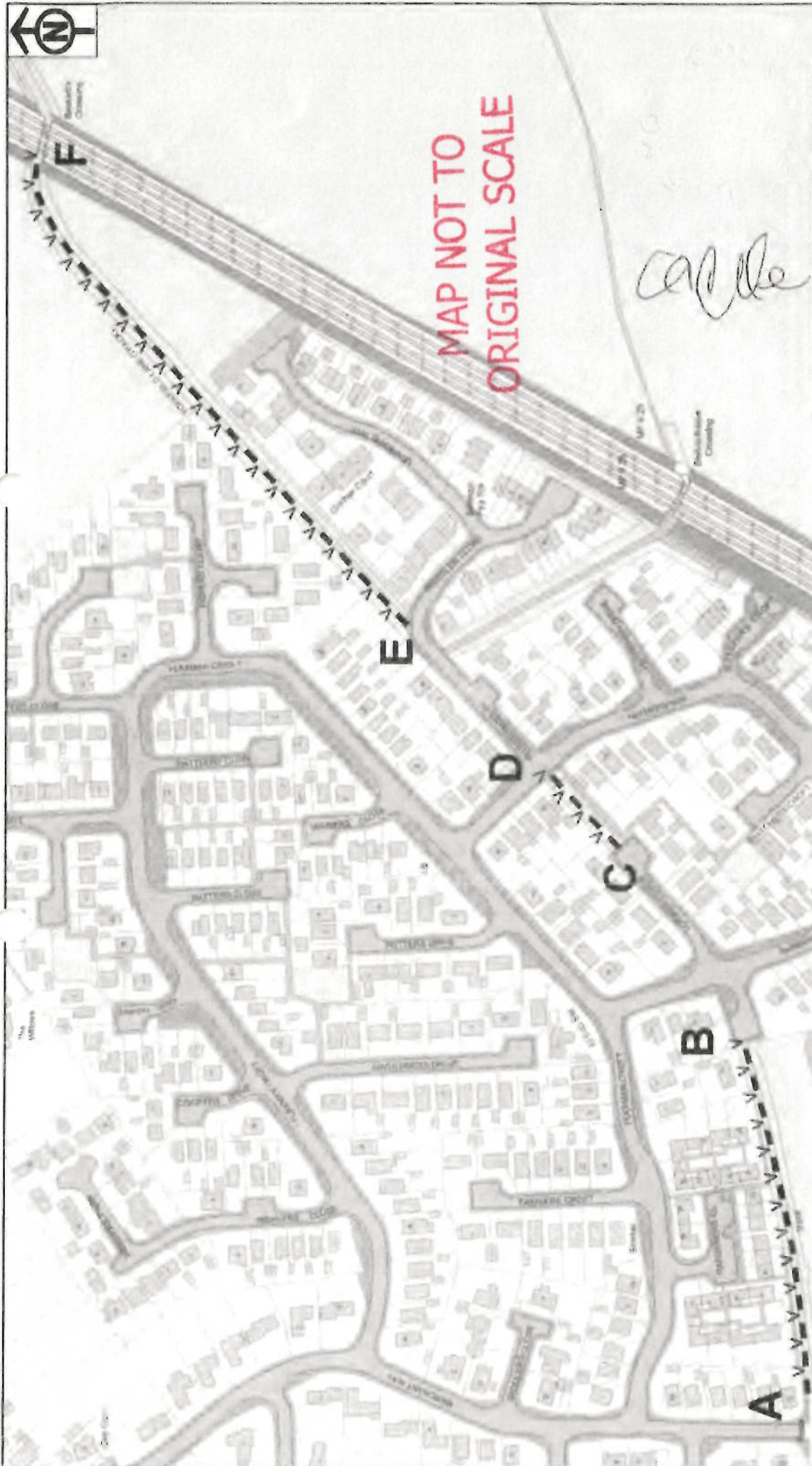
<u>Section of restricted byway as shown on the attached Map</u>	<u>Description</u>
Indicated on the Order Map and marked as A-B , C-D , & E-F	<p>A-B Commencing at its junction with the maintainable highway beside 33 Merchant Way at grid reference (GR) SE 5670 4708 (POINT A) the 7.6 metre wide grass/earth surfaced track heads east for approximately 168 metres to its junction with the maintainable highway known as Farmers Way at GR SE 5687 4711 (POINT B).</p> <p>C-D Commencing at its junction with the maintainable highway known as Loriners Drive at GR SE 5696 4717 (POINT C) the 7.6 metre wide grass/earth surfaced track heads north east for approximately 48 metres to its junction with the maintainable highway known as Farmers Way at GR SE 5700 4720 (POINT D).</p> <p>E-F Commencing at its junction with the maintainable highway known as Ploughman's Close at GR SE 5707 4727 (POINT E) the 7.6 metre wide grass/earth surfaced track heads north east for approximately 288 metres to GR SE 5729 4745 (POINT F) at the railway boundary.</p>

Copmanthorpe 8 Modification Order

PART II

Modification of Definitive Statement Variation of Particulars of path or way

Path No	Grid Reference End Points	Description	Nature of Surface	Length (Km)	Width (M)	Lawful Obstructions And Conditions
8.	SE 5671 4708 to SE 5729 4745	Commencing at its junction with the maintainable highway beside 33 Merchant Way at grid reference (GR) SE 5670 4708 the 7.6 metre wide grass/earth surfaced track heads east for approximately 168 metres to its junction with the maintainable highway known as Farmers Way at GR SE 5687 4711.	Grass/earth (SE 5670 4708 to SE 5687 4711)	0.168km (SE 5670 4708 to SE 5687 4711)	7.6m (SE 5670 4708 to SE 5687 4711)	
		Commencing at its junction with the maintainable highway known as Loriners Drive at GR SE 5696 4717 the 7.6 metre wide grass/earth surfaced track heads north east for approximately 48 metres to its junction with the maintainable highway known as Farmers Way at GR SE 5700 4720.	Grass/earth (SE 5696 4717 to SE 5700 4720)	0.048km (SE 5696 4717 to SE 5700 4720)	7.6m (SE 5696 4717 to SE 5700 4720)	
		Commencing at its junction with the maintainable highway known as Ploughman's Close at GR SE 5707 4727 the 7.6 metre wide grass/earth surfaced track heads north east for approximately 288 metres to GR SE 5729 4745 at the railway boundary.	Grass/earth (SE 5707 4727 to SE 5729 4745)	0.288km (SE 5707 4727 to SE 5729 4745)	7.6m (SE 5707 4727 to SE 5729 4745)	
				Total 0.504km		



KEY

V Restricted byway to be recorded

**PUBLIC RESTRICTED BYWAY COPMANTHORPE 8
MODIFICATION ORDER 2020**

Scale 1:2,500	Drawn By: RJV	Date: 13/1/2020
Public Rights of Way	Reference:	Drawing No.

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