

# NOTICE OF ORDER

## Wildlife and Countryside Act 1981 - Section 53

North Yorkshire County Council  
The Former West Riding Of Yorkshire Area 2 Definitive Map And  
Statement - Path No. 15.70/54 Arrowfield, Kirkby Malzeard  
Modification Order 2019

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 **8<sup>th</sup> March 2021**

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

The Inquiry will be held virtually on **14<sup>th</sup> September 2021** at 10.00am.

The effect of the Order, if confirmed without modifications, will modify the definitive map and statement for the area by adding the Public Footpath starting at Back Lane at GR SE 2304 7438 and running generally south for approximately 61 metres via an existing pedestrian gate at GR SE 2304 7438, a stone stile at GR SE2304 7434 and a stone stile at GR SE 2304 7432 to Main Street at GR SE 2304 7432.

Any queries relating to this Order should be referred to Michael Edwards 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 1338.

Email: [michael.edwards@planninginspectorate.gov.uk](mailto:michael.edwards@planninginspectorate.gov.uk).

Please quote reference number ROW/3242334 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so at Ripon Library (opening times: Monday 10-12 and 2-6, Tuesday 10-12 and 2-5, Wednesday-Friday 10-12 and 2-4, Saturday 10-2) where it is available to be examined.

Council contact: Ron Allan. [DMMOadmin@northyorks.gov.uk](mailto:DMMOadmin@northyorks.gov.uk) 01609532558

**NB: Due to COVID restrictions, please contact the council for further information in regards to document access.**

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

**Within 8 weeks of the start date [by 3<sup>rd</sup> May 2021]**

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 14<sup>th</sup> June 2021]**

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 17<sup>th</sup> August 2021]**

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

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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.

submitted a statement of case (including copies of any supporting 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**

**PATH NUMBER 15.70/54 ARROWFIELD, KIRKBY MALZEARD  
MODIFICATION ORDER 2019**

Barry Khan  
Assistant Chief Executive  
(Legal and Democratic Services)  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AH

**NORTH YORKSHIRE COUNTY COUNCIL**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

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

**PATH NUMBER 15.70/54 ARROWFIELD, KIRKBY MALZEARD**  
**MODIFICATION ORDER 2019**

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 the 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). 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. North Yorkshire County Council hereby order that:-

1. For the purpose of this Order the relevant date is 1<sup>st</sup> August 2019
2. The former West Riding of Yorkshire Area 2 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 Path Number 15.70/54 Arrowfield, Kirkby Malzeard, Modification Order 2019

THE COMMON SEAL of NORTH  
YORKSHIRE COUNTY COUNCIL )  
was hereunto affixed this 2 day of )  
August in the presence of:- )



*Smater*

**AUTHORISED  
SIGNATORY**

## SCHEDULE

### PART I

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

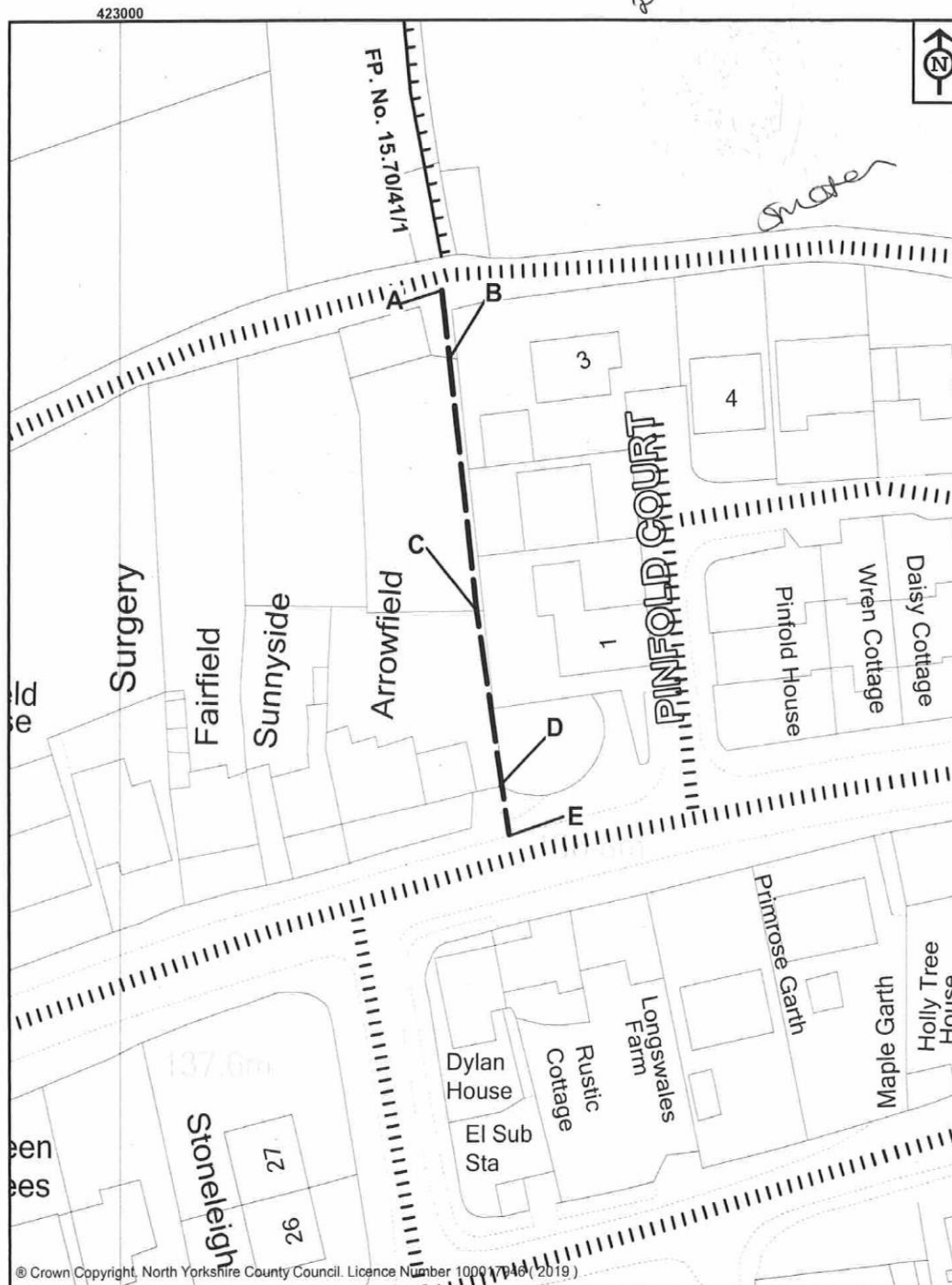
Public Footpath 15.70/55 as shown on the attached map	<u>Description</u>
Indicated on the Order map and marked as Points A- B - C - D - E	Starts on Back Lane at Grid Reference 42304 47438 (Point A) and runs generally south for approximately 61 metres via a gate at Grid Reference 42304 47438 (Point B), a stone stile at Grid Reference 42304 47434 (Point C) and a stone stile at Grid Reference 42304 47432 (Point D) to Main Street at Grid Reference 42304 47432 (Point E).



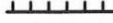

### PART II

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
15.70/55	42304 47438  To  42304 47432	Starts on Back Lane at Grid Reference 42304 47438 and runs generally south for approximately 61 metres via a gate at Grid Reference 42304 47438, a stone stile at Grid Reference 42304 47434 and a stone stile at Grid Reference 42304 47432 to Main Street at Grid Reference 42304 47432.	Natural	0.061km  Total	1.5 metres	Existing Pedestrian Gate at GR 42304 47438  Existing Stone Stile at GR 42304 47434  Existing Stone Stile at GR 42304 47432

MAP NOT TO ORIGINAL SCALE



 <p><b>North Yorkshire County Council</b></p> <p>Public Rights of Way Waste and Countryside Services County Hall Northallerton DL7 8AH</p>	<p>Key:</p> <p>Footpath to be recorded </p> <p>Other footpaths </p> <p>Maintainable Highways </p> <p>Map drawn on 31 July 2019</p> <p>Drawn by RWA Scale 1:625</p>	<p><b>North Yorkshire County Council</b></p> <p>Wildlife and Countryside Act 1981 Section 53</p> <p>Path number 15.70/54 Arrowfield, Kirkby Malzeard Modification Order 2019</p> <p>File Ref No. HAR/2018/04/DMMO</p>
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