

NOTICE OF ORDER

Wildlife and Countryside Act 1981 – S53

City of York Council

Public Footpath Dunnington 22 Modification Order 2021

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 **31 January 2023**.

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

The Inquiry will be held at **Dunnington Sports Club, Common Road, Dunnington, York, YO19 5NG** on **11 July 2023** 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 footpath between Common Road and Dunnington public footpath 7 (SE 6739 5207 to SE 6752 5215).

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: Rightsofway2@planninginspectorate.gov.uk Please quote reference number ROW/3303087 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 the City of York Council, West Offices, Station Rise, York, YO1 6GA between 8:30am and 5:00pm – Monday to Friday (tel: 01904 551550). Council Contact: Russell Varley, Tel: 01904 553691 & Email: russell.varley@york.gov.uk

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 28 March 2023]

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 09 May 2023]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ 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 13 June 2023]

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 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.

¹ 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.

We cannot accept any inflammatory, discriminatory or abusive comments.
Any documents containing such comments will be returned.

Notice of order for inquiry

THE COUNCIL OF THE CITY OF YORK**WILDLIFE AND COUNTRYSIDE ACT 1981****DEFINITIVE MAP AND STATEMENT FOR THE FORMER EAST RIDING OF YORKSHIRE NOW
SITUATED INSIDE THE AREA OF THE COUNCIL OF THE CITY OF YORK****PUBLIC FOOTPATH DUNNINGTON 22
MODIFICATION ORDER 2021**

This Order is made by the Council of the City of York under Section 53(2)(b) because it appears to the authority that the Definitive Map and Statement for the former East Riding of Yorkshire now situated inside the area of the Council of the City of York 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 May 2021.
2. Definitive Map and Statement for the former East Riding of Yorkshire now situated inside the area of the Council of the City of York 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 Footpath Dunnington 22 Modification Order 2021.

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

this 25 day of JUNE 2021

in the presence of:



An Authorised Officer



No. In Seal Register: 1277

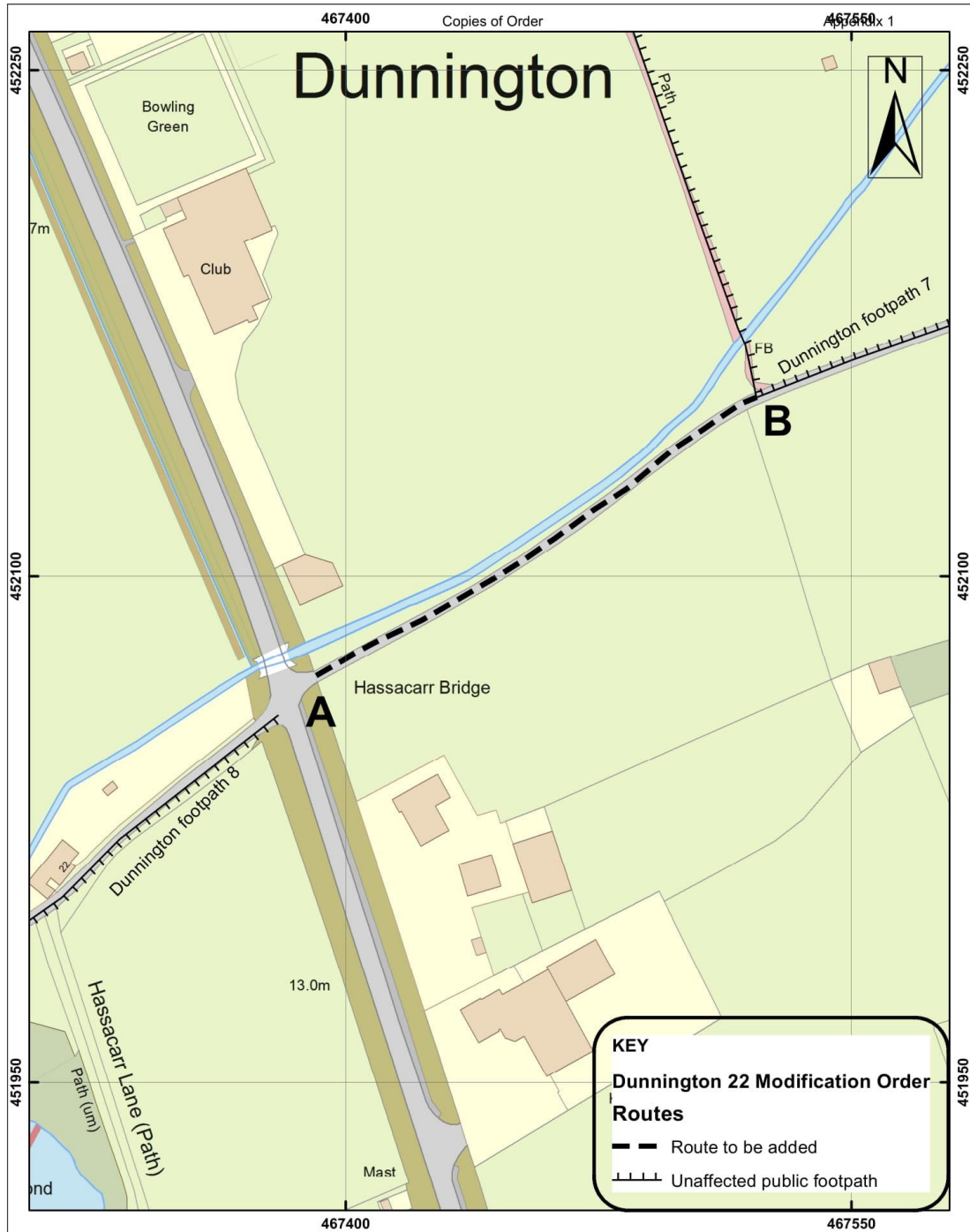
SCHEDULE
PART I

Modification of Definitive Map
Description of path to be added

<u>Section of public footpath as shown on the attached Map</u>	<u>Description</u>
Indicated on the Order Map and marked as A - B	Starting at grid reference (GR) SE 6739 5207 (POINT A) at its junction with the maintainable highway known as Common Road the 3 metre wide crushed stone surfaced public footpath heads generally north east along the south side of the drain for approximately 155 metres to GR SE 6752 5215 (POINT B) its junction with Public Footpath Dunnington 7.

PART IIModification of Definitive Statement
Variation of Particulars of path

Path No.	Grid Reference End Points	Description	Nature of Surface	Length (Km)	Width (M)	Lawful Obstructions And Conditions
14/22	SE 6739 5207 to SE 6752 5215	Starting at grid reference (GR) SE 6739 5207 at its junction with the maintainable highway known as Common Road the 3 metre wide crushed stone surfaced public footpath heads generally north east along the south side of the drain for approximately 155 metres to GR SE 6752 5215 its junction with Public Footpath Dunnington 7.	Crushed stone (SE 6739 5207 to SE 6752 5215)	0.155km (SE 6739 5207 to SE 6752 5215) Total: 0.155km	3m (SE 6739 5207 to SE 6752 5215)	Field gate (SE 6739 5207)



CITY OF YORK COUNCIL

West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

**PUBLIC FOOTPATH DUNNINGTON 22
MODIFICATION ORDER 2021**

Scale 1:1,500	Drawn By: LRG	Date: 17/5/21
Public Rights of Way	Reference:	Drawing No.

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