

# NOTICE OF ORDER

## Wildlife and Countryside Act 1981 Section 53

City of York Council

COUNCIL OF THE CITY OF YORK – OPPOSED PUBLIC FOOTPATH YORK  
244 MODIFICATION ORDER 2022

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 11 March 2026

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

The Inquiry will be held at **City of York Council, West Offices, Station Rise, York, YO1 6GA** on **20 October 2026** 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 from Marlborough Grove to Sandringham Street in front of Marlborough Villas (SE 6062 5092 to SE 6062 5087).

Any queries relating to this Order should be referred to Joanne Reid by email: [Rightsofway2@planninginspectorate.gov.uk](mailto:Rightsofway2@planninginspectorate.gov.uk) quoting reference number **ROW/3368694** on all correspondence. Alternatively, queries may be sent in writing to The Planning Inspectorate, Rights of Way Section, c/o QUADIENT, 69 Buckingham Avenue, Slough, SL1 4PN. Telephone: 0303 444 5136.

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 during normal working hours. Please contact the Rights of Way team on 01904 551550 or [russell.varley@york.gov.uk](mailto: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 6 May 2026]**

The Order Making Authority, or where the Order Making Authority is taking a neutral stance and the applicant or other party are taking the case forward in support of the order, 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 17 June 2026]**

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 22 September 2026]**

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);

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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.

- 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.

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

If you use Artificial Intelligence (AI) to create or alter any part of your documents, information or data, you should tell us that you have done this when you provide the material to us. [See the detailed guidance for further information.](#)

Notice of order for inquiry

**THE COUNCIL OF THE CITY OF YORK**  
**WILDLIFE AND COUNTRYSIDE ACT 1981**  
**FORMER COUNTY BOROUGH OF YORK DEFINITIVE MAP AND STATEMENT**  
**PUBLIC FOOTPATH YORK 244**  
**MODIFICATION ORDER 2022**

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

PUBLIC FOOTPATH YORK 244 MODIFICATION ORDER 2022

**THE COUNCIL OF THE CITY OF YORK**  
**WILDLIFE AND COUNTRYSIDE ACT 1981**  
**FORMER COUNTY BOROUGH OF YORK**  
**DEFINITIVE MAP AND STATEMENT**  
**PUBLIC FOOTPATH YORK 244**  
**MODIFICATION ORDER 2022**

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 Former County Borough of York 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 20 June 2022.
2. Former County Borough of York 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 Footpath York 244 Modification Order 2022.

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

this 23<sup>rd</sup> day of June 2022

in the presence of:



An Authorised Officer



No. In Seal Register: 13796

PUBLIC FOOTPATH YORK 244 MODIFICATION ORDER 2022

**SCHEDULE  
PART I**

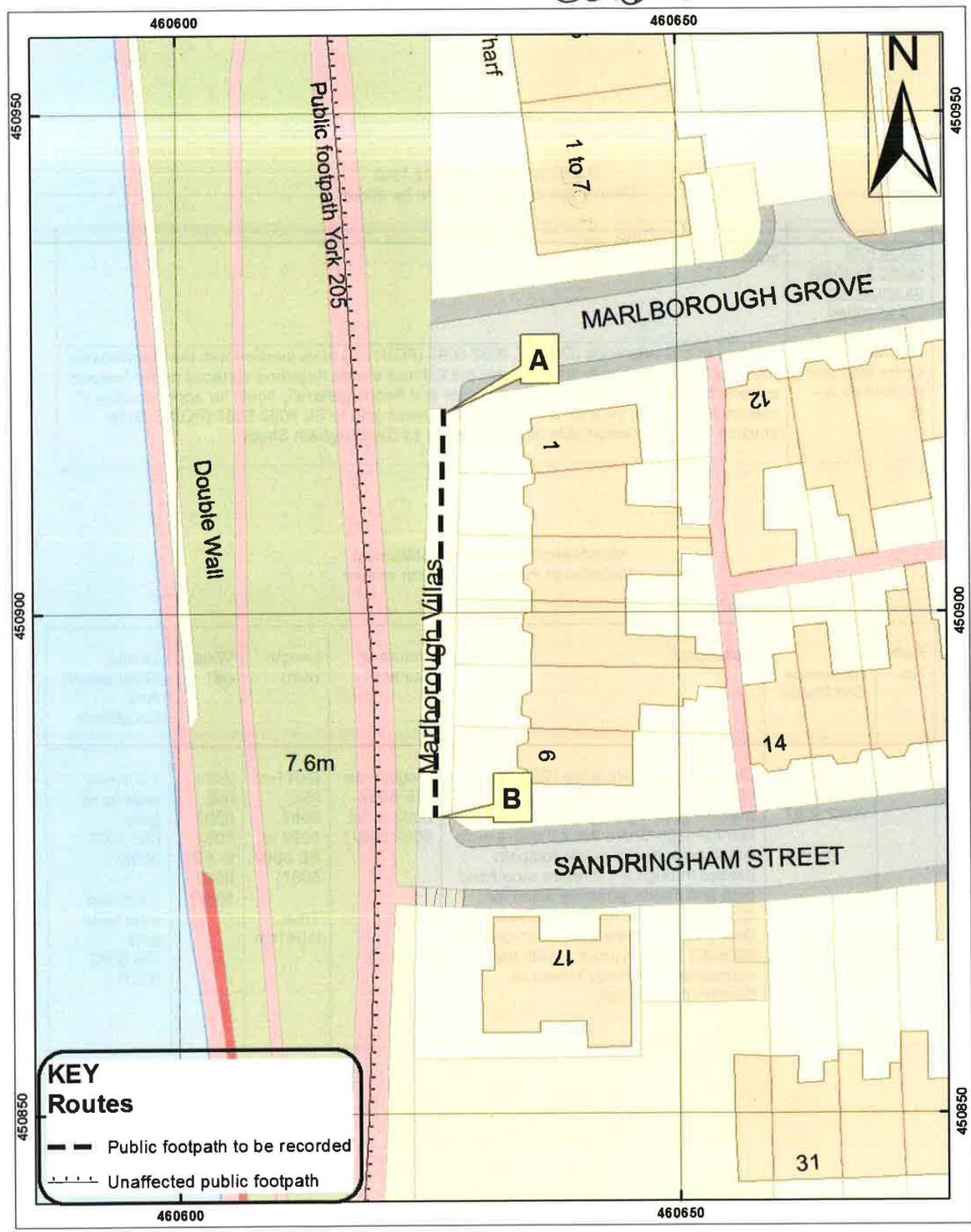
Modification of Definitive Map  
Description of path or way to be added

<u>Section of public footpath as shown on the attached Map</u>	<u>Description</u>
Indicated on the Order Map and marked as <b>A - B</b>	Starting at grid reference (GR) SE 6062 5092 (POINT A) at its junction with the maintainable highway known as Marlborough Grove the 2.9 metre wide flagstone surfaced public footpath passes through a 1.2 metre wide hand gate and heads generally south for approximately 41 metres and passes through a 1.2 metre wide hand gate to SE 6062 5087 (POINT B) its junction with the maintainable highway known as Sandringham Street.

**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
244	SE 6062 5092 to SE 6062 5087	Starting at grid reference (GR) SE 6062 5092 at its junction with the maintainable highway known as Marlborough Grove the 2.9 metre wide flagstone surfaced public footpath passes through a 1.2 metre wide hand gate and heads generally south for approximately 41 metres and passes through a 1.2 metre wide hand gate to SE 6062 5087 its junction with the maintainable highway known as Sandringham Street.	Flagstones (SE 6062 5092 to SE 6062 5087)	0.041km (SE 6062 5092 to SE 6062 5087)  Total: 0.041km	2.9m (SE 6062 5092 to SE 6062 5087)	1.2 metre wide hand gate (SE 6062 5092)  1.2 metre wide hand gate (SE 6062 5087)



**CITY OF YORK COUNCIL**  
 West Offices, Station Rise, York,  
 YO1 6GA  
 Telephone: 01904 551550

**PUBLIC FOOTPATH YORK 244  
 MODIFICATION ORDER 2022**

Scale 1:500	Drawn By: LRG	Date: 8/4/21
Public Rights of Way	Reference:	Drawing No.

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