

NORTH YORKSHIRE COUNTY COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

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

RESTRICTED BYWAY NO 15.70/55

BAGWITH ROAD, KIRKBY MALZEARD

MODIFICATION ORDER 2019

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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)(ii), namely the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.

It is also made under 53(3)(c)(i), 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 not shown on 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 3rd January 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 Restricted Byway no 15.70/55 Bagwith Road, Kirkby Malzeard Modification Order 2019

THE COMMON SEAL of NORTH)
YORKSHIRE COUNTY COUNCIL)
was hereunto affixed this 15th day of)
January 2019 in the presence of:-)



W. Cooley
**AUTHORISED
SIGNATORY**

SCHEDULE

PART I

Modification of Definitive Map

Description of path or way to be upgraded and description of path or way to be added

Section of Footpath to be upgraded to Restricted Byway as shown on the attached map.	<u>Description</u>
Indicated on the Order map and marked as Points A- B- C - D - E - F - G. At present shown on the Definitive Map as a footpath, to be upgraded to restricted byway, width 9.15 metres (30 feet)	Starts at its junction with Kirk Bank County Road at Grid Reference 41970 47449 (Point A) and proceeds south for approximately 7 metres to a field gate at Grid Reference 41970 47448 (Point B) then continues in a generally south south east direction for approximately 893 metres via field gates at Grid References 41983 47420 (Point C), 41990 47406 (Point D), 42005 47380, (Point E) and 42011 47370 (Point F) to Grid Reference 42011 47369 (Point G).
New Section of Restricted Byway shown on the attached map	<u>Description</u>
Indicated on the Order map and marked as Points G – H - I. To be added to the Definitive Map as a footpath, to be upgraded to restricted byway, width 9.15 metres (30 feet)	From Grid Reference 42011 47369 (Point G) then proceeds in an east south east direction for approximately 278 metres via a field gate at Grid Reference 42020 47366 (Point H) to a field gate at its junction with the Kirkby Moor Road at Grid Reference 42037 47360 (Point I)

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
Restricted Byway 15.70/55	41970 47449 (Start) To 42037 47360 (Finish)	Starts at its junction with Kirk Bank County Road at Grid Reference 41970 47449 and proceeds south for approximately 7 metres to a field gate at Grid Reference 41970 47448 then continues in a generally south-south east direction for approximately 893 metres via field gates at Grid References 41983 47420, 41990 47406, 42005 47380, and 42011 47370 to Grid Reference 42011 47369 then east south east for approximately 278 metres via a field gate at Grid Reference 42020 47366 to a field gate at its junction with the Kirkby Moor Road at Grid Reference 42037 47360	Earth Pasture	0.9 0.278 1.178km Total	 9.15 metres (30 feet)	Field gate at 41970 47448 Field gate at 41983 47420 Field gate at 41990 47406 Field gate at 42005 47380 Field gate at 42011 47370 Field gate at 42020 47366 Field gate at 42037 47360
Footpath No. 15.70/7	Not Recorded	Footpath commencing at its junction with Kirk Bank County Road at Bagwith House and proceeding in a south easterly direction to its junction with RB 15.70/55 at GR 42011 47369 and running south easterly to its junction with Path no. 3 east of Kirk Bridge.	Pasture	0.988 0.09	1.2m 4 Feet	Pedestrian Gate at GR 42013 47361