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## Order Decision

Site visit made on 13 October 2020

**by Alan Beckett BA MSc MIPROW**

**an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs**

**Decision date: 25 March 2021**

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### **Order Ref: ROW/3232280M**

- This Order is made under Section 53 (2) (b) of the Wildlife and Countryside Act 1981 (the 1981 Act) and is known as the East Riding of Yorkshire Council (Goodmanham Restricted Byway No. 7 and Market Weighton Restricted Byway No. 12) Definitive Map and Statement Modification Order 2019.
- East Riding of Yorkshire Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.
- The Order is dated 14 January 2019. The Order was the subject of an interim decision dated 19 November 2020 in which I proposed to confirm the Order subject to modifications which required advertisement.

**Summary of Decision: The Order is confirmed subject to the modifications set out in the Formal Decision.**

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### **Procedural Matters**

1. The effect of the Order, if confirmed with the modification that I previously proposed, would be to modify the Definitive Map and Statement for the area by adding a public footpath between Market Weighton Bridleway 14 (point A on the Order plan) and Goodmanham Footpath 1 (point C on the Order plan).
2. In my interim decision of 19 November 2020, I proposed to confirm the Order subject to the modification described in paragraph 1 above. Since this modification would show as a highway of one description a way which is shown in the Order as a highway of another description, I was required by virtue of paragraph 8 (2) of Schedule 15 to the 1981 Act to give notice of my proposal to modify the Order.
3. Four representations were received following advertisement of the notice and deposit of the associated documents relating to the proposed modification. Three of these representations supported the proposed modification to record the route at issue as a public footpath.
4. The remaining representation considered that the route should be recorded as a public bridleway to improve the network of safe routes for equestrians within the local area. However, as I noted in paragraph 26 of my interim decision, no direct evidence of use of the route by horseriders during the period August 1997 to August 2017 had been provided. In the absence of such evidence, it is not possible to propose that the route should be recorded as a public bridleway. In addition, and for the reasons given in paragraphs 29 to 31 of my interim decision, I remain of the view that the limited evidence of use of the

Order route by cyclists is incapable of raising a presumption that the route has been dedicated as a public bridleway.

**Conclusion**

5. Bearing in mind the above, I conclude that the Order should be confirmed subject to the modifications set out in paragraph 53 of my interim decision dated 19 November 2020.

**Formal Decision**

6. I confirm the Order subject to the modifications previously proposed, namely:  
throughout the Order delete 'Restricted Byway' and insert 'Public Footpath'.

*Alan Beckett*

Inspector