

**PUBLIC PATH DIVERSION AND
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER**

HIGHWAYS ACT 1980

WILDLIFE AND COUNTRYSIDE ACT 1981

THE NORTH YORKSHIRE COUNCIL

**PUBLIC FOOTPATH NO. 10.16/9, NEWBURN, BORROWBY,
DIVERSION ORDER 2024**

Barry Khan
Assistant Chief Executive
Legal and Democratic Services
County Hall
Northallerton
DL7 8AH

**PUBLIC PATH DIVERSION AND
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PUBLIC FOOTPATH NO. 10.16/9, NEWBURN, BORROWBY, DIVERSION ORDER 2024

This Order is made by The North Yorkshire Council ("the Authority") under Section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the Authority that in the interests of the owner of the land crossed by the Public Footpath described in Paragraph 1 of this Order it is expedient that the line of the Path should be diverted.

This Order is also made under Section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that The District of Hambleton (outside The North York Moors National Park) Definitive Map and Statement require modification in consequence of the occurrence of an event specified in Section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.

Mr and Mrs Brown, Newburn, Borrowby, Thirsk, YO7 4QP have agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and any expenses which are incurred in bringing the new site of the Path into a fit condition for use by the public.


Borrowby Parish Council have been consulted as required by Section 120(2) of the 1980 Act.

BY THIS ORDER:

1. The public right of way over the land situated at Newburn, Borrowby and shown by a bold continuous line on the map contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up from the date of confirmation of this Order and thereupon The District of Hambleton (outside The North York Moors National Park) Definitive Map shall be modified by deleting from it that public right of way.
2. There shall from the date of confirmation of this Order be the Public Footpath over the land situated at Newburn, Borrowby shown by a bold broken line on the map contained in this Order and described in Part 2 of the Schedule to this Order and thereupon The District of Hambleton (outside The North York Moors National Park) Definitive Map shall be modified by adding the Public Footpath to it.
- 2A. The District of Hambleton (outside The North York Moors National Park) Definitive Statement shall be modified as described in Part 4 of the Schedule to this Order.
3. The rights conferred on the public under this Order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.

THE COMMON SEAL of THE NORTH
YORKSHIRE COUNCIL

was hereunto affixed this 6th day
of February 2024
in the presence of:-


**AUTHORISED
SIGNATORY**



SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PUBLIC FOOTPATH

<u>Section of Footpath as shown on the attached map</u>	<u>Position</u>	<u>Width</u>
Public Footpath No. 10.16/9 marked with a bold continuous line and shown A - C on the attached plan	Commences at Grid Reference 44277 48904 (Point A) and runs in a general West North West direction for approximately 58 metres to Grid Reference 44272 48905 (Point C)	Not Recorded

PART 2

DESCRIPTION OF SITE OF NEW PUBLIC FOOTPATH

<u>Section of Footpath as shown on the attached map</u>	<u>Position</u>	<u>Width</u>
Public Footpath No. 10.16/9 Marked with a bold dashed line and shown A - B - C	Commences at Grid Reference 44277 48904 (Point A) and runs on a tarmac surface in a general South South West direction for approximately 2 metres to a pedestrian gate at Grid Reference 44277 48903 (Point B), then continues on a grass surface in a general West North West direction for approximately 58 metres to Grid Reference 44272 48905 (Point C).	2 metres

PART 3

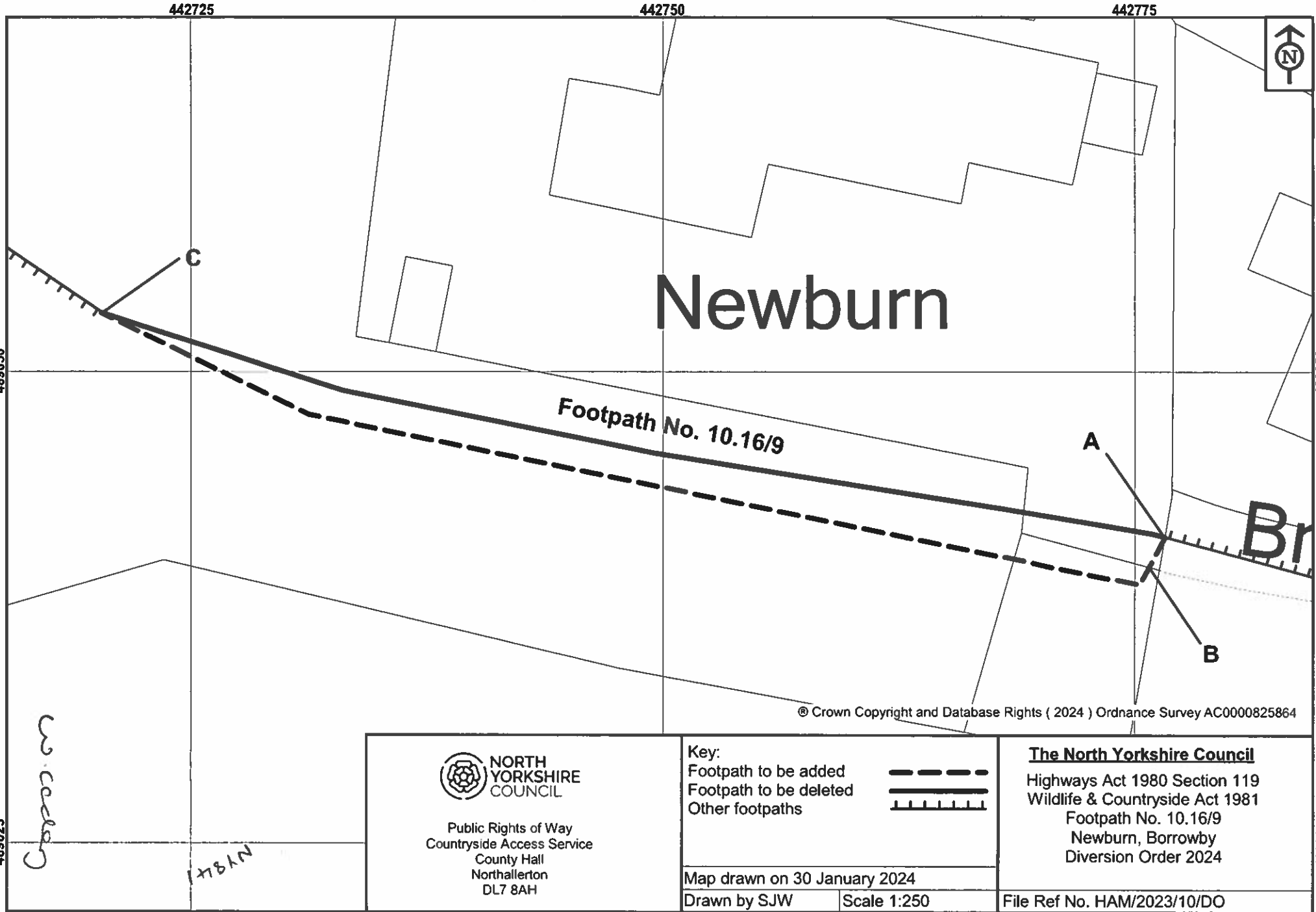
LIMITATIONS AND CONDITIONS

<u>Position on Footpath No. 10.16/9 to which limitations and conditions apply</u>	<u>Limitations and Conditions</u>
Grid Reference 44277 48903 (Point B)	Pedestrian Gate to BS5709:2018

PART 4

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
Footpath 10.16/9	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded
		Commences at Grid Reference 44277 48904 and runs on a tarmac surface in a general South South West direction for approximately 2 metres to a pedestrian gate at Grid Reference 44277 48903, then continues on a grass surface in a general West North West direction for approximately 58 metres to Grid Reference 44272 48905	Tarmac surface between Grid Reference 44277 48904 and Grid Reference 44277 48903 Grass surface between Grid Reference 44277 48903 and Grid Reference 44272 48905	0.002 0.058	2	Grid Reference 44277 48903 Pedestrian gate to BS 5709:2018
		Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded
				Total Not Recorded		



NORTH YORKSHIRE COUNCIL
 Public Rights of Way
 Countryside Access Service
 County Hall
 Northallerton
 DL7 8AH

Key:
 Footpath to be added 
 Footpath to be deleted 
 Other footpaths 

Map drawn on 30 January 2024
 Drawn by SJW Scale 1:250

The North Yorkshire Council
 Highways Act 1980 Section 119
 Wildlife & Countryside Act 1981
 Footpath No. 10.16/9
 Newburn, Borrowby
 Diversion Order 2024

File Ref No. HAM/2023/10/DO

Cops
NYC

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THE NORTH YORKSHIRE COUNCIL

PUBLIC FOOTPATH NO. 10.16/9, NEWBURN, BORROWBY, DIVERSION ORDER 2024

THE NORTH YORKSHIRE COUNCIL in exercise of the powers conferred upon it in that behalf hereby confirm the foregoing Order (without any modification) as an Unopposed Order.

IN WITNESS whereof

THE COMMON SEAL of THE NORTH

YORKSHIRE COUNCIL

was hereunto affixed this
of

19th day
April 2024

in the presence of:-



[Handwritten signature]

**AUTHORISED
SIGNATORY**

PRESS NOTICE

Notice of Confirmation of a Public Path Diversion and Definitive Map and Statement Modification Order Highways Act 1980 & Wildlife and Countryside Act 1981 The North Yorkshire Council Public Footpath No. 10.16/9, Newburn, Borrowby, Diversion Order 2024

The above Order made under Section 119 of the Highways Act 1980 and Section 53A(2) of the Wildlife and Countryside Act 1981 was confirmed on 19 April 2024. The effect of the Order as confirmed is to divert the Public Footpath as follows. Public Footpath No. 10.16/9 between SE 4277 8904 and SE 4272 8905 will be diverted onto a mostly grass surface in a generally West North West direction between SE 4277 8904 and SE 4272 8905. A copy of the order as confirmed and the Order Map may be seen free of charge during normal office hours at Northallerton Library, 1 Thirsk Road, Northallerton, North Yorkshire, North Yorkshire until 21 June 2024. Copies of the Order and Map may be purchased from Countryside Access Service, North Yorkshire Council, County Hall, Northallerton, North Yorkshire, DL7 8AD (tel: 03001312131) at a cost of £2, or can be downloaded free from our website <https://www.northyorks.gov.uk/pathnotices>. The Order comes into force as from 19 April 2024, but if a person aggrieved by the Order wants to question its validity, or that of any provision contained in it, on the ground that it is not within the powers of the Highways Act 1980 as amended, or on the ground that any requirement of the Act, as amended, or of any regulation made under the Act has not been complied with in relation to the Order, he or she may, under Paragraph 2 of Schedule 2 to the Act as applied by Paragraph 5 of Schedule 6 to the Act, within six weeks from 10 May 2024, make an application to the High Court. Dated: 10 May 2024 Barry Khan, Assistant Chief Executive, (Legal and Democratic Services)