

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

HIGHWAYS ACT 1980

WILDLIFE AND COUNTRYSIDE ACT 1981

THE NORTH YORKSHIRE COUNCIL

**PUBLIC FOOTPATHS 30.33/087 AND 30.33/091, DOWSON GARTH,
EGTON DIVERSION ORDER 2024**

Barry Khan
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(Legal and Democratic Services)
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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(s) of the land crossed by the Public Footpaths described in Paragraph 1 of this Order it is expedient that the line of the Path(s) 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 North York Moors National Park Within North Yorkshire 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.

The Most Honourable Constantine Edmund Walter, Marquis of Normanby, Mulgrave Castle, Lythe, Whitby, YO21 3RJ has 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(s) into a fit condition for use by the public.

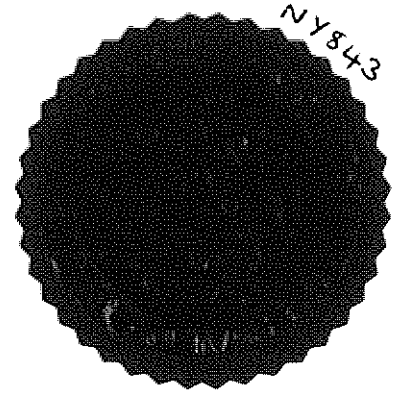
Egton Parish Council have been consulted as required by Section 120(2) of the 1980 Act.

BY THIS ORDER:

1. The public right of way over the land situated at Dowson Garth, Egton 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 on the date on which the Authority certifies, in accordance with Section 119(3)(b) of the 1980 Act, that work to the new section of path, as described in Part 2 of the Schedule, has been completed to the reasonable satisfaction of the Authority and thereupon The North York Moors National Park Within North Yorkshire Definitive Map shall be modified by deleting from it that public right of way. Under no circumstances shall such certification be given before the date of confirmation of this Order.
2. There shall from the date of the above mentioned certification be the Public Footpaths over the land situated at Dowson Garth, Egton described in Part 2 of the Schedule to this Order and shown by a bold broken line on the map contained in this Order and thereupon The North York Moors National Park Within North Yorkshire Definitive Map shall be modified by adding the Public Footpaths to it.
- 2A. The North York Moors National Park Within North Yorkshire Definitive Statement shall be modified as described in Part 4 of the Schedule to this Order.
3. The following works shall be carried out by the applicant in relation to the highway described in Part 2 of the Schedule: Pedestrian gates to BS5709:2018 to be provided at Points E, G, J & K as shown on the Order Plan and a culvert to be provided at Point F as shown on the Order Plan.
4. 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:-



W. Coder
**AUTHORISED
SIGNATORY**

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PUBLIC FOOTPATHS

<u>Section of Public Footpath as shown on the attached map</u>	<u>Position</u>	<u>Width</u>
Public Footpath 30.33/087 as marked with a bold continuous line (A-B-C) on the attached plan.	Starts at Grid Reference 48156 50373 (Point A) and proceeds in a generally south south west direction for approximately 157 metres to Grid Reference 48151 50360 (Point B) and then continues in a generally south west direction to Grid Reference 48139 50355 (Point C).	Not Specified
<u>Section of Public Footpath as shown on the attached map</u>	<u>Position</u>	<u>Width</u>
Public Footpath 30.33/091 as marked with a bold continuous line (B-I) on the attached plan.	Starts at Grid Reference 48155 50351 (Point I) and proceeds in a generally north north west direction for approximately 107 metres to Grid Reference 48151 50360 (Point B).	Not Specified

PART 2

DESCRIPTION OF SITE OF NEW PUBLIC FOOTPATHS

<u>Section of Public Footpath as shown on the attached map</u>	<u>Position</u>	<u>Width</u>
Public Footpath 30.33/087 as marked with a bold dashed line (D-E-F-G-H) on the attached plan.	Starts at its junction with Public Footpath 30.33/084 at Grid Reference 48158 50374 (Point D) and proceeds over pasture in a south south east direction for approximately 15 metres to a pedestrian gate at Grid Reference 48158 50372 (Point E) then continues over pasture in a south direction for approximately 99 metres to a culvert across a drainage ditch at Grid Reference 48157 50362 (Point F) and then continues generally south south west over pasture for approximately 118 metres to a pedestrian gate at Grid Reference 48156 50350 (Point G) and continues south south west through a wooded area for approximately 17 metres to its junction with Public Footpath 30.33/091 at Grid Reference 48156 50349 (Point H).	2 metres
<u>Section of Public Footpath as shown on the attached map</u>	<u>Position</u>	<u>Width</u>
Public Footpath 30.33/091 as marked with a bold dashed line (I-J-K-C) on the attached plan.	Starts at its junction with Public Footpath 30.33/087 at Grid Reference 48155 50351 (Point I) and proceeds over pasture in a north west direction for approximately 56 metres to a pedestrian gate at Grid Reference 48150 50354 (Point J) and then proceeds in a west direction over pasture for approximately 109 metres to a pedestrian gate at Grid Reference 48140 50354 (Point K) where it continues in a north west direction for approximately 7 metres to enter a lane at Grid Reference 48139 50355 (Point C).	2 metres

PART 3

LIMITATIONS AND CONDITIONS

<u>Position on Public Footpath 30.33/087 to which limitations and conditions apply</u>	<u>Limitations and Conditions</u>
Grid Reference 48158 50372 (Point E)	Pedestrian Gate to BS5709:2018
Grid Reference 48157 50362 (Point F)	Culvert
Grid Reference 48156 50350 (Point G)	Pedestrian Gate to BS5709:2018
<u>Position on Public Footpath 30.33/091 to which limitations and conditions apply</u>	<u>Limitations and Conditions</u>
Grid Reference 48150 50354 (Point J)	Pedestrian Gate to BS5709:2018
Grid Reference 48140 50354 (Point K)	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
Public Footpath 30.33/087	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	
	48156 50373 (Start)	Starts at its junction with Public Footpath 30.33/084 at Grid Reference 48158 50374 and proceeds over pasture in a south south east direction for approximately 15 metres to a pedestrian gate at Grid Reference 48158 50372 then continues over pasture in a south direction for approximately 99 metres to a culvert across a drainage ditch at Grid Reference 48157 50362 and then continues generally south south west over pasture for approximately 118 metres to a pedestrian gate at Grid Reference 48156 50350 and continues south south west through a wooded area for approximately 17 metres to its junction with Public Footpath 30.33/091 at Grid Reference 48156 50349.	Pasture	0.015Km	2 metres	Pedestrian Gate to BS5709:2018
	To		Pasture	0.099Km	2 metres	Culvert
	Not Recorded		Pasture	0.118Km	2 metres	Pedestrian Gate to BS5709:2018
	48156 50349 (Finish)		Woodland	0.017Km	2 metres	
				Total: 0.249Km		
Public Footpath 30.33/091	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	
	48150 50319 (Start)	Starts at its junction with Public Footpath 30.33/087 at Grid Reference 48155 50351 and proceeds over pasture in a north west direction for approximately 56 metres to a pedestrian gate at Grid Reference 48150 50354 and then	Pasture	0.056Km	2 metres	Pedestrian Gate to BS5709:2018
	To					
	Not Recorded					

	48116 50356 (Finish)	proceeds in a west direction over pasture for approximately 109 metres to a pedestrian gate at Grid Reference 48140 50354 where it continues in a north west direction for approximately 7 metres to enter a lane at Grid Reference 48139 50355.	Pasture	0.109Km	2 metres	Pedestrian Gate to BS5709:2018
			Stone/Soil	0.007Km	2 metres	
				Total: 0.172Km		

PRESS NOTICE

Notice of making 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 Footpaths 30.33/087 And 30.33/091, Dowson Garth, Egton Diversion Order 2024. The above Order, made on 06/02/2024, under Section 119 of the Highways Act 1980 and Section 53A(2) of the Wildlife and Countryside Act 1981 will divert the Public Footpaths described below.

Public Footpath 30.33/087 between NZ 8156 0373 and NZ 8139 0355 will be diverted onto a new route to the east of Dowson Garth between NZ 8158 0374 and NZ 8156 0349. Public Footpath 30.33/091 between NZ 8155 0351 And NZ 8151 0360 will be diverted onto a new route between NZ 8155 0351 and NZ 8139 0355.

A copy of the Order and the Order map may be seen free of charge during normal office hours at Whitby Library, North Yorkshire until 21/03/2024. Copies 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>. Any representations about or objections to the Order may be sent in writing to Steve Metcalfe at the above address or email CATO@northyorks.gov.uk not later than 21/03/2024. Please state the grounds on which they are made. Please note that objections/representations cannot be treated as confidential and may come into the public domain. Copies of any objections or representations received may be disclosed to interested parties, including the Planning Inspectorate where the case is referred to it for determination. If no such representations or objections are duly made, or if any so made are withdrawn, North Yorkshire Council may confirm the Order as an unopposed Order. If the Order is sent to the Secretary of State for the Environment for confirmation, any representations and objections which have not been withdrawn will be sent with the Order. Dated 22/02/2024 Barry Khan, Assistant Chief Executive Legal and Democratic Services County Hall, Northallerton DL7 8AH