

**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. 35.57/37, EVERSLEY PARK CENTRE CAR
PARK, SHERBURN IN ELMET, DIVERSION ORDER 2023**

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

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THE NORTH YORKSHIRE COUNCIL

**PUBLIC FOOTPATH NO. 35.57/37, EVERSLEY PARK CENTRE CAR PARK,
SHERBURN IN ELMET, DIVERSION ORDER 2023**

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 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)(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.

Sherburn in Elmet Town Council, Council Offices, Eversley Park Centre, Sherburn in Elmet, Leeds, LS25 6BA 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 into a fit condition for use by the public.

Sherburn In Elmet 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 Eversley Park Centre Car Park, Sherburn In Elmet 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 Former West Riding Of Yorkshire Area 2 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 a Public Footpath over the land situated at Eversley Park Centre Car Park, Sherburn In Elmet 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 Former West Riding Of Yorkshire Area 2 Definitive Map shall be modified by adding a Public Footpath to it.
- 2A. The Former West Riding Of Yorkshire Area 2 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 29TH day
of AUGUST 2023
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. 35.57/37 as marked with a bold continuous line (A - B) on the attached plan.	Commences off Low Street at Grid Reference 44942 43340 (Point A) and runs west south west for approximately 28 metres to Grid Reference 44940 43339 (Point B) in the Eversley Park Centre Car Park.	1.5 Metres

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. 35.57/37 as marked with a bold dashed line (C - D - B) on the attached plan	Commences off Low Street at Grid Reference 44942 43338 (Point C) at a gap in the wall and then continues west, along the boundary of the Eversley Park Centre Car Park for approximately 28 metres to Grid Reference 44940 43338 (Point D), where the path runs north, continuing along the car park boundary for approximately 10 metres to Grid Reference 44940 43339 (Point B), in the corner of the Eversley Park Centre Car Park. Total length of approximately 38 metres on a tarmac surface.	2 Metres

PART 3

LIMITATIONS AND CONDITIONS

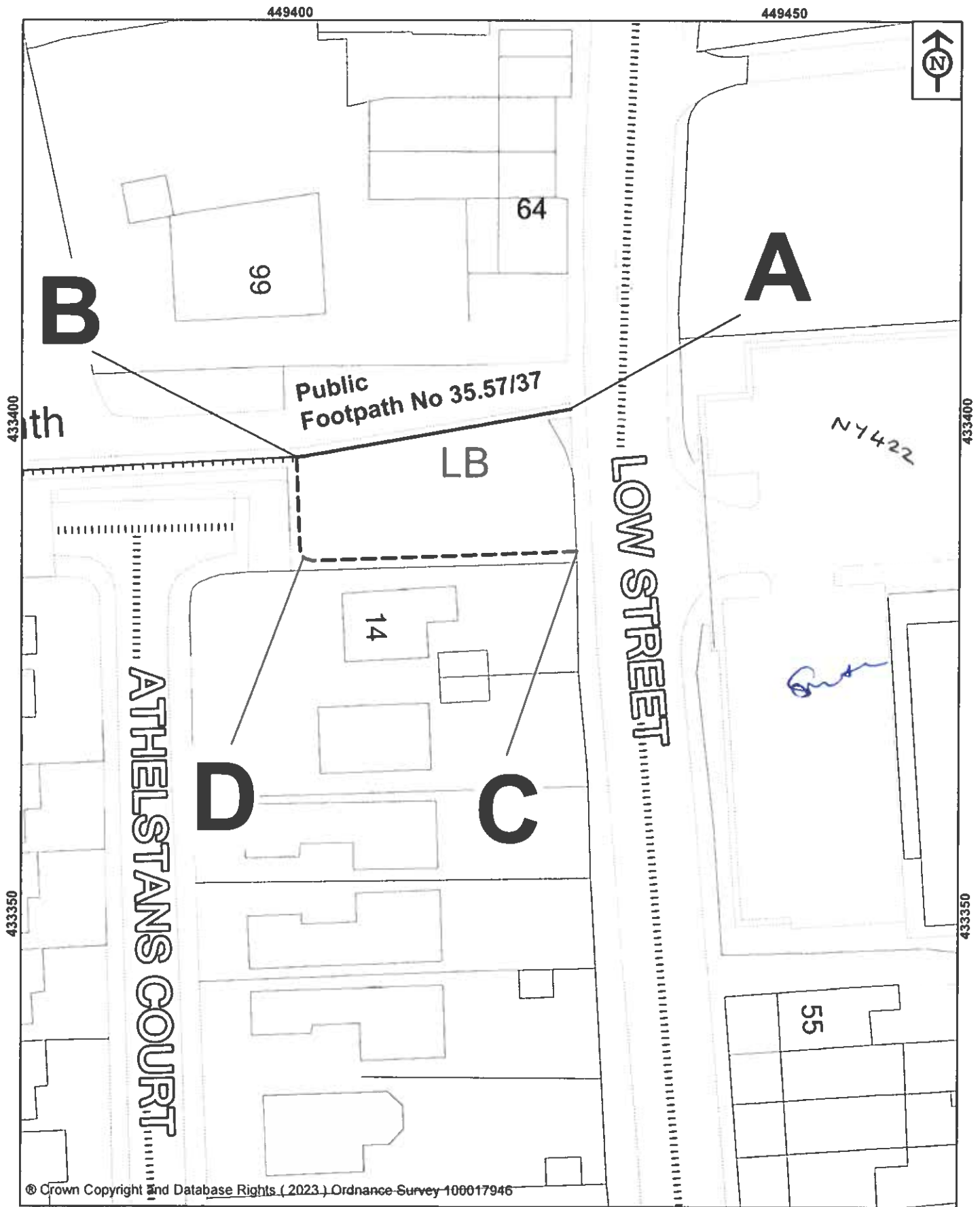
<u>Position on Footpath to which limitations and conditions apply</u>	<u>Limitations and Conditions</u>
Grid Reference 44942 43338 (Point C)	Gap to BS5709:2018

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
35.57/37	44942 43340 44942 43338 (Start)	Commences off Low Street GR 44942 43340 44942 43338 at a gap in the wall, and then continuing west, along the boundary of the Eversley Park Centre Car Park for approx 28 metres to GR 44940 43338, where the path runs north, continuing along the car park boundary for approximately 10 metres to GR 44940 43339, in the corner of the Eversley Park Centre Car Park. The path then proceeds westerly for approx 454 126 metres to GR 44926 43339 then generally north north westerly for approx 56 metres until it reaches the edge of the cricket pitch at GR 44925 43344. The route follows the perimeter of the cricket pitch running generally west north westerly for approximately 169 metres to GR 44915 43349 then generally north westerly for approximately 13 metres to GR 44914 43350. The route continues generally westerly for approximately 72 metres to GR 44907 43349 and then generally westerly for approx 107 metres to GR 44897 43349 then continues westerly for approx. 12 metres to GR 44896 43349. The route continues north westerly between two properties for approx 29 metres to GR 44894 43350 then west south westerly for 29	Tarmacadam	0.038	2.0	GR 44942 43338 - Gap
			Grass	0.454 0.126 0.417	1.5 1.5	
			Earth + Stone	0.041	1.5	

	To	metres to its junction with Church Hill at GR 44891 43350.	Tarmacadam	0.029	1.5	
	44891 43350 (Finish)			Total 0.0644 0.651		



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**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
Maintainable Highways ||| ||| |||

Map drawn on 23 August 2023

Drawn by CP

Scale 1:500

The North Yorkshire Council
Highways Act 1980 Section 119
Wildlife & Countryside Act 1981

Public Footpath No. 35.57/37
Eversley Park Centre Car Park
Sherburn in Elmet
Diversion Order 2023

File Ref No. SEL/2023/01/DO

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 Footpath No. 35.57/37, Eversley Park Centre Car Park, Sherburn in Elmet, Diversion Order 2023. The above Order, made on 29.8.2023, under Section 119 of the Highways Act 1980 and Section 53A(2) of the Wildlife and Countryside Act 1981 will divert the Public Footpath described as: Public Footpath No. 35.57/37 From GR SE 4942 3340 off Low St to GR SE 4940 3339 in Eversley Park Centre Car Park, will be diverted onto a new line from GR SE 4943 3338 off Low St to GR SE 4940 3339.

A copy of the Order and the Order map may be seen free of charge during normal office hours at Sherburn and Villages Community Library, Finkle Hill, Sherburn in Elmet, North Yorkshire until 12.10.2023. 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 www.northyorks.gov.uk/pathnotices.

Any representations about or objections to the Order may be sent in writing to Claire Phillips at the above address or email CATO@northyorks.gov.uk not later than 12.10.2023. 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 14.9.2023 Barry Khan, Assistant Chief Executive Legal and Democratic Services
County Hall, Northallerton DL7 8AH