

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

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**PUBLIC FOOTPATHS 30.33/087 AND 30.33/091, DOWSON GARTH, EGTON 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(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.

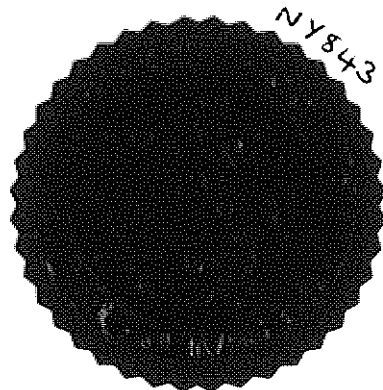
Egton Parish Council have been consulted as required by Section 120(2) of the 1980 Act.

**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

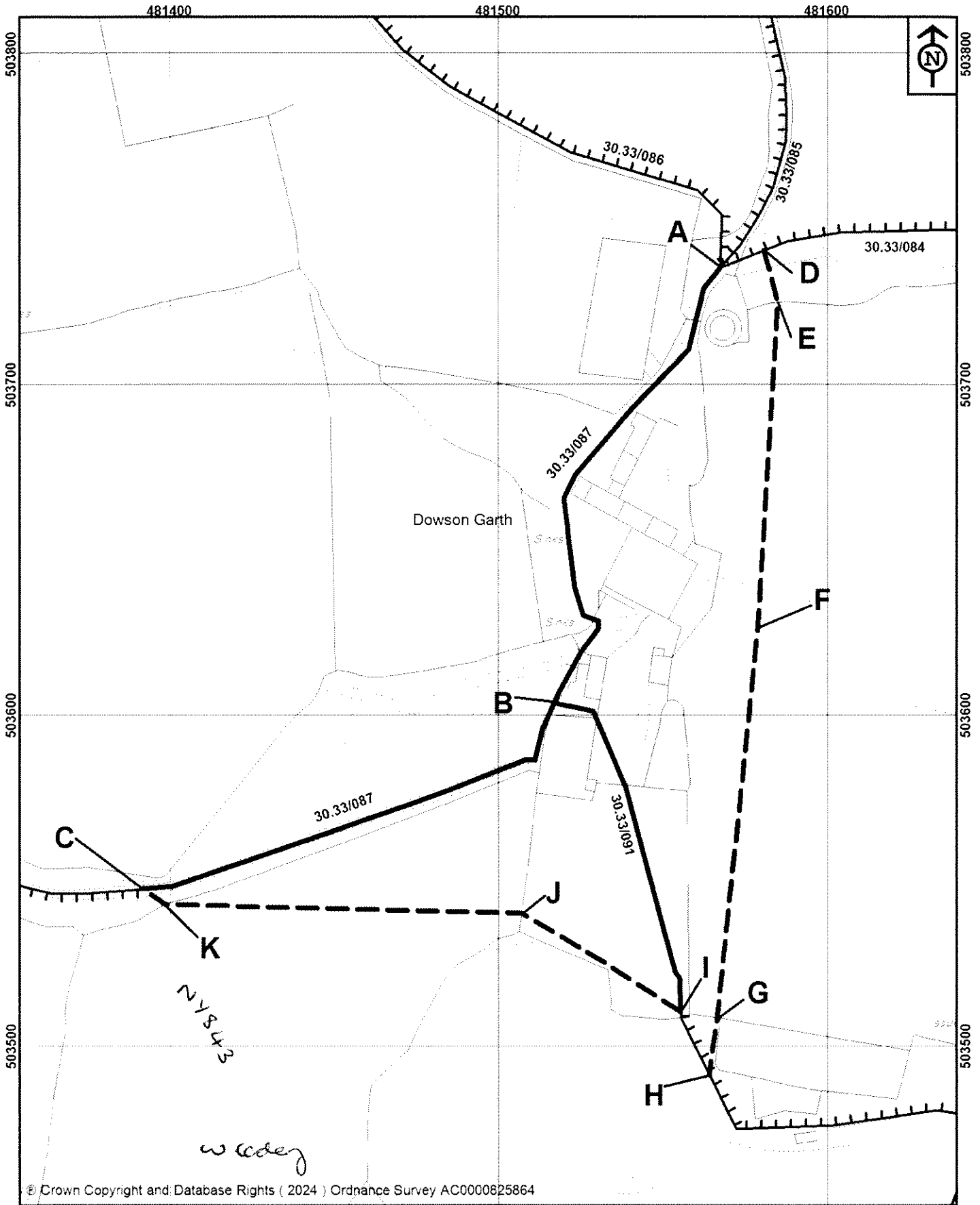
PART 4

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 48156 50373 (Start) To Not Recorded 48156 50349 (Finish)	Not Recorded 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.	Not Recorded  Pasture  Pasture  Pasture  Woodland	Not Recorded  0.015Km  0.099Km  0.118Km  0.017Km  Total: 0.249Km	Not Recorded  2 metres  2 metres  2 metres  2 metres	  Pedestrian Gate to BS5709:2018  Culvert  Pedestrian Gate to BS5709:2018
Public Footpath 30.33/091	Not Recorded 48150 50319 (Start) To Not Recorded	Not Recorded 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	Not Recorded  Pasture	Not Recorded  0.056Km	Not Recorded  2 metres	  Pedestrian Gate to BS5709:2018

	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  Stone/Soil	0.109Km  0.007Km Total: 0.172Km	2 metres  2 metres	Pedestrian Gate to BS5709:2018
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 <p><b>NORTH YORKSHIRE COUNCIL</b></p> <p>Public Rights of Way Countryside Access Service County Hall Northallerton DL7 8AH</p>	<p>Key:</p> <p>Footpath to be added </p> <p>Footpath to be deleted </p> <p>Other footpaths </p> <p>Map drawn on 2 February 2024</p> <p>Drawn by SCM    Scale 1:1500</p>	<p><b>The North Yorkshire Council</b></p> <p>Highways Act 1980 Section 119 Wildlife &amp; Countryside Act 1981</p> <p>Public Footpaths 30.33/087 and 30.33/091, Dowson Garth, Egton Diversion Order 2024</p> <p>File Ref No. SCAR/2022/15/DO</p>
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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 APRIL 2024

5<sup>th</sup> day

in the presence of:-



**AUTHORISED  
SIGNATORY**



## Public Notice

**Notice of Confirmation of a Public Path Diversion & Definitive Map & Statement Modification Order Highways Act 1980 & Wildlife & Countryside Act 1981 The North Yorkshire Council Public Footpaths 30.33/087 & 30.33/091, Dowson Garth, Egton Diversion Order 2024** The above Order made under Section 119 of the Highways Act 1980 & Section 53A(2) of the Wildlife & Countryside Act 1981 was confirmed on 05/04/24. The effect of the Order as confirmed is to divert the Public Footpaths as follows. Public Footpath 30.33/087 between NZ 8156 0373 & NZ 8139 0355 will be diverted onto a new route to the east of Dowson Garth between NZ 8158 0374 & NZ 8156 0349. Public Footpath 30.33/091 between NZ 8155 0351 & NZ 8151 0360 will be diverted onto a new route between NZ 8155 0351 & NZ 8139 0355. A copy of the order as confirmed & the Order Map may be seen free of charge during normal office hours at Whitby Library, North Yorkshire until 30/05/2024. Copies of the Order & 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 [www.northyorks.gov.uk/pathnotices](http://www.northyorks.gov.uk/pathnotices). The Order comes into force 18/04/24, 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 18/04/24, make an application to the High Court. Dated:18/04/24 Barry Khan, Assistant Chief Executive, Legal & Democratic Services