

**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. 10.82/5, KIRBY GRANGE, KIRBY WISKE AND
NEWSHAM WITH BRECKENBROUGH, DIVERSION ORDER 2025**

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

**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. 10.82/5, KIRBY GRANGE, KIRBY WISKE AND NEWSHAM WITH
BRECKENBROUGH, DIVERSION ORDER 2025**

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.

Mrs Louise Todd, Kirby Grange, Kirby Wiske, North Yorkshire, YO7 4EU 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.

Kirby Wiske and Newsham with Breckenbrough 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 Kirby Grange, Kirby Wiske and Newsham with Breckenbrough 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 District of Hambleton (outside The North York Moors National Park) 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 Footpath over the land situated at Kirby Grange, Kirby Wiske and Newsham with Breckenbrough 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 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 following works shall be carried out by the applicant in relation to the highway described in Part 2 of the Schedule: Stone surface from Point A to Point D, gap at Point D, pedestrian gate at Point F.
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 14th day
of March 2025
in the presence of:-





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. 10.82/5 marked with a bold continuous line and shown A - B on the attached plan	Commences at Grid Reference 43689 48505 (Point A) and runs in a general North West then West South West direction for approximately 684 metres to Grid Reference 43628 48499 (Point B)	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. 10.82/5 Marked with a bold dashed line and shown A - C - D - E - F - G	Commences at a gap at Grid Reference 43689 48505 (Point A) and runs on a stone surface in a general South West direction for approximately 245 metres to Grid Reference 43671 48489 (Point C), then continues on a stone surface in a general North West direction for approximately 45 metres to a gap and culvert at Grid Reference 43668 48491 (Point D), then continues on a grass field edge in a general North West direction for approximately 94 metres to Grid Reference 43662 48499 (Point E) and then runs in a general South West direction for approximately 289 metres to a pedestrian gate at Grid Reference 43638 48483 (Point F) and then runs in a North West direction for approximately 4 metres to Grid Reference 43638 48484 (Point G)	3 metres from Point A to Point D 2 metres from Point D to Point G

PART 3

LIMITATIONS AND CONDITIONS

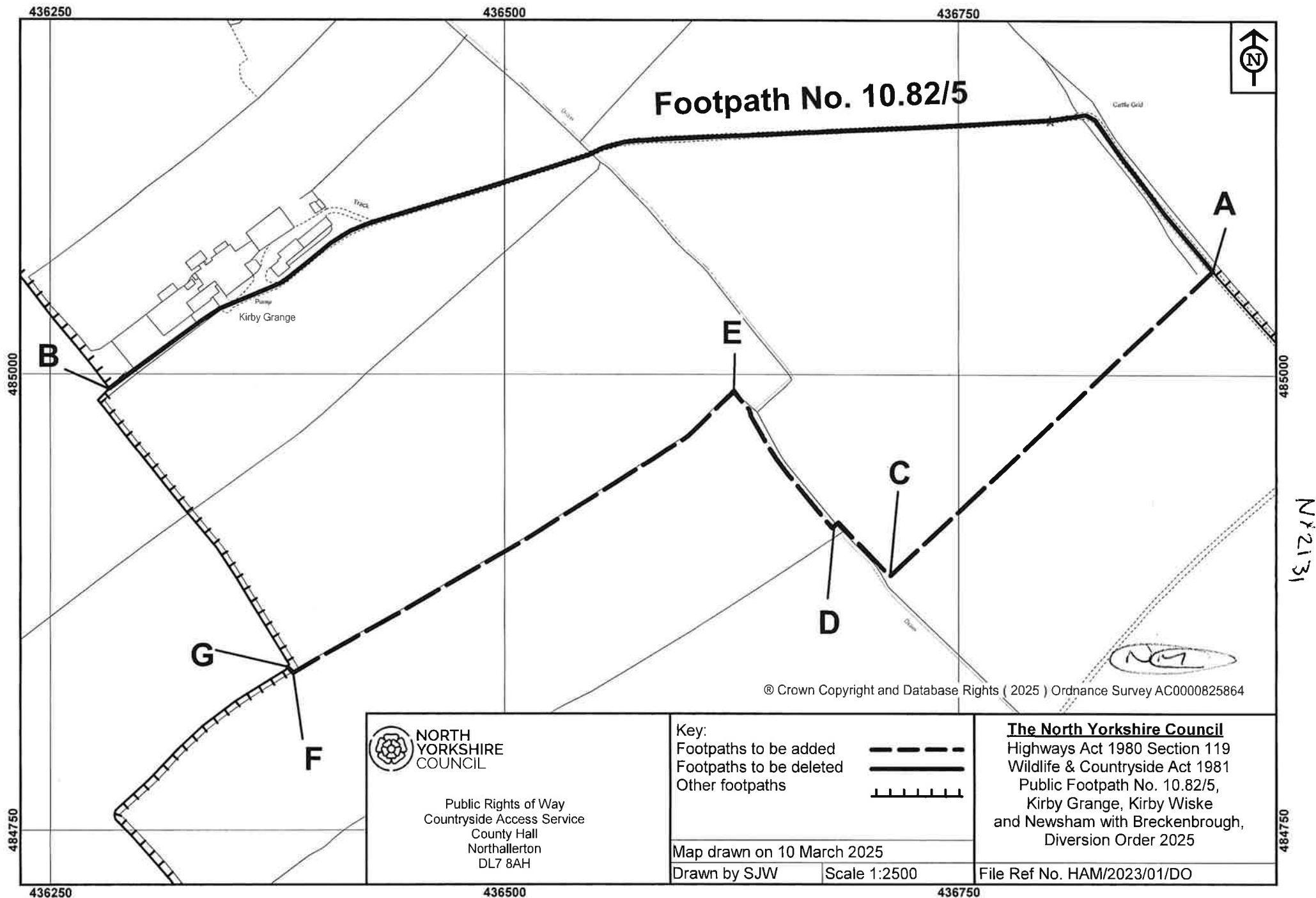
<u>Position on Footpath No. 10.82/5 to which limitations and conditions apply</u>	<u>Limitations and Conditions</u>
Grid Reference 43689 48505 (Point A)	Gap to BS5709:2018
Grid Reference 43668 48491 (Point D)	Gap to BS5709:2018
Grid Reference 43668 48491 (Point D)	Culvert
Grid Reference 43638 48483 (Point F)	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 10.82/5	Not Recorded (start)	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded
	To					
	Not Recorded 43638 48484 (finish)	Commences at a gap at Grid Reference 43689 48505 and runs on a stone surface in a general South West direction for approximately 245 metres to Grid Reference 43671 48489, then continues on a stone surface in a general North West direction for approximately 45 metres to a gap and culvert at Grid Reference 43668 48491, then continues on a grass field edge in a general North West direction for approximately 94 metres to Grid Reference 43662 48499 and then runs in a general South West direction for approximately 289 metres to a pedestrian gate at Grid Reference 43638 48483 and then runs in a North West direction for approximately 4 metres to Grid Reference 43638 48484.	Stone surface between Grid Reference 43689 48505 and Grid Reference 43668 48491	0.290	3	Gap to BS5709:2018 GR 43689 48505
			Grass surface between Grid Reference 43668 48491 and Grid Reference 43638 48484	0.387	2	Gap to BS5709:2018 GR 43668 48491
						Culvert GR 43668 48491
						Pedestrian Gate to BS5709:2018 GR 43638 48483
				Total Not Recorded		

Footpath No. 10.82/5



**NORTH
YORKSHIRE
COUNCIL**

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

Key:

Footpaths to be added
Footpaths to be deleted
Other footpaths



Map drawn on 10 March 2025

Drawn by SJW

Scale 1:2500

The North Yorkshire Council

Highways Act 1980 Section 119
Wildlife & Countryside Act 1981
Public Footpath No. 10.82/5,
Kirby Grange, Kirby Wiske
and Newsham with Breckenbrough,
Diversion Order 2025

File Ref No. HAM/2023/01/DO

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

HIGHWAYS ACT 1980

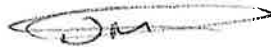
WILDLIFE AND COUNTRYSIDE ACT 1981

THE NORTH YORKSHIRE COUNCIL

**PUBLIC FOOTPATH NO. 10.82/5, KIRBY GRANGE, KIRBY WISKE AND NEWSHAM WITH
BRECKENBROUGH, DIVERSION ORDER 2025**

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 6th day
of May 2025
in the presence of:-



**AUTHORISED
SIGNATORY**



SITE 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. 10.82/5, KIRBY GRANGE FARM, KIRBY WISKE AND
NEWSHAM WITH BRECKENBROUGH, DIVERSION ORDER 2025**

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 06.05.25.

The effect of the Order as confirmed is to divert the Public Footpath as follows:

Public Footpath No. 10.82/5 between SE 3689 8505 and SE 3628 8499 will be diverted onto a new route in a south west direction between SE 3689 8505 and SE 3638 8484.

A copy of the Order as confirmed and the Order Map have been placed and may be seen free of charge during normal office hours at Thirsk Library, North Yorkshire until 04.07.25. 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 www.northyorks.gov.uk/pathnotices.

The Order comes into force 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, described in Part 2 of the Schedule, has been completed, 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 23.05.25, make an application to the High Court.

Dated: 23.05.25

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

