

**Notice of Confirmation of Rail Crossing Diversion Order, Highways Act 1980, Section 119a, North Yorkshire County Council, Footpath No. 35.35/9, Derwent Level Crossing, Hemingbrough, Selby, Rail Crossing Diversion Order 2019** On 22/02/19, North Yorkshire County Council confirmed this Order, made under Section 119A of the Highways Act 1980 (as amended by the Transport & Works Act 1992). The effect of the Order is to divert the public footpath at Derwent Level Crossing, Hemingbrough, Selby from Grid Reference SE 7064 3119 running generally North North West for 138 metres to GR SE 7061 3133, then running generally North curving North West for 35 metres over a rail crossing to GR SE 7060 3135 onto a new line from GR SE 47060 43135, then runs generally east for 36 metres to GR SE 47064 43133, then runs generally South passing through a rail track underpass for a 24 metres to GR SE 47064 43132, then continues generally South curving South South West for 130 metres to re-join the existing Footpath at GR SE 7064 3119 . The new route will be 2 metres wide throughout on a natural surface. A copy of the Order & the Order map have been placed and may be seen free of charge during normal office hours at Selby Library, 52 Micklegate, Selby, YO8 4EQ until 18/04/19. Copies of the Order & map may be purchased from Waste & Countryside Services, County Hall, Northallerton, DL7 8AD (tel: 01609 532512) at a cost of £2.00, or can be downloaded free from the following website [www.northyorks.gov.uk/pathnotices](http://www.northyorks.gov.uk/pathnotices). The Order comes into force as from 04/04/19, but if any person aggrieved by the Order desires to question its validity, or that of any provision contained in it, on the ground that 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 it 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 6 weeks from 07/03/19, make an application to the High Court.

Dated: 07/03/19

Barry Khan, Assistant Chief Executive, Legal & Democratic Services  
County Hall, Northallerton, DL7 8AD

**RAIL CROSSING DIVERSION ORDER**

**HIGHWAYS ACT 1980, SECTION 119A**

**NORTH YORKSHIRE COUNTY COUNCIL**

**FOOTPATH NO.35.35/9 DERWENT LEVEL CROSSING,  
HEMINGBROUGH, SELBY**

**RAIL CROSSING DIVERSION ORDER 2019**

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

**RAIL CROSSING DIVERSION ORDER**

**HIGHWAYS ACT 1980, SECTION 119A**

**NORTH YORKSHIRE COUNTY COUNCIL**

**FOOTPATH NO.35.35/9 DERWENT LEVEL CROSSING, HEMINGBROUGH, SELBY**

**RAIL CROSSING DIVERSION ORDER 2019**

This Order is made by North Yorkshire County Council ("the Authority") under Section 119A of the Highways Act 1980 ("the 1980 Act").

The Footpath as described in paragraph 1 of this order in the authority's area crosses a railway otherwise than by a tunnel or bridge.

It appears to the authority that it is expedient in the interests of the safety of members of the public using, or likely to use, the said footpath that it should be diverted onto a new route within the land of the current land owner, as described in the Schedule to this Order.

North Yorkshire County Council has required the operator of the railway to enter into an agreement 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 footpath into fit condition for use by the public.

Selby District Council and Hemingbrough 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 the River Derwent, Hemingbrough shown by a bold continuous line on the map attached to this order and described in Part 1 of the Schedule hereto shall be extinguished after 28 days from the date of confirmation of this Order.
2. There shall at the end of 28 days from the date of confirmation of this Order be a public footpath over the land situated at the River Derwent, Hemingbrough described in Part 2 of the Schedule to this Order and shown by a bold broken line on the map attached 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 to this Order.

THE COMMON SEAL of NORTH  
YORKSHIRE COUNTY COUNCIL

was  
hereunto affixed this 11<sup>th</sup>  
day of January 2019  
in the presence of:-



*Catherine Galloway*

**AUTHORISED  
SIGNATORY**

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING FOOTPATH

| <u>Section of Footpath to be extinguished as shown on the attached map</u>   | <u>Position</u>   | <u>Width</u> |
|--|---|--------------|
| Marked by a bold continuous line and shown as A – B - C on the attached plan | Commences at Grid Reference 47064 43119, Point A and runs north north west for approximately 138 metres to Grid Reference 47061 43133, Point B then runs generally north curving north west over a railway crossing for approximately 35 metres to Grid Reference 47060 43135, Point C. | Not Recorded |

PART 2

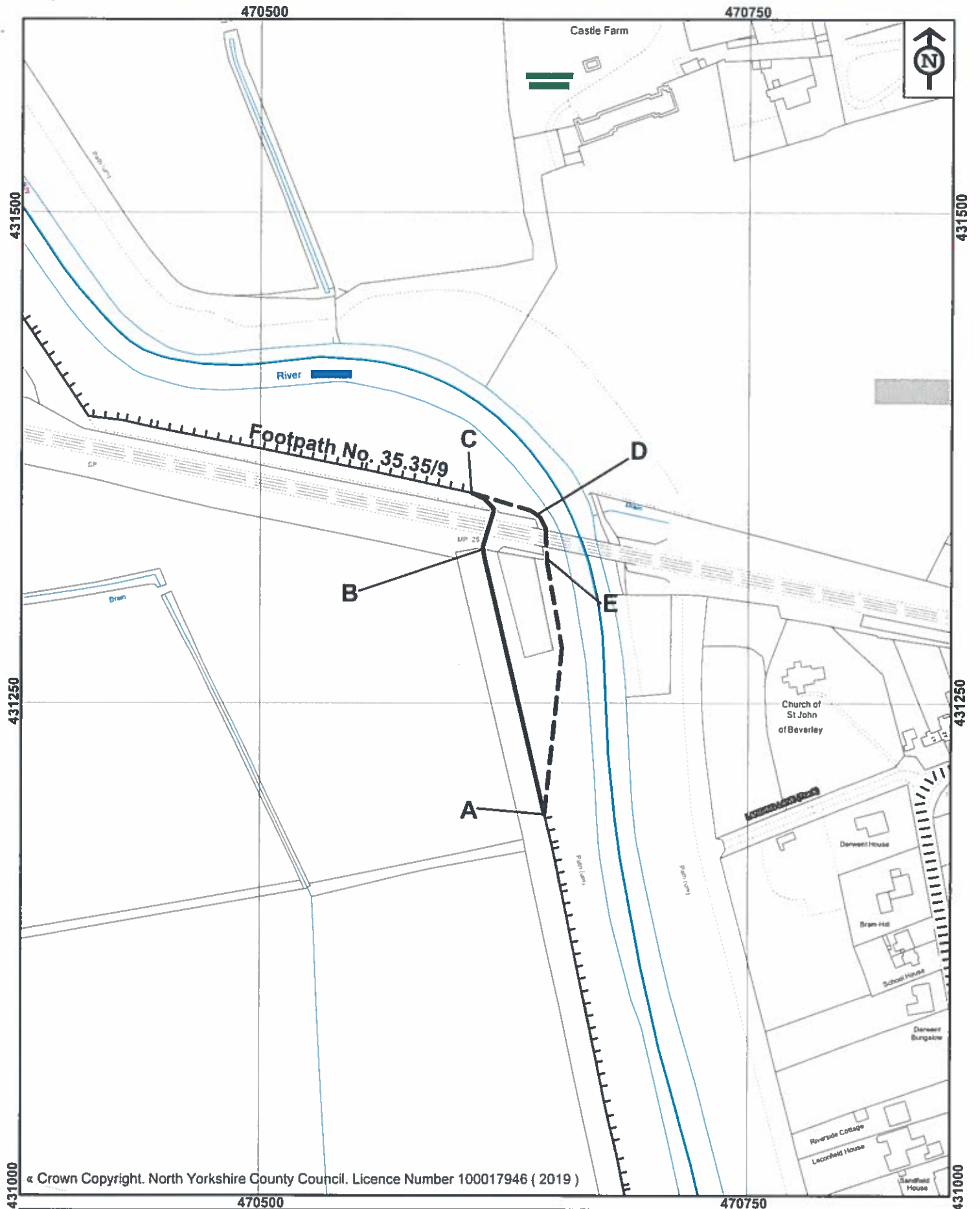
DESCRIPTION OF SITE OF NEW FOOTPATH

| <u>Section of Footpath to be created as shown on the attached map</u>  | <u>Position</u>  | <u>Width</u> |
|--|--|--------------|
| Marked by a bold broken line and shown as C - D – E - A on the attached plan and will remain on land owned by J Bramley & Sons | Commences at Grid Reference 47060 43135, Point C and runs generally east for approximately 36 metres to Grid Reference 47064 43133, Point D then runs generally south passing through a rail track underpass for approximately 24 metres to a combined field/pedestrian gate at Grid Reference 47064 43132, Point E then continues generally south curving south south west for approximately 130 metres to Grid Reference 47064 43119, Point A. | 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 47064 43132, Point E                                   | A combined Field/Pedestrian gate to BS 5709:2018 to be installed by the applicant. |




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**North Yorkshire  
County Council**


Public Rights of Way  
Waste and Countryside Services  
County Hall  
Northallerton  
DL7 8AH

**Key:**

Footpath to be added 

Footpath to be deleted 

Other footpaths 

Maintainable Highways 

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Map drawn on 4 January 2019

Drawn by ML      Scale 1:2500

**North Yorkshire County Council**

Highways Act 1980 Section 119A

Footpath No. 35.35/9  
Derwent Level Crossing  
Hemingbrough, Selby  
Rail Crossing Diversion Order 2019

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File Ref No. SEL/2018/04

**RAIL CROSSING DIVERSION ORDER**

**HIGHWAYS ACT 1980, SECTION 119A**

**NORTH YORKSHIRE COUNTY COUNCIL**

**FOOTPATH NO.35.35/9 DERWENT LEVEL CROSSING, HEMINGBROUGH, SELBY**

**RAIL CROSSING DIVERSION ORDER 2019**

NORTH YORKSHIRE COUNTY 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 NORTH  
YORKSHIRE COUNTY COUNCIL  
was  
hereunto affixed this 22<sup>nd</sup>  
day of February 2019  
in the presence of:-



*Catherine Galt*  
**AUTHORISED  
SIGNATORY**