

NORTH YORKSHIRE COUNTY COUNCIL

HIGHWAYS ACT 1980, SECTION 119

FOOTPATH No. 30.31/096 (PART), BOTTON GROVE, DANBY HEAD DIVERSION ORDER 2020

Enclosed are papers relating to the above Public Path Diversion Order which I am now submitting to you for determination by the Secretary of State.

- North Yorkshire County Council is supporting the confirmation of this Order.
- A full copy of the submission will be sent to Stokesley Library where it will be available to be examined during normal opening hours.
- I am forwarding to you the original copies of the order by recorded delivery.
- I look forward to receiving your confirmation of receipt of these papers and your intentions as to how this case is to be determined.

Signed



Ron Allan BA(hons) MA

Principal Definitive Map Officer

Appendix 1 Original copies of Order	Forwarded via post.
Appendix 2 Three copies of the Order	Attached below
Appendix 3 Statement of Grounds	<p><b><u>BACKGROUND TO THE APPLICATION</u></b></p> <p>An application was submitted to North Yorkshire County Council (“the Authority”) on 9/1/2020 by the landowner, Mr Pete Metcalfe to divert Public Footpath No. 30.31/96 as depicted on the attached Order Plan.</p> <p>The reasons for the application are –</p> <ul style="list-style-type: none"><li>• The definitive line runs over an area of land which is subject to landslip caused by the collapse of underlying ancient drainage. The route is currently</li></ul>

subject of a temporary closure order made by the North York Moors National Park on the grounds of public safety.

- The current definitive line cannot be brought into a condition suitable for public use without significant remedial works.
- The current definitive line passes close to the residential buildings and due to the lie of the land, users pass by at the first floor level giving visual access to the bedrooms and bathroom of the property.
- The landowner considers the path to be uncomfortably close to the house and intrudes on his privacy.

The application has therefore been submitted in the interests of the landowner and also in the interests of the public.

PRE-ORDER CONSULTATION

On 14 April 2020 a Pre-Order Consultation was sent out to all interested parties. Support for making an order was received from the Parish Council and the Footpath Secretary of the Scarborough Ramblers Group.

An objection was received from a Mr Bill Dell on the following grounds –

- That the path follows a traditional route which should be preserved.
- Security: no Police reports have been made
- Privacy: the route has been there for 150 years

THE MAKING OF THE ORDER

The application was considered within the established governance processes of the OMA and it was determined that an Order should be made.

A Public Path Diversion Order was duly made by North Yorkshire County Council and sealed on the 14 August 2020.

REPRESENTATIONS MADE IN SUPPORT OF THE DIVERSION ORDER

None

REPRESENTATIONS MADE IN OBJECTION TO THE DIVERSION ORDER

Mr Dell objected to the Order on the following grounds –

	<ul style="list-style-type: none"> <li>• That the diversion was in the interests of the landowner not for public safety.</li> <li>• He requested that the applicant supply details of the works required to deal with the landslip and further details of those organisations which had expressed support for the application.</li> <li>• He considered that there was sufficient separation of the public from the working area of the farmyard to ensure public safety</li> </ul> <p>Thank you for your further comments on the above proposal for a footpath diversion.</p> <p><b>CONCLUSION</b></p> <p>North Yorkshire County Council assessed the facts of the case and determined to make an Order. The Order route is 470 metres long compared to 412 for the current definitive line, in the context of the location and the length of the entire path this is an insignificant difference and the OMA would dispute any suggestion that the order route is any way less convenient for the public to use or offers a less enjoyable walk.</p> <p>The OMA consider that the Order should be confirmed because it is in the interests of both the landowner and the public, the objections submitted are considered to be without merit.</p>
Appendix 4 pre-order consultation correspondence	Attached below
Appendix 5 Comment on Objections Following the advertisement of the Order	<p>1: Objector Name Mr Bill Dell</p> <p>Objection You state that four other organisations have "shown favourable support" for the diversion proposal. I should be obliged if you would confirm that the organisations mentioned have specifically supported the proposal, rather than merely agreeing to it. Please also indicate how many of the organisations indicated that they had visited the site.</p> <p>OMA Comment: The OMA take the views that this does not amount to a meaningful objection to the Order and has no merit.</p>

	<p>2: Objector Name Mr Bill Dell</p>
	<p>Objection Your e-mail suggests that the diversion would achieve a higher level of public safety by "moving the public away from "an active farm yard". At the time of our site visit in October 2019, footpath users were completely and effectively separated from the farm-yard, and so the proximity of the footpath to the yard and house was not a public safety issue. Have circumstances changed since our visit, so that footpath users would now be at risk?</p>
	<p>OMA Comment: The definitive line does not pass through the main working area of the farmyard and the comment made by an officer in an e-mail may have been inaccurate without having a full working knowledge of the operations around the farm buildings. However this does not detract from the applicants reasons for making the application.</p>
	<p>3: Objector Name Mr Bill Dell</p>
	<p>Objection We are sorry that the applicant has not provided details of the proposed civil works to support the assertion that it is not practicable to reinstate the footpath following completion. We do not understand why this should be the case. In the absence of further information, it is difficult to refute the suggestion that the main reason for the diversion is not the safety of the public, but the convenience of those living in "what is now a domestic property". When I have received your response to the matters raised in this e-mail, I shall ask my Committee to review its stance. However, unless circumstances change, there seems little reason for our Committee to alter its view. We OBJECT to the proposal until such time details of the civil works are made available to us.</p>
	<p>OMA Comment: The applicant is under no obligation to share details of arrangements with other parties or of work required on their property. The OMA cannot see how the objector would be in a position to make an informed judgement on the works required in any circumstances. In addition, this has no bearing on the order being made in the applicants interests in regard to security and privacy. The OMA consider that this objection is without merit.</p>

	<p>Objector Name Bill Dell</p> <p>Objection Security: no Police reports have been made available Privacy: the route has been there for 150 years</p> <p>OMA Comment: Police reports would have no relevance to this matter. The issue is how secure the applicant feels in his property, which is not something that would be recorded by the Police. The same applies to the issue of privacy and the fact that the path is claimed to have been in existence for a considerable period is not a factor to be considered in determining privacy.</p>
Appendix 6 Notices	Attached below
Appendix 7 Certificates	<p>Consultation</p> <p>I can confirm that –</p> <ul style="list-style-type: none"> <li>• the appropriate consultations were carried out</li> <li>• the appropriate parties were served with notice of the Order</li> <li>• that the notice was published in the local press</li> <li>• that notices were posted on site</li> </ul> <p>OMA Undertaking re confirmed Order This is to confirm that in the event of the order being confirmed, North Yorkshire County Council will ensure that all necessary notices will be duly published and served as required by the Regulations.</p> <p>OMA Stance This is to confirm that North Yorkshire County Council is supporting confirmation of the Order.</p> <p>Signed –</p> <p><i>Ron Allan</i></p> <p>Ron Allan BA(hons) MA</p>

	Principal Definitive Map Officer
Appendix 8 Sealed Order Consultation Replies	Attached Below
Appendix 9 List of Persons Informed	Attached Below
Appendix 10 Applicant Details	Mr Pete Metcalfe Botton Grove Danby Head Whitby YO21 2NH
Appendix 11 Health and Safety	Attached Below
Appendix 12 Location Plan	Attached Below
Appendix 13 Definitive Map extract	Attached Below NB: no statements available for this area.

**APPENDIX 2**

**THREE COPIES OF THE ORDER**

**PUBLIC PATH DIVERSION ORDER**  
**NORTH YORKSHIRE COUNTY COUNCIL**  
**HIGHWAYS ACT 1980, SECTION 119**  
**FOOTPATH No. 30.31/096 (PART), BOTTON GROVE, DANBY HEAD**  
**DIVERSION ORDER 2020**

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



**PUBLIC PATH DIVERSION ORDER**

**NORTH YORKSHIRE COUNTY COUNCIL**

**HIGHWAYS ACT 1980, SECTION 119**

**FOOTPATH No. 30.31/096 (PART), BOTTON GROVE, DANBY HEAD**

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Mr Pete Metcalfe, Botton Grove, Danby Head 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.

Scarborough Borough Council and Danby 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 Botton Grove, Danby Head 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 from 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 footpath as described in Part 2 of the Schedule has been completed to the reasonable satisfaction of the Authority. 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 Botton Grove, Danby Head described in Part 2 of the Schedule to this Order and shown by a bold broken line on the map contained in 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 14<sup>th</sup> day

of August 2020

in the presence of:-

*Catrina Lamb*  
AUTHORISED  
SIGNATORY



SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING FOOTPATH

<u>Section of Footpath as shown on the attached map</u>	<u>Position</u>	<u>Width</u>
Marked by a bold continuous line and shown as A – B on the attached plan	Commencing at Grid Reference 46975 50514, Point A running generally north for approximately 431 metres to Grid Reference 46986 50555, Point B.	Not Recorded

PART 2

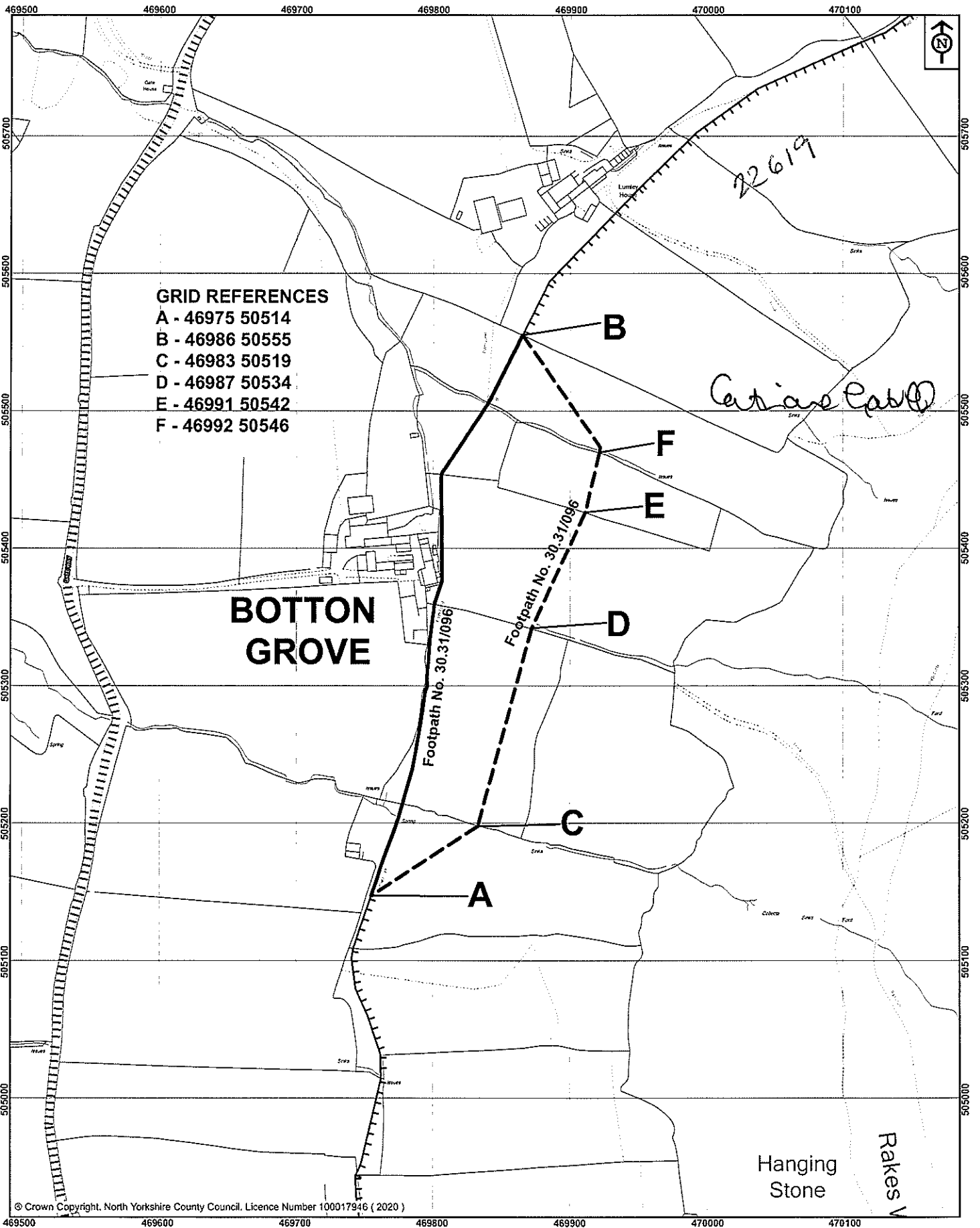
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<u>Section of Footpath as shown on the attached map</u>	<u>Position</u>	<u>Width</u>
Marked by a bold broken line and shown as A - C – D – E – F – B on the attached plan.	Commences at Grid Reference 46975 50514, Point A, running generally north-east for approximately 92 metres to an existing field gate in the field boundary at Grid Reference 46983 50519, Point C, then continues generally north for approximately 149 metres to an existing field gate in the field boundary at Grid Reference 46987 50534, Point D, then runs generally north-north-east for approximately 93 metres to an existing field gate in the field boundary at Grid Reference 46991 50542, Point E, then continues generally north for approximately 44 metres to a pedestrian gate at Grid Reference 46992 50546, Point F, then continues north-west for approximately 103 metres to Grid Reference 46986 50555, Point B.	2 metres

PART 3

Limitations and Conditions

<u>Position on Footpath No. 15.130/25 to which limitations and conditions apply</u>	<u>Limitations and Conditions</u>
Grid Reference 46983 50519, Point C	Field gate to be maintained to BS5709:2018 by the landowner.
Grid Reference 46987 50534, Point D	Field gate to be maintained to BS5709:2018 by the landowner.
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**North Yorkshire  
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 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



Map drawn on 12 August 2020

Drawn by ML

Scale 1:2500

**North Yorkshire County Council**

Highways Act 1980 Section 119

Footpath No. 30.31/096  
 Botton Grove, Danby Head  
 Diversion Order 2020

File Ref No. SCAR/2019/04/DO

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THE COMMON SEAL of NORTH  
YORKSHIRE COUNTY COUNCIL

Was hereunto affixed this 14<sup>th</sup> day

of August 2020

in the presence of:-

*Catrina Lamb*  
**AUTHORISED  
SIGNATORY**





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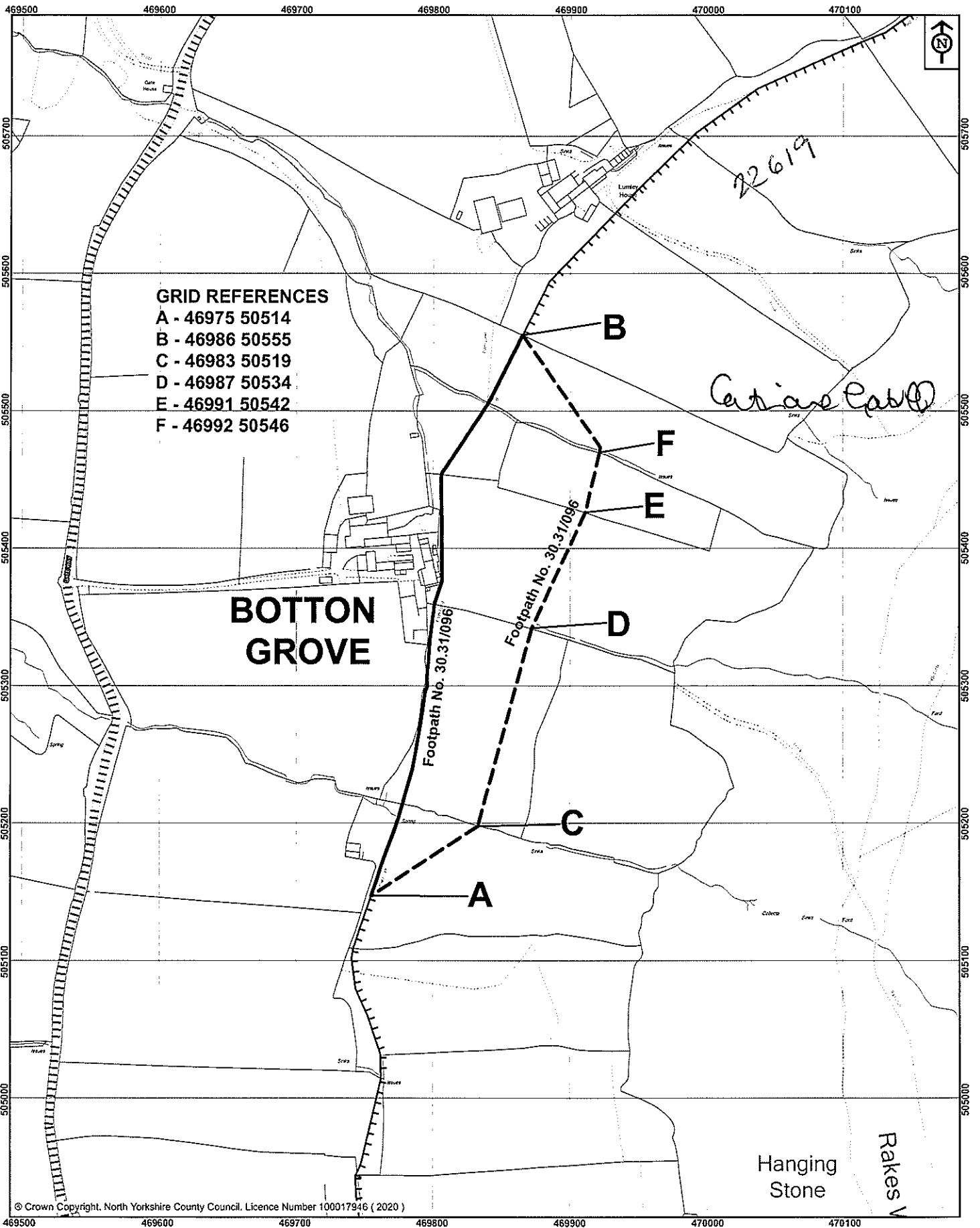
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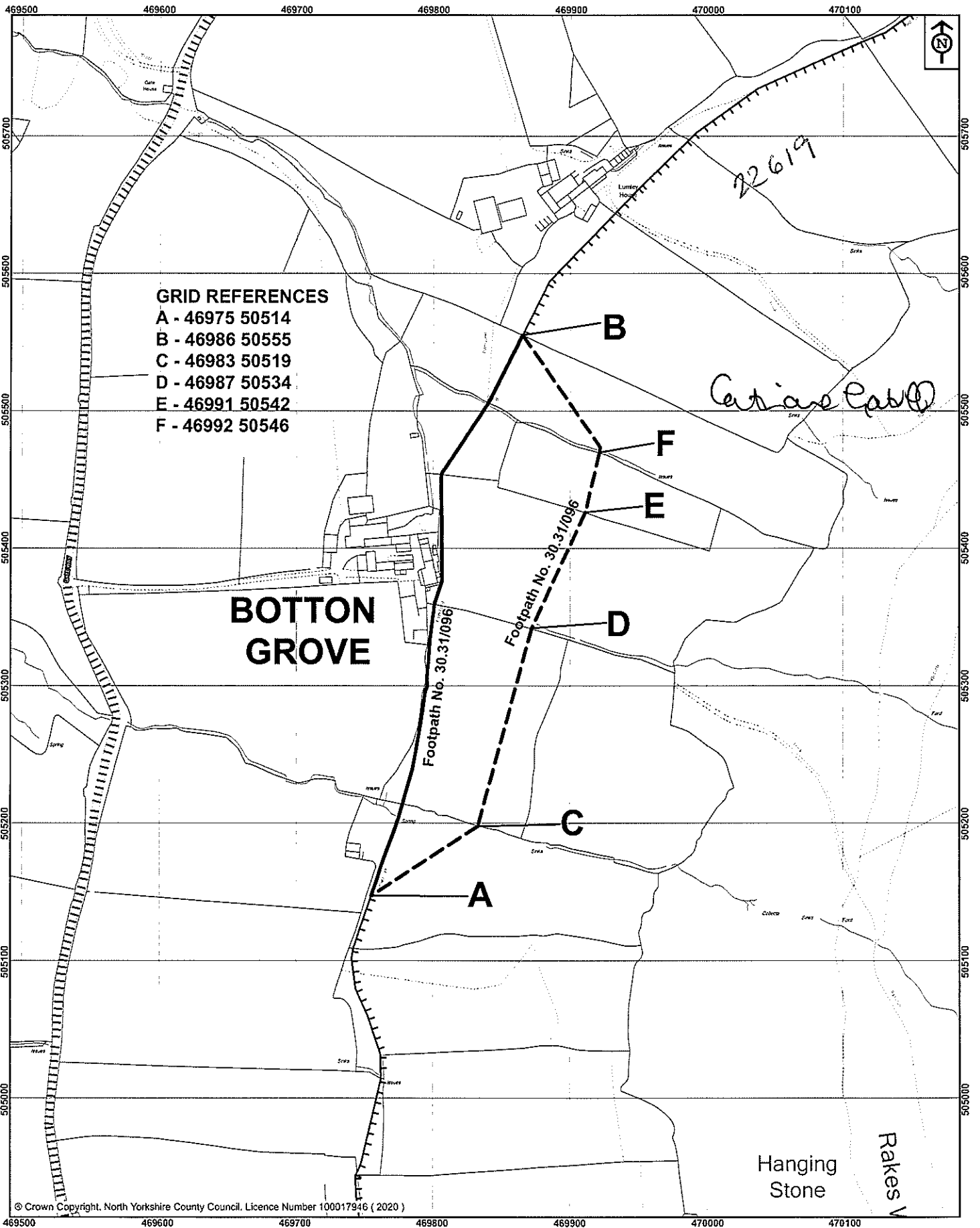
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**GRID REFERENCES**

- A - 46975 50514
- B - 46986 50555
- C - 46983 50519
- D - 46987 50534
- E - 46991 50542
- F - 46992 50546

**BOTTON GROVE**

Footpath No. 30.31/096

Footpath No. 30.31/096

Hanging Stone

Rakes V

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Key:  
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Map drawn on 12 August 2020

Drawn by ML

Scale 1:2500

North Yorkshire County Council

Highways Act 1980 Section 119

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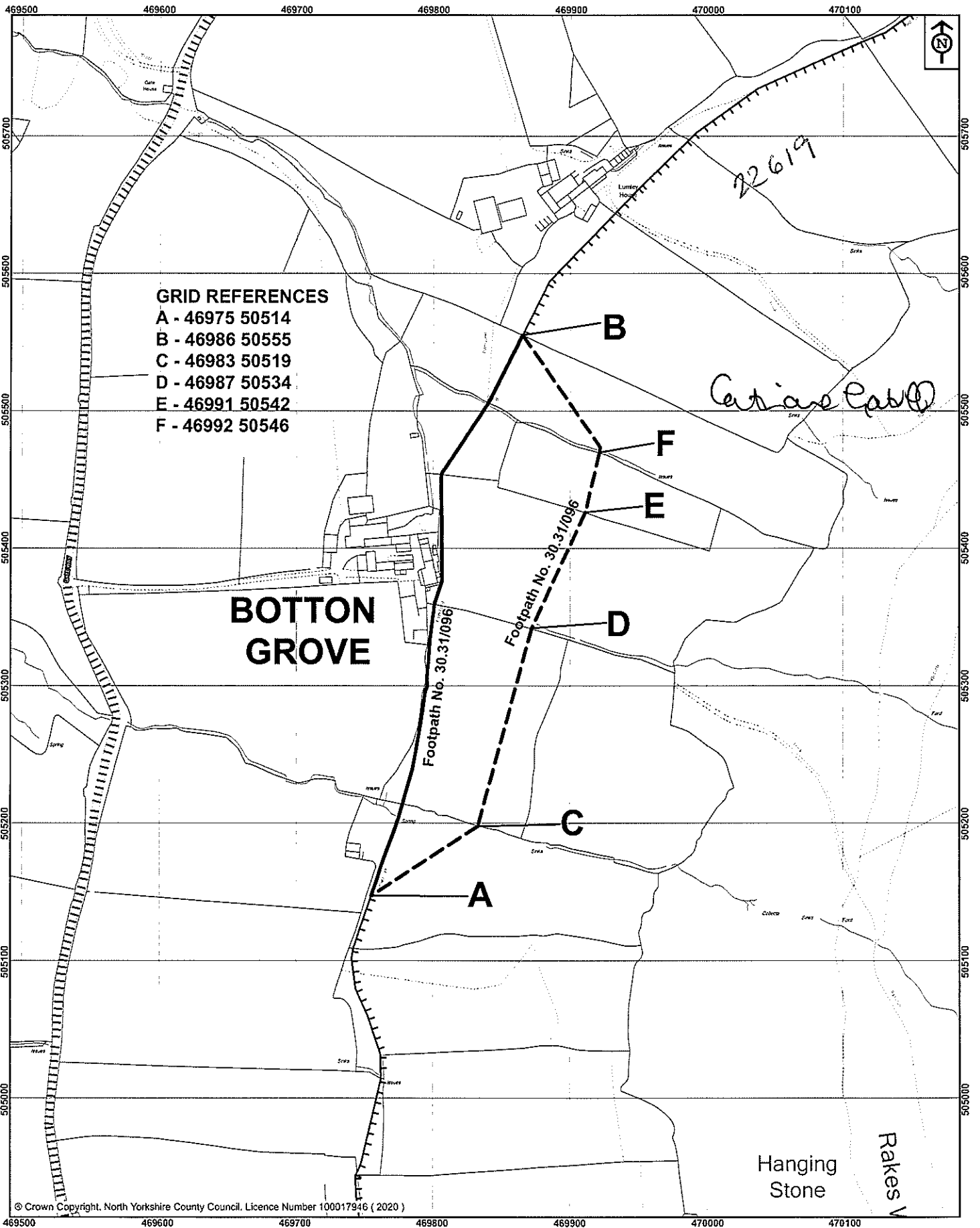
NORTH YORKSHIRE COUNTY COUNCIL in exercise of the powers conferred upon it in that behalf hereby confirm the foregoing Order (without any modification) as an Unopposed Order.

IN WITNESS whereof  
THE COMMON SEAL of NORTH  
YORKSHIRE COUNTY COUNCIL

Was hereunto affixed this                      day

of    2020

in the presence of:-





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THE COMMON SEAL of NORTH  
YORKSHIRE COUNTY COUNCIL

Was hereunto affixed this 14<sup>th</sup> day

of August 2020

in the presence of:-

*Catrina Lamb*  
AUTHORISED  
SIGNATORY



SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING FOOTPATH

<u>Section of Footpath as shown on the attached map</u>	<u>Position</u>	<u>Width</u>
Marked by a bold continuous line and shown as A – B on the attached plan	Commencing at Grid Reference 46975 50514, Point A running generally north for approximately 431 metres to Grid Reference 46986 50555, Point B.	Not Recorded

PART 2

DESCRIPTION OF SITE OF NEW FOOTPATH

<u>Section of Footpath as shown on the attached map</u>	<u>Position</u>	<u>Width</u>
Marked by a bold broken line and shown as A - C – D – E – F – B on the attached plan.	Commences at Grid Reference 46975 50514, Point A, running generally north-east for approximately 92 metres to an existing field gate in the field boundary at Grid Reference 46983 50519, Point C, then continues generally north for approximately 149 metres to an existing field gate in the field boundary at Grid Reference 46987 50534, Point D, then runs generally north-north-east for approximately 93 metres to an existing field gate in the field boundary at Grid Reference 46991 50542, Point E, then continues generally north for approximately 44 metres to a pedestrian gate at Grid Reference 46992 50546, Point F, then continues north-west for approximately 103 metres to Grid Reference 46986 50555, Point B.	2 metres

PART 3

Limitations and Conditions

<u>Position on Footpath No. 15.130/25 to which limitations and conditions apply</u>	<u>Limitations and Conditions</u>
Grid Reference 46983 50519, Point C	Field gate to be maintained to BS5709:2018 by the landowner.
Grid Reference 46987 50534, Point D	Field gate to be maintained to BS5709:2018 by the landowner.
Grid Reference 46991 50542, Point E	Field gate to be maintained to BS5709:2018 by the landowner.
Grid Reference 46992 50546, Point F	A pedestrian gate to be installed and maintained to BS5709:2018 by the landowner.

**PUBLIC PATH DIVERSION ORDER**

**NORTH YORKSHIRE COUNTY COUNCIL**

**HIGHWAYS ACT 1980, SECTION 119**

**FOOTPATH No. 30.31/096 (PART), BOTTON GROVE, DANBY HEAD**

**DIVERSION ORDER 2020**

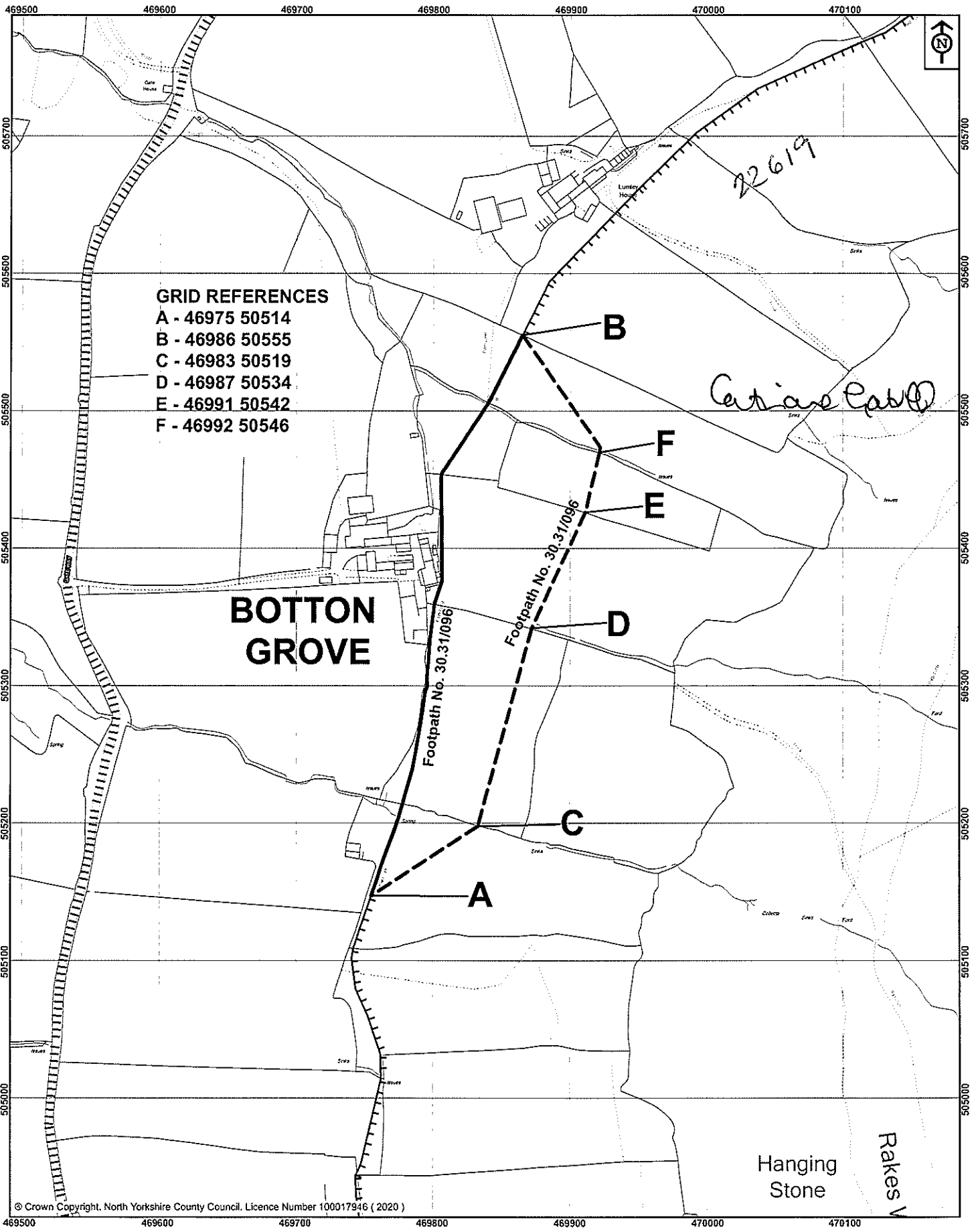
NORTH YORKSHIRE COUNTY COUNCIL in exercise of the powers conferred upon it in that behalf hereby confirm the foregoing Order (without any modification) as an Unopposed Order.

IN WITNESS whereof  
THE COMMON SEAL of NORTH  
YORKSHIRE COUNTY COUNCIL

Was hereunto affixed this                      day

of    2020

in the presence of:-



**GRID REFERENCES**

- A - 46975 50514
- B - 46986 50555
- C - 46983 50519
- D - 46987 50534
- E - 46991 50542
- F - 46992 50546

**BOTTON GROVE**

Footpath No. 30.31/096

Footpath No. 30.31/096

*Cartians Cab*

Hanging Stone

Rakes

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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



Map drawn on 12 August 2020

Drawn by ML

Scale 1:2500

North Yorkshire County Council

Highways Act 1980 Section 119

Footpath No. 30.31/096  
 Botton Grove, Danby Head  
 Diversion Order 2020

File Ref No. SCAR/2019/04/DO

**PUBLIC PATH DIVERSION ORDER**  
**NORTH YORKSHIRE COUNTY COUNCIL**  
**HIGHWAYS ACT 1980, SECTION 119**  
**FOOTPATH No. 30.31/096 (PART), BOTTON GROVE, DANBY HEAD**  
**DIVERSION ORDER 2020**

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

**PUBLIC PATH DIVERSION ORDER**

**NORTH YORKSHIRE COUNTY COUNCIL**

**HIGHWAYS ACT 1980, SECTION 119**

**FOOTPATH No. 30.31/096 (PART), BOTTON GROVE, DANBY HEAD**

**DIVERSION ORDER 2020**

This Order is made by North Yorkshire County 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 owners of the land crossed by the footpath described in Paragraph 1 of this Order it is expedient that the line of the path should be diverted.

Mr Pete Metcalfe, Botton Grove, Danby Head 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.

Scarborough Borough Council and Danby 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 Botton Grove, Danby Head 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 from 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 footpath as described in Part 2 of the Schedule has been completed to the reasonable satisfaction of the Authority. 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 Botton Grove, Danby Head described in Part 2 of the Schedule to this Order and shown by a bold broken line on the map contained in 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 14<sup>th</sup> day

of August 2020

in the presence of:-

*Catrina Lamb*  
**AUTHORISED  
SIGNATORY**





SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING FOOTPATH

<u>Section of Footpath as shown on the attached map</u>	<u>Position</u>	<u>Width</u>
Marked by a bold continuous line and shown as A – B on the attached plan	Commencing at Grid Reference 46975 50514, Point A running generally north for approximately 431 metres to Grid Reference 46986 50555, Point B.	Not Recorded

PART 2

DESCRIPTION OF SITE OF NEW FOOTPATH

<u>Section of Footpath as shown on the attached map</u>	<u>Position</u>	<u>Width</u>
Marked by a bold broken line and shown as A - C – D – E – F – B on the attached plan.	Commences at Grid Reference 46975 50514, Point A, running generally north-east for approximately 92 metres to an existing field gate in the field boundary at Grid Reference 46983 50519, Point C, then continues generally north for approximately 149 metres to an existing field gate in the field boundary at Grid Reference 46987 50534, Point D, then runs generally north-north-east for approximately 93 metres to an existing field gate in the field boundary at Grid Reference 46991 50542, Point E, then continues generally north for approximately 44 metres to a pedestrian gate at Grid Reference 46992 50546, Point F, then continues north-west for approximately 103 metres to Grid Reference 46986 50555, Point B.	2 metres

PART 3

Limitations and Conditions

<u>Position on Footpath No. 15.130/25 to which limitations and conditions apply</u>	<u>Limitations and Conditions</u>
Grid Reference 46983 50519, Point C	Field gate to be maintained to BS5709:2018 by the landowner.
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**PUBLIC PATH DIVERSION ORDER**

**NORTH YORKSHIRE COUNTY COUNCIL**

**HIGHWAYS ACT 1980, SECTION 119**

**FOOTPATH No. 30.31/096 (PART), BOTTON GROVE, DANBY HEAD**

**DIVERSION ORDER 2020**

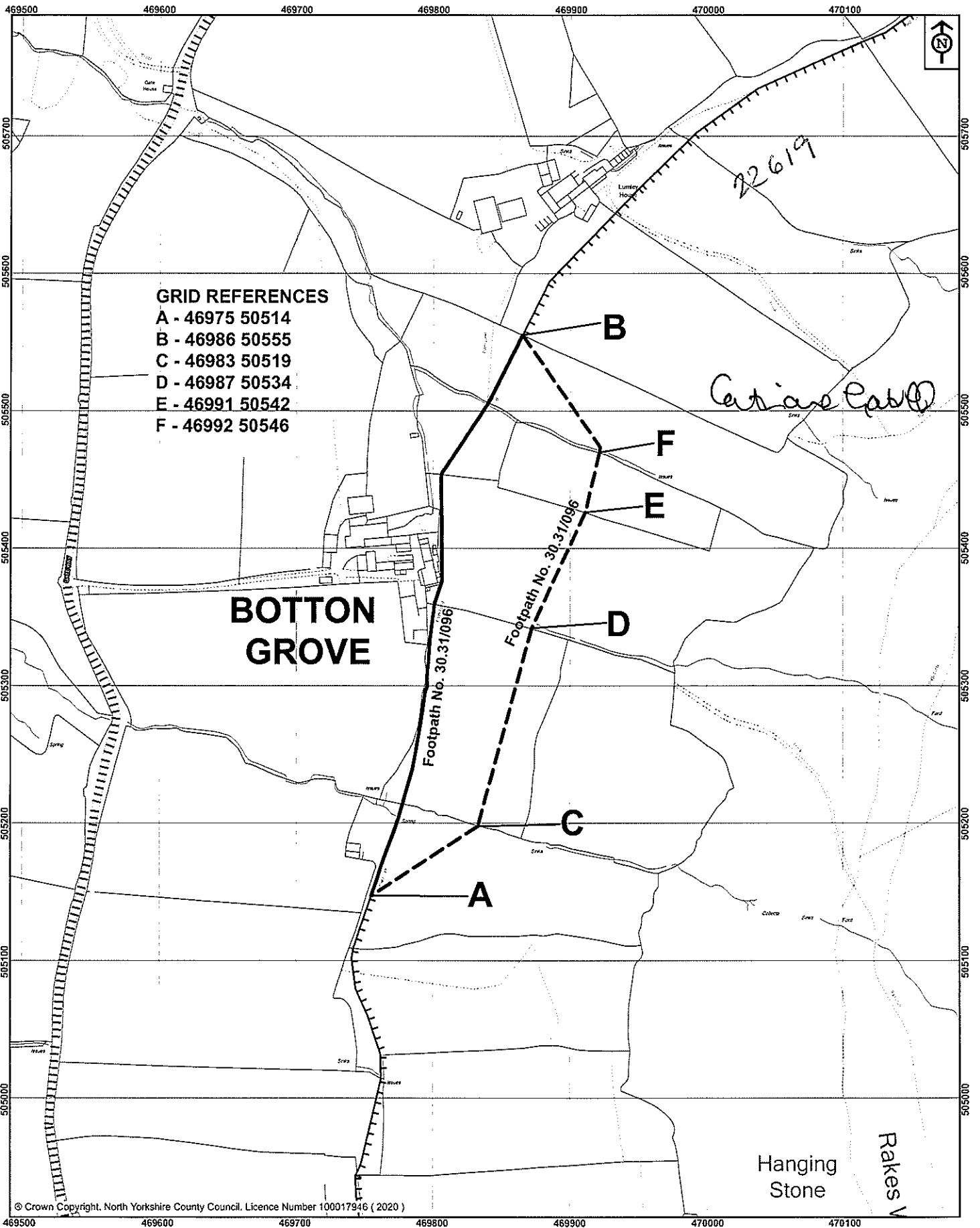
NORTH YORKSHIRE COUNTY COUNCIL in exercise of the powers conferred upon it in that behalf hereby confirm the foregoing Order (without any modification) as an Unopposed Order.

IN WITNESS whereof  
THE COMMON SEAL of NORTH  
YORKSHIRE COUNTY COUNCIL

Was hereunto affixed this                      day

of    2020

in the presence of:-



**GRID REFERENCES**

- A - 46975 50514
- B - 46986 50555
- C - 46983 50519
- D - 46987 50534
- E - 46991 50542
- F - 46992 50546

**BOTTON  
GROVE**

Footpath No. 30.31/096

Footpath No. 30.31/096

Hanging  
Stone

Rakes

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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

Map drawn on 12 August 2020

Drawn by ML

Scale 1:2500

North Yorkshire County Council

Highways Act 1980 Section 119

Footpath No. 30.31/096  
Botton Grove, Danby Head  
Diversion Order 2020

File Ref No. SCAR/2019/04/DO

## **APPENDIX 6**

### **NOTICES Etc**









**Mike Lee**

---

**From:** Alice Gill on behalf of Public Notices  
**Sent:** 11 September 2020 15:04  
**To:** Mike Lee  
**Subject:** FW: NMC6062271 Proof

Hi,

Please see below notice/costing for approval.

Alice

**From:** Bradley Levin <gemstone.email@jpress.co.uk>  
**Sent:** 11 September 2020 14:35  
**To:** Public Notices <PublicNotices@northyorks.gov.uk>  
**Cc:** bradley.levin@jpimedia.co.uk  
**Subject:** NMC6062271 Proof

**LIVE BOOKING CONFIRMATION**

Ms Alice Gill  
North Yorkshire County Council  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AD

**JPIMedia Publishing Ltd**  
**Sheffield Newspapers**  
**The Balance,**  
**2 Pinfold Street,**  
**Sheffield,**  
**S1 2GU**  
**United Kingdom**

**Advert Ref No: NMC6062271**

**Purchase Order/Customer Ref No: 200917-SN-AG-PROW**

**Publication Deadline: Tuesday at 12pm**

Dear Ms Alice Gill

**Below is a breakdown of the advertising package that I have created for you.**

Publications	Classification	Size (cm x Columns)	Colour	No Inserts	First Date	Last Date
Scarborough News	Public Notices	12x3	Black	1	17/09/2020	17/09/2020
<a href="http://www.scarboroughtoday.co.uk">www.scarboroughtoday.co.uk</a>	Public Notices	12x3	Black	1	17/09/2020	17/09/2020

Net Total (£)	VAT (£)	Gross Total (£)
848.70	169.74	1018.44

**Please click this link NMC6062271 to see your advert.**

Along with the booking details above, this is your proof and you need to check both and confirm that they are correct.

Your notice **will** be printed according to the details above.

Any alterations required **must** be notified prior to the publication deadline outlined above. JPIMedia Publishing Ltd will not accept any responsibility for any errors not notified.

Should you require a newspaper, as proof of publication, I strongly recommend that you make arrangements to obtain a copy locally. Whilst I can request a copy of the paper be sent, I cannot guarantee delivery. Electronic PDF copies of the pages can be provided on request.

JPIMedia Publishing Ltd. will use your information to contact you by email or phone regarding your notice. If you do not wish to receive information in future please state 'Do Not Contact' in your reply to this email.

Should you have further questions, please feel free to contact me on 0207 0237 931 or by return email to [bradley.levin@jpimedia.co.uk](mailto:bradley.levin@jpimedia.co.uk).

Kind Regards  
Bradley Levin

Media Sales Advisor  
Media Sales Centre  
JPIMedia Publishing Ltd  
0207 0237 931

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<https://www.jpimedia.co.uk/advertising-terms-conditions/>

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Registered Office: 1 King Street, London EC2V 8AU*

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## **PRESS Notice**

**NOTICE OF MAKING A PUBLIC PATH DIVERSION ORDER**  
**NORTH YORKSHIRE COUNTY COUNCIL**  
**HIGHWAYS ACT 1980, SECTION 119**  
**FOOTPATH No. 30.31/096 (PART), BOTTON GROVE, DANBY HEAD**  
**DIVERSION ORDER 2020**

The above Order, made on 14<sup>th</sup> August 2020, under Section 119 of the Highways Act 1980 will divert the public footpath described below:

**Footpath No. 30.31/096** running generally north for approximately 431 metres from GR NZ 6975 0514 to GR NZ 6986 0555 will be diverted onto a new route commencing from GR NZ 6975 0514, running generally north-east for approximately 92 metres to an existing field gate in the field boundary at GR NZ 6983 0519, then continues generally north for approximately 149 metres to an existing field gate in the field boundary at GR NZ 6987 0534, then runs generally north-north-east for approximately 93 metres to an existing field gate in the field boundary at GR NZ 6991 0542, then continues generally north for approximately 44 metres to a pedestrian gate at GR NZ 6992 0546, then continues north-west for approximately 103 metres to GR NZ 6986 0555. The new route will be 2 metres wide throughout on a surface of grass.

A copy of the Order and the Order map have been placed and may be seen free of charge during normal office hours at Whitby Library, Windsor Terrace, Whitby, YO21 1ET until 15<sup>th</sup> October 2020. Copies of the Order and Map may be purchased from Waste & Countryside Services, North Yorkshire County Council, County Hall, Northallerton, North Yorkshire, DL7 8AD (tel: 01609 532512) at a cost of £2, or can be downloaded free from our website <https://www.northyorks.gov.uk/rights-way-public-notices>.

Any representations about or objections to the Order may be sent in writing to Mike Lee, Definitive Map Officer, North Yorkshire County Council, County Hall, Northallerton, North Yorkshire DL7 8AD not later than 15<sup>th</sup> October 2020. 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 County 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 17<sup>th</sup> September 2020

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



## Site Notice

**NOTICE OF MAKING A PUBLIC PATH DIVERSION ORDER**  
**NORTH YORKSHIRE COUNTY COUNCIL**  
**HIGHWAYS ACT 1980, SECTION 119**  
**FOOTPATH No. 30.31/096 (PART), BOTTON GROVE, DANBY HEAD**  
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Dated 17<sup>th</sup> September 2020

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



**Public Rights of Way  
Waste and Countryside Services**

East Block,  
County Hall  
Northallerton  
North Yorkshire, DL7 8AD  
Tel: 08458 72 73 74  
Fax: 01609 779838

**Our ref: SCAR/2019/04/DO**

**Contact:** Mike Lee

E-mail: [mike.lee@northyorks.gov.uk](mailto:mike.lee@northyorks.gov.uk)

<<Date(DDMonthYYYY)>>

Dear <<Name>>

**PUBLIC PATH DIVERSION ORDER**  
**HIGHWAYS ACT 1980**  
**NORTH YORKSHIRE COUNTY COUNCIL**  
**FOOTPATH No. 30.31/096 (PART), BOTTON GROVE, DANBY HEAD, WHITBY, YO21 2NH.**  
**GRID REFERENCE. SE 47630 46127**  
**DIVERSION ORDER 2020**

The above Diversion Order has recently been sealed by North Yorkshire County Council on 14<sup>th</sup> August 2020

Please find enclosed the following documents:

- copy of the sealed Order and Order map
- copy of the related Public Notice (Press Copy)

The Notice will be published in the Scarborough Times on 17<sup>th</sup> September 2020 and will also be posted on site.

The closing date for the receipt of objections is 15<sup>th</sup> October 2020.

Officer dealing with this matter:-

Rights of Way – Mike Lee Tel: 01609 534848, e-mail: [mike.lee@northyorks.gov.uk](mailto:mike.lee@northyorks.gov.uk).

**For Parish and District Council only** - Please can you display a copy of this notice in your offices or on a suitable public noticeboard.

Yours faithfully

Steph Christon/Alice Gill  
Business Support Administrator

## APPENDIX 8

### CONSULTATION RESPONSES AND REPLIES BY THE OMA

## Claire Phillips

---

**Subject:** FW: Bill Dell - Mike Lee's emails re Botton Grove Ramblers objection

---

**From:** Claire Phillips  
**Sent:** 09 December 2020 18:13  
**To:** Penny Noake <Penny.Noake@northyorks.gov.uk>  
**Subject:** Bill Dell - Mike Lee's emails re Botton Grove Ramblers objection

Hi Penny

This seems to have been the emails exchanged between Bill Dell and Mike Lee regarding Bill Dell's objection. I have saved this email in "Responses".

I will continue to read and save the emails!!

Best wishes

Claire

---

---Original Message---

**From:** Bill Dell <[dellwj1939@outlook.com](mailto:dellwj1939@outlook.com)>  
**Sent:** 22 October 2020 14:21  
**To:** Mike Lee <[Mike.Lee@northyorks.gov.uk](mailto:Mike.Lee@northyorks.gov.uk)>  
**Subject:** Public Path Diversion Order - FOOTPATH No. 30.31/096 (PART), BOTTON GROVE, DANBY HEAD, WHITBY, YO21 2NH.

Dear Sir

Thank you for your further comments on the above proposal for a footpath diversion. You state that four other organisations have "shown favourable support" for the diversion proposal.

1. I should be obliged if you would confirm that the organisations mentioned have specifically supported the proposal, rather than merely agreeing to it.
2. Please also indicate how many of the organisations indicated that they had visited the site.

Your e-mail suggests that the diversion would achieve a higher level of public safety by "moving the public away from "an active farm yard". At the time of our site visit in October 2019, footpath users were completely and effectively separated from the farm yard, and so the proximity of the footpath to the yard and house was not a public safety issue.

3. Have circumstances changed since our visit, so that footpath users would now be at risk?

We are sorry that the applicant has not provided details of the proposed civil works to support the assertion that it is not practicable to reinstate the footpath following completion. We do not understand why this should be the case. In the absence of further information, it is difficult to refute the suggestion that the main reason for the diversion is not the safety of the public, but the convenience of those living in "what is now a domestic property".

When I have received your response to the matters raised in this e-mail, I shall ask my Committee to review its stance.

However, unless circumstances change, there seems little reason for our Committee (7no) to alter its view.

We OBJECT to the proposal until such time details of the civil works are made available to us.

W J Dell  
For and on behalf of Ramblers Association-Cleveland Group

M: 07713743597  
E: [dellwj1939@outlook.com](mailto:dellwj1939@outlook.com)  
85 Farndale Drive, Guisborough, Redcar & Cleveland, TS14 8JX, UK  
MIStructE

The Ramblers promote walking and protect the places where people walk.  
Ramblers, Cleveland - Footpath Officer, Webmaster, Membership Secretary  
"The Ramblers' Association is a company limited by guarantee, registered in England and Wales. Company registration number: 4458492. Registered Charity in England and Wales number: 1093577, registered charity in Scotland: number: SC039799. Registered office: 2nd floor, Camelford House, 87-90 Albert Embankment, London SE1 7TW."

---

From: Mike Lee  
Sent: 20 October 2020 11:44  
To: 'Bill Dell'  
Subject: RE: Public Path Diversion Order - FOOTPATH No. 30.31/096 (PART), BOTTON GROVE, DANBY HEAD, WHITBY, YO21 2NH.  
Attachments: SCAR-2019-04-DO, Botton Grove, Danby Head.pdf  
  
Switch-MessageId: 66673a5a6edc4d839772116a000e0c48

Good morning Mr Dell

I am writing to you following the ending of the recent Formal Consultation to the Footpath Diversion Order for Botton Grove, Danby Head.

From this Consultation, your objection is the only such received in response to the Order, with all other Consultees showing favourable support for the Order, this includes support from, North Yorkshire Moors National Parks Authority (NYMNP), The Local Parish Council, Dawnay Estates and the Scarborough Ramblers Association Group.

In respect to your objection dated 23 September 2020, I must apologise for any confusion concerning the relaying of information as you have pointed out an e-mail destined for you in response was in fact sent to my own e-mail address, this was remiss of me.

In light of this I would state that following your request for details to be provided for any Civil Works at Botton Grove, a request was made to the applicant to supply such. The applicant being under no obligation to do so was not prepared to supply costs or details in respect of this work as he had applied for a Footpath Diversion to take the subject section of Footpath out of the curtilage of his domestic dwelling as permitted to do so under the Highways act 1980.

This Order attaining to provide the public with a route that is not 'sustainably less convenient' and does not have any detrimental effect on Public enjoyment, and improves the land for the landowner- i.e. is in their interest, in addition to improving access and is deemed to be a preferable alternative. The replacement of new and fit for purpose gates (a consideration that must be applied in line with the Equality Act 2010) on the proposed route and a culvert/bridge to current standards and specifications, would result in the public having a route that would be more accessible, and as good (if not better) than the existing route. This proposal would also achieve a higher level of public safety (moving the public away from the dangerous ground) which the landowner is very keen to protect, in addition to moving the public away from what is now a domestic property and active farm yard.

The Order plan as attached, reflects the proposed route for the Diversion and as shown is intended to run on a new line running from Point A to a field gate at Point C, continuing to a field gate at Point D, continuing to a field gate at

Point E then onto a new pedestrian gate at Point F at field boundary with a culvert proposed over a spring at that point then continues to join the original route at Point B.

I would therefore ask that a reconsideration of this Order be made to either withdraw the objection or acquiesce to the order with any concerns being recorded on file in order that this may progress.

If such cannot be achieved, and as the County Council does not have the powers to confirm the Order with any outstanding objection(s), I would present a decision report to the Corporate Director for Business and Environmental Services for a decision to refer the Order to the Secretary of State (SoS) for further consideration to confirm the Order.

Currently any referral to the SoS would be delayed in being processed for up to 24 months due to staff shortages and a current backlog of workload. I would also mention, that the subject section of Footpath has a Temporary Closure in place as applied for by the NYMNP through the SoS. This being in place until 28 February 2021 and if the Order were referred to the SoS this would incur further extensions to this closure until resolved.

Regards

Mike Lee  
Definitive Map Officer  
Countryside Access Service  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AH

T: 01609 534848

M: 07973692451

E. [mike.lee@northyorks.gov.uk](mailto:mike.lee@northyorks.gov.uk)

---

Original Message-----

From: Bill Dell <[dellwj1939@outlook.com](mailto:dellwj1939@outlook.com)>

Sent: 17 September 2020 10:08

To: Alice Gill <[Alice.Gill@northyorks.gov.uk](mailto:Alice.Gill@northyorks.gov.uk)>

Cc: Mike Lee <[Mike.Lee@northyorks.gov.uk](mailto:Mike.Lee@northyorks.gov.uk)>

Subject: Re: Public Path Diversion Order - FOOTPATH No. 30.31/096 (PART), BOTTON GROVE, DANBY HEAD, WHITBY, YO21 2NH.

Hi

We object to the proposal as details of the civil works are not provided to show that keeping the PROW in the existing location is not possible.

We did request this data in an email on the 3 August 2020 to M Lee who acknowledged this on the 4 August 2020.

Bill Dell

For and on behalf of the Ramblers Association

---

Original Message

From: Mike Lee <[Mike.Lee@northyorks.gov.uk](mailto:Mike.Lee@northyorks.gov.uk)>

Sent: 11 August 2020 10:51  
To: Mike Lee <[Mike.Lee@northyorks.gov.uk](mailto:Mike.Lee@northyorks.gov.uk)>  
Subject: RE: Informal Consultation Botton Grove Danby Head

Good morning Mr Dell

Further to my previous e-mail dated 4th August 2020, I write again to let you know that I have had a response from the applicant concerning costs etc. on the civil works required at Botton Grove. The applicant is not prepared at the present time to supply costs or details in respect of this work as he is applying for a Footpath Diversion to take the subject section of Footpath out of the curtilage of his domestic dwelling as he permitted to do so under the Highways act 1980.

As no objections had been received as part of the informal Consultation process, the decision has been taken to make an Order. This will be produced and put out to Formal Consultation in due course.

Regards

Mike Lee  
Definitive Map Officer  
Countryside Access Service  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AH

T: 01609 534848  
M: 07973692451  
E: [mike.lee@northyorks.gov.uk](mailto:mike.lee@northyorks.gov.uk)

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Original Message  
From: Mike Lee  
Sent: 04 August 2020 07:50  
To: 'Bill Dell' <[dellwj1939@outlook.com](mailto:dellwj1939@outlook.com)>  
Subject: RE: Informal Consultation Botton Grove Danby Head

Good morning Mr Dell

Thank you for your e-mail, I have requested the information you have asked after from the applicant and will update you once I have receipt of such.

Regards

Mike Lee  
Definitive Map Officer  
Countryside Access Service

T: 01609 534848  
M: 079736982451  
E: [mike.lee@northyorks.gov.uk](mailto:mike.lee@northyorks.gov.uk)

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-----Original Message-----

From: Bill Dell <[dellwj1939@outlook.com](mailto:dellwj1939@outlook.com)>

Sent: 03 August 2020 11:16

To: wacsadmin <[wacsadmin@northyorks.gov.uk](mailto:wacsadmin@northyorks.gov.uk)>; Mike Lee <[Mike.Lee@northyorks.gov.uk](mailto:Mike.Lee@northyorks.gov.uk)>

Cc: Colin Monson <[monson@freeuk.com](mailto:monson@freeuk.com)>

Subject: Re: Informal Consultation Botton Grove Danby Head

Good Morning

To present this proposal to our committee for review, I need details of the civil works to see that keeping the prow in the present location is not possible.

Bill Dell

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Claire Phillips  
Definitive Map Officer  
North Yorkshire County Council  
Transport, Waste & Countryside Services  
County Hall  
Northallerton  
DL7 8AH

Telephone:



Email: [claire.phillips@northyorks.gov.uk](mailto:claire.phillips@northyorks.gov.uk)

Website: [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

You can now view a map of the rights of way network in your area by visiting: [http://maps.northyorks.gov.uk/connect/?mapcfg=roads\\_footpaths](http://maps.northyorks.gov.uk/connect/?mapcfg=roads_footpaths)



**Read the latest on maintaining the safety of everyone in North Yorkshire**

 <b>Stay safe</b>	 <b>Wash your hands</b>	 <b>Keep well and keep your distance</b>	 <b>Look out for your neighbours</b>
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## **APPENDIX 9**

### **LIST OF PERSONS INFORMED**

LANDOWNER	LANDOWNER	LANDOWNER	LANDOWNER
Mr Pete Metcalf Brotton Grove Farm Danby Head Whitby YO21 2NH	Dawney Estate The Estate Office Wykenham Scarborough YO13 9QD	Mr M Dowson Lumley House Danby Head Whitby YO21 2NH	Head Planning Officer Scarborough Borough Council planning.services@scarborough.gov.uk
British Horse Society access@bhs.org.uk	Open Spaces Society  christinehunter@oss.org.uk	Byways and Bridleways Trust notices@bywaysandbridlewaystrust.org.uk	Environment ecology@northyorks.gov.uk
Ramblers Pathorders@ramblers.org.uk	Open Country info@opencountry.org.uk	Archaeology archaeology@northyorks.gov.uk	Local BBT Rep ccbargatebovey@gmail.com
GLASS northyorkshire.rep@glass-uk.org	County Councillor Clive Pearson  Cllr.Clive.Pearson@northyorks.gov.uk	Yorkshire Water  Ben.Surtees@yorkshirewater.co.uk	Department penny.noake@northyorks.gov.uk brian.mullins@northyorks.gov.uk Rosie.sanderson@northyorks.gov.uk
Clerk to Parish Council	Local Ramblers Rep  Bill Dell  dellwj1939@outlook.com	BDS National  britishdrivingsocietyoffice@btconnect.com	BDS Local  scarlett1012@uwclub.net

Naomi Green North York Moors National Park Authority n.green@northyorkmoors. org.uk			
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# APPENDIX 14

## HEALTH AND SAFETY

## Health and safety at the site questionnaire

The Inspector will visit the site and will need to know what safety equipment and protective clothing to bring. The following questions indicate the type of information the Inspector will need about the site. Please supply any additional information on a separate sheet of paper.

1. Is the site uneven or does it present any other known risks? Is special footwear or any other Personal Protection Equipment required?

Upland area, short route across farmland, suitable footwear and clothing recommended.

2. Is there any likelihood of exposure to pets or other animals which may present a risk to the safety of the Inspector?

No

3. Is the site remote and/or can it be seen from other highways or rights of way?

Site is in a remote rural area but path is adjacent to farmhouse.

4. Does the site have a good mobile phone signal or is there easy access to a public telephone should the emergency services be required?

Variable mobile signal, no public telephones nearby but adjacent to farm.

5. Is the right of way easily accessible? Will arrangements for access by the Inspector need to be made in advance?

Easily accessible and in use by the public.

6. Are there any dangerous pieces of equipment or substances stored at any point along the right of way?

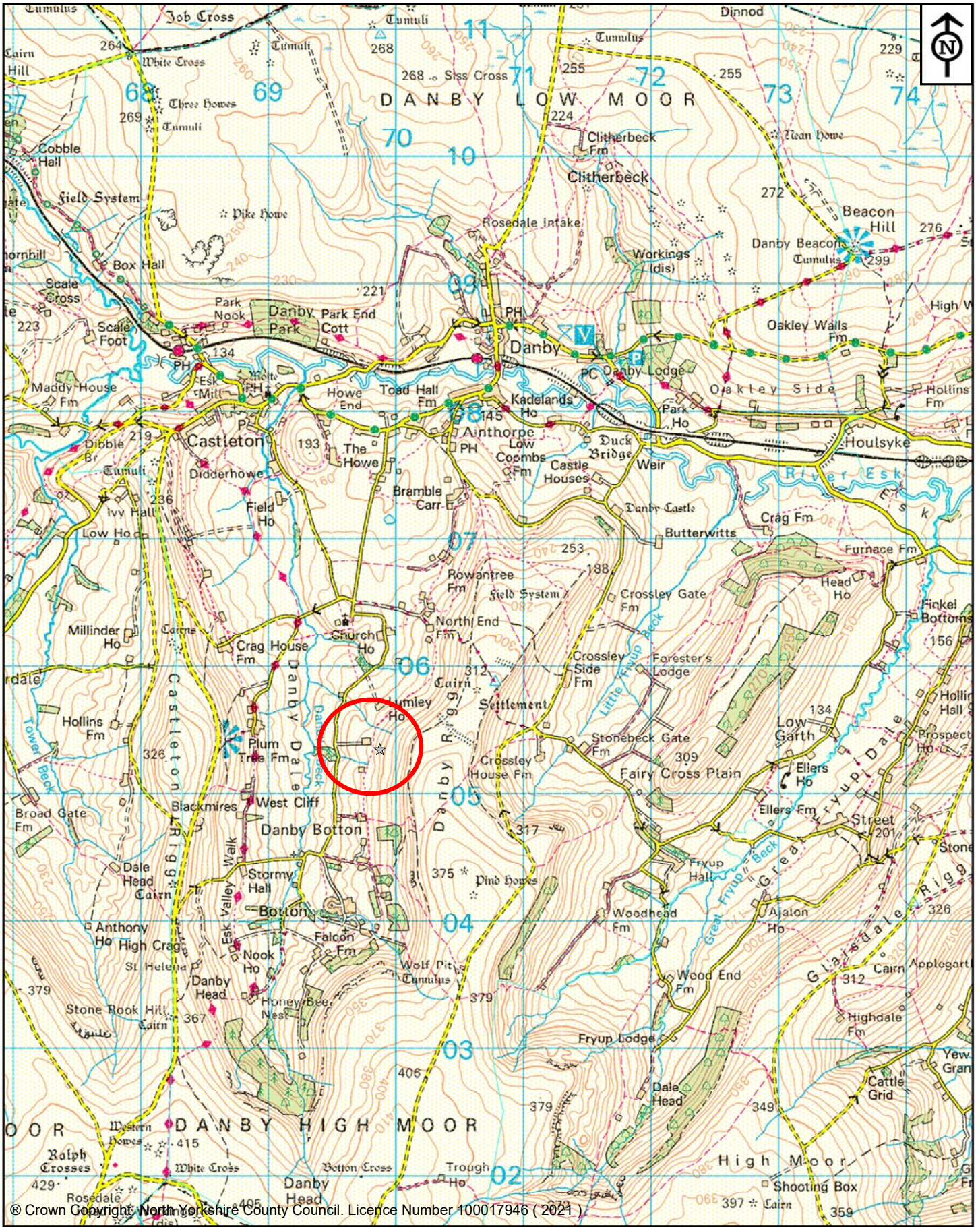
No

7. If there is any other relevant information which the Inspector should be aware of that is not covered in this questionnaire?

No

**APPENDIX 12**  
**LOCATION PLAN**





**North Yorkshire  
County Council**

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

## LOCATION PLAN

Map drawn on 5 October 2021

Drawn by RWA

Scale 1:40000

**North Yorkshire County Council**

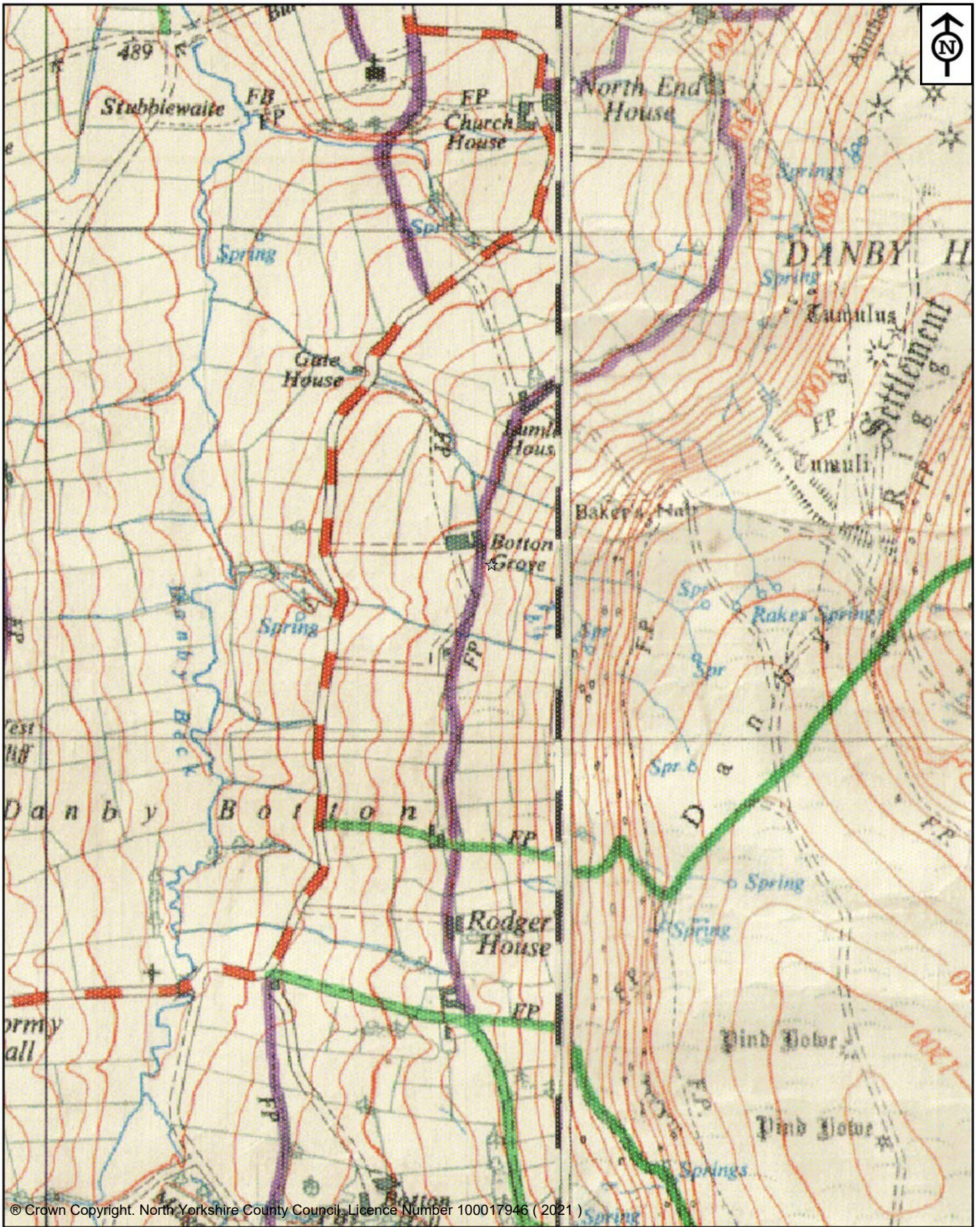
**Brotton Grove  
Danby Head**

File Ref No. SCAR/2019/04/DO



**APPENDIX 13**  
**DEFINITIVE MAP EXTRACT**  
**DEFINITIVE STATEMENT**





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**North Yorkshire  
County Council**

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

**North Yorkshire County Council**

Computer generated extract of the  
Definitive Map of DANBY  
in SCARBOROUGH

Map drawn on 5 October 2021

Drawn by RWA

Scale 1:10000

Signed.RW Allan Date 5/10/2021

File Ref No. SCAR/2019/04/DO