

Notice of Confirmation of Rail Crossing Diversion Order, Highways Act 1980, Section 119A, North Yorkshire County Council, Footpath No. 10.36/2, Willow Beck, Dalton, Thirsk, 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 and Works Act 1992). The effect of the Order is to divert the public footpath at Willow Beck, Dalton, Thirsk from Grid Reference SE 4402 7709 running generally South West for 68 metres across the railway to Grid Reference 4396 7706 onto a new line from Grid Reference SE 4402 7709 running South west for 7 metres South West to Grid Reference SE 4401 7709, then continues generally West for 16 metres to Grid Reference SE 4400 7708, then continues generally North West for 257 metres to Grid Reference SE 4385 7729, then runs for 40 metres (via a rail underpass) South West to Grid Reference SE 4382 7727, then continues generally South East for 250 metres to Grid Reference SE 4396 7706. The new route will be 2 metres wide throughout on a natural surface. A copy of the Order and the Order map have been placed and may be seen free of charge during normal office hours at Thirsk Community Library, Meadowfields, Chapel Street, Thirsk, YO7 1TH until 12/04/19. Copies of the Order and map may be purchased from Waste & Countryside Services, County Hall, Northallerton, North Yorkshire, 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. The Order comes into force as from 28/03/19, 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 01/03/19, make an application to the High Court.

Dated: 01/03/19

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

RAIL CROSSING DIVERSION ORDER
HIGHWAYS ACT 1980, SECTION 119A
NORTH YORKSHIRE COUNTY COUNCIL
FOOTPATH No. 10.36/2, WILLOW BECK, DALTON, THIRSK
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. 10.36/2, WILLOW BECK, DALTON, THIRSK

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 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 owned by Network Rail (the applicant), 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 a fit condition for use by the public.

Hambleton District Council and Dalton 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 Willow Beck, Dalton, Thirsk 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 Willow Beck, Dalton, Thirsk described in Part 2 of the Schedule 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 here unto affixed this 11th day
of January 2019
in the presence of:-



Catharine Carr

**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 on the attached plan	Commences at Grid Reference 44402 47709, Point A and runs generally south west for 68 metres via an active pedestrian rail crossing to Grid Reference 44396 47706, Point B	Not Recorded

PART 2

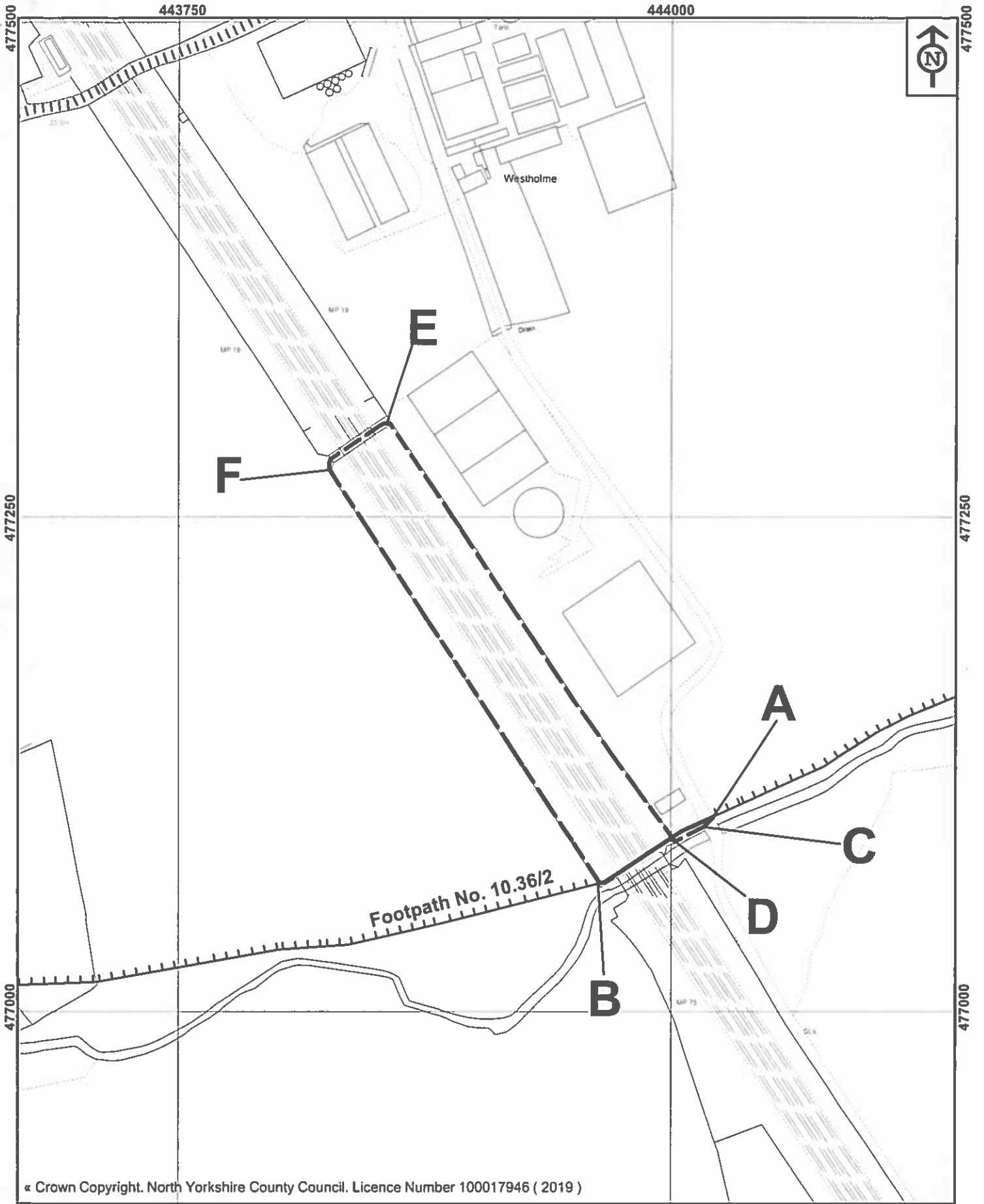
DESCRIPTION OF SITE OF NEW FOOTPATH

<u>Section of Footpath to be created as shown on the attached map</u>	<u>Position</u>	<u>Width</u>
<p>Marked by a bold broken line and shown as A – C – D – E – F – F - B on the attached plan.</p> <p>Sections A – C – D remain on land owned by D K Sanderson and sections D – E – F – G will run on a new route on land owned by Network Rail.</p>	Commences at the junction with farm track at Grid Reference 44402 47709, Point A then crosses farm track for 7 metres in a south west direction to Grid Reference 44401 47709, Point C then continues generally west for 16 metres to a pedestrian gate at Grid Reference 44400 47708, Point D, then continues generally north west along a corridor route 257 metres to Grid Reference 44385 47729, Point E, then runs for 40 metres (via a rail underpass) south west to Grid Reference 44382 47727, Point F, then continues generally south east for 250 metres along a corridor route to a pedestrian gate at Grid Reference 44396 47706, Point B.	2 metres throughout

PART 3

Limitations and Conditions

<u>Position on Footpath to which limitations and conditions apply</u>	<u>Limitations and Conditions</u>
Grid Reference 44400 47708, Point D	A pedestrian gate to BS 5709:2018 to be installed by the applicant in field boundary fence.
Grid Reference 44396 47706, Point B	A pedestrian gate to BS 5709:2018 to be installed by the applicant in field boundary fence.



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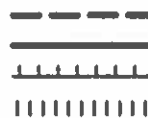


**North Yorkshire
County Council**

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 10 January 2019

Drawn by ML

Scale 1:2500

North Yorkshire County Council

Highways Act 1980 Section 119A

Footpath No. 10.36/2
Willow Beck, Dalton, Thirsk
Rail Crossing Diversion Order 2019

File Ref No. HAM/2018/15

RAIL CROSSING DIVERSION ORDER

HIGHWAYS ACT 1980, SECTION 119A

NORTH YORKSHIRE COUNTY COUNCIL

FOOTPATH No. 10.36/2, WILLOW BECK, DALTON, THIRSK

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 22nd day
of February 2019
in the presence of:-



Catharine Galt
**AUTHORISED
SIGNATORY**