

PUBLIC PATH DIVERSION ORDER
TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

THE NORTH YORKSHIRE COUNCIL
PUBLIC FOOTPATH No. 05.5/92
WATERSCALE GREYSTONEGILL LANE
BENTHAM DIVERSION ORDER 2024

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PUBLIC PATH DIVERSION ORDER

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PUBLIC FOOTPATH No. 05.5/92 WATERSCALE GREYSTONEGILL LANE

BENTHAM DIVERSION ORDER 2024

This order is made by The North Yorkshire Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part 3 of the Town and Country Planning Act 1990, namely:

Application reference ZA23/25342/FUL, proposal: Construction of concrete slurry store with industrial fabric cover.

Bentham Parish Council has been consulted.

BY THIS ORDER:

1. The Footpath over the land shown by a bold black continuous line on the attached map and described in Part 1 of the Schedule to this Order ("the Schedule") shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of The North Yorkshire Council an alternative highway for use as a replacement for the said Footpath as provided in Part 2 of the Schedule and shown by a bold black dashed line on the attached map.
3. The diversion of the Footpath shall have effect on the date which The North Yorkshire Council certifies that the terms of Article 2 above have been complied with. Under no circumstances shall such certification be given before the date of confirmation of this Order.
4. The Owner shall carry out the following Works, in order to give effect to Article 2 above:
Install at Point C on the attached map, a pedestrian gate to BS 5709: 2018 with a minimum internal width of 1.2 metres and a maximum internal width of 3.7 metres.
This can be a field-gate with an easy to use latch.
5. The Owner is hereby required to pay the cost of carrying out the Works, in accordance with the planning conditions and as detailed in the Schedule Part 3 and Article 4 above.
6. Where immediately before the date on which the Footpath is diverted there is apparatus under, in on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
7. 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.

Made this 29 day of OCTOBER 2024

The Common Seal of
The North Yorkshire Council
was hereto affixed



NY/1706



in the presence of

(Authorised Signatory):

SCHEDULE

PART 1

Description of site of existing path or way

Public Footpath 05.5/92 Bentham	Length	Width	Position of Footpath
Marked by a bold continuous black line and shown as A—B on the attached plan	254 metres approximately	0.9 metres	Commencing near the corner of a field at Grid Reference 36932 46832 (Point A), proceeding in a generally north-easterly direction for approximately 254 metres across a field and between buildings, to Grid Reference 36950 46846 (Point B) its junction with Footpath 05.5/45: on a grass / natural and then a concrete surface.

PART 2

Description of site of alternative highway

Public Footpath 05.5/92 Bentham	Length	Width	Position of Footpath
Marked by a bold broken black line and shown as A--C--D on the attached plan.	175 metres approximately	2 metres	Commencing near the corner of a field at Grid Reference 36932 46832 (Point A), proceeding in a generally north-northeasterly direction on grass for 170 metres approximately, passing through a Gate at Grid Reference 36937 46848 (Point C) continuing northwards for 5 metres to Grid Reference 36938 46848 its junction with Footpath 05.5/45 (Point D)

PART 3

Limitations and Conditions

Position on Footpath 05.5/92 to which limitations and conditions apply	Limitations and Conditions
Grid Reference 36937 46848 (Point C)	A one-way opening Pedestrian Gate to BS 5709: 2018, with minimum internal width 1.2 metres and maximum internal width 3.7 metres

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PUBLIC FOOTPATH No. 05.5/92 BENTHAM**

LOCATION: Waterscale, Greystonegill Lane, BENTHAM.

The North Yorkshire Council in exercise of the powers conferred upon it under section 257 and Schedule 14 of the Town and Country Planning Act 1990 hereby confirms the foregoing Order (without modification) as an unopposed Order.

The Common Seal of

The North Yorkshire Council

was hereunto affixed

this _____ day of _____ 2024

in the presence of:

(Authorised Signatory)

