

NORTH YORKSHIRE COUNTY COUNCIL**PLANNING & REGULATORY FUNCTIONS SUB-COMMITTEE****7 MARCH 2014****PROPOSED WITHDRAWAL OF THE DIVERSION ORDERS FOR
FOOTPATH NO. 20.49/6, NEWSHAM HALL, NEWSHAM****1.0 PURPOSE OF THE REPORT**

- 1.1 To inform Members and to seek the formal resolution not to proceed to confirm the sealed Diversion Orders for footpath No. 20.49/6, Newsham Hall, Newsham. A location plan is attached to this report as **Plan 1**. The effect of the Orders is shown on **Plan 2**.

2.0 LEGAL IMPLICATIONS

- 2.1 The County Council has the discretion not to proceed with Public Path Orders to which there have been representations or objections, or may withdraw an order for other reasons, such as external factors making a scheme no longer appropriate. In order to bring the procedure to an end, the Council must make a formal resolution not to proceed, and it is such a resolution which is sought by this report.
- 2.2 If the Committee makes a formal decision not to proceed with the Order, the applicant and those who have previously made representations or objections to the Order, will be notified.

3.0 BACKGROUND

- 3.1 An application was submitted to the Council under Section 119 (1) of the Highways Act 1980 to divert the footpath at Newsham Hall as shown on Plan 2.
- 3.2 The applicant sought to divert the path from a route crossing the gardens of three proposed residential properties onto a new route along the access to the new estate and passing through a snicket between two other proposed properties.

- 3.3 An Order was made in 2006, by which time some of the new properties had been sold. The Order was abandoned due to a procedural error relating to the public notification of the Order. A second Order proposing the same diversion of the footpath was made in 2007 and 6 objections were received from residents who were now living within the new development. One letter in support of the proposed diversion was also received.
- 3.4 In the light of the objections to the second Order, and following consultation with the Parish Council, it was considered that there was little merit in pursuing the Diversion Order, particularly as there is a further public footpath lying just to the west of the Order route that serves much the same purpose as the Order route.
- 3.5 As an Order has been made, and as the authority is required to make a formal resolution not to proceed, the Planning and Regulatory Functions Sub-Committee is being requested to authorise the withdrawal of the 2006 and 2007 Orders. Interested parties would be notified.
- 3.6 The consequence of the abandonment of the Diversion Orders would be to leave the footpath on the original alignment shown A – B on Plan 2, however, as this route has historically been obstructed, and as there is a nearby alternative footpath, a further proposal is being considered to promote an order to extinguish the original route.

4.0 FINANCIAL IMPLICATIONS

- 4.1 If the Orders were to be abandoned, there would be no financial implications for the authority.

5.0 IMPLICATIONS FOR EQUALITIES

- 5.1 Consideration has been given to the potential for any adverse equality impacts arising from the recommendation. It is considered that the recommendation does not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010.

6.0 CONCLUSION

- 6.1 As there is adequate existing provision by the rights of way network close by to the order route there is no need for the diversion orders concerned. The Committee is therefore requested to make a formal resolution that the Diversion Orders are not pursued to confirmation.

7.0 RECOMMENDATION

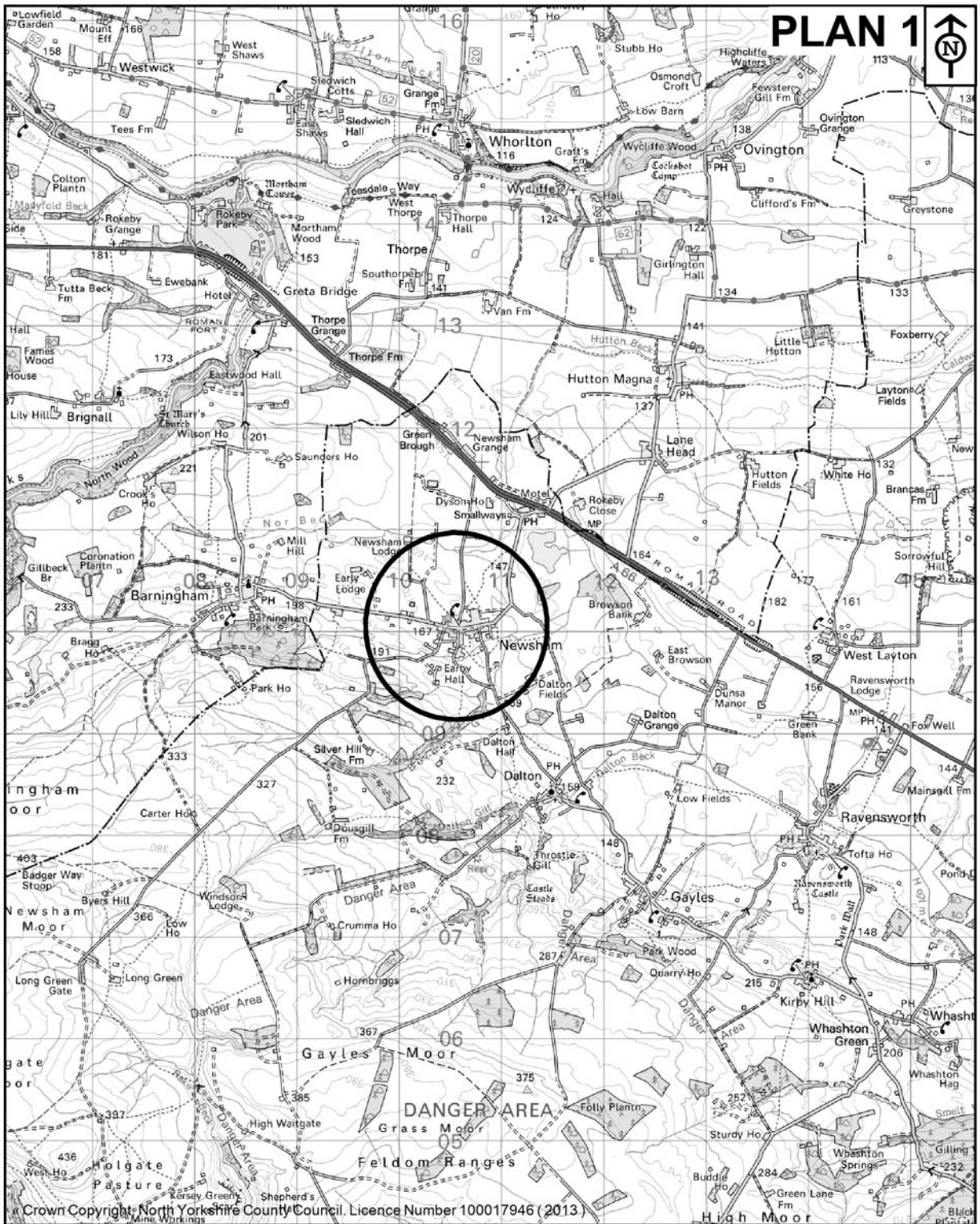
- 7.1 It is recommended that the Committee authorise the Corporate Director, Business and Environmental Services to withdraw the sealed Diversion Orders for footpath No. 20.49/6, Newsham Hall, Newsham referred to in this report.


DAVID BOWE

Corporate Director – Business and Environmental Services

Author of Report: Andy Hunter

Background Documents: Definitive Map Team Case file ref: RICH/2004/14/DO

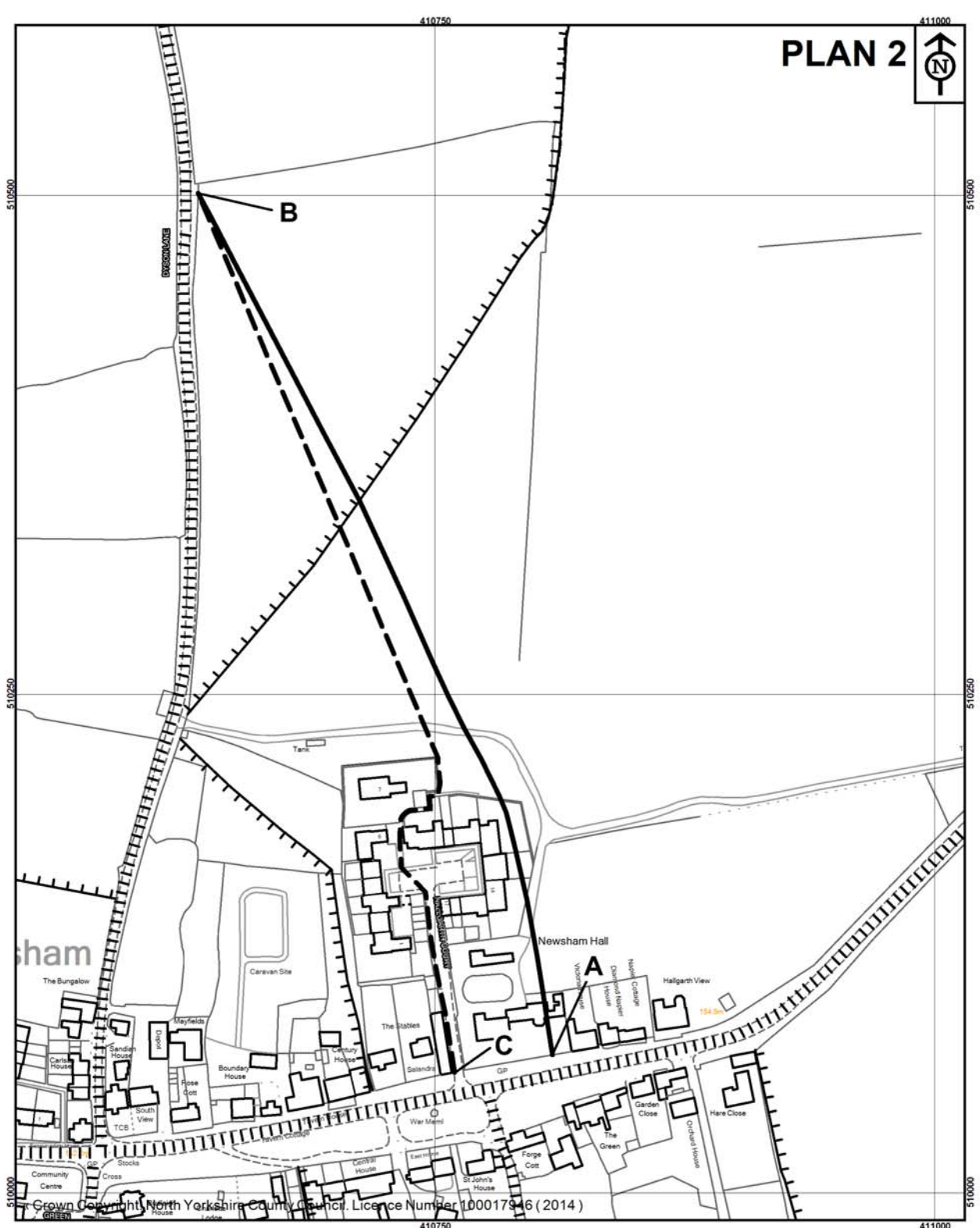



North Yorkshire County Council
 Public Rights of Way
 Waste and Countryside Services
 County Hall
 Northallerton
 DL7 8AH

PLAN 1
LOCATION PLAN

Map drawn on 15 January 2014
 Drawn by AWH Scale 1:50000

North Yorkshire County Council
PROPOSED WITHDRAWAL OF DIVERSION ORDERS FOR FOOTPATH NO. 20.49/6, NEWSHAM HALL, NEWSHAM
 Plan prepared for the Planning & Regulatory Functions Sub-Committee
 7 March 2014
 File Ref No. RICH/2004/14



North Yorkshire County Council

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

PLAN 2

Key:
 Footpath to be added C - B **---**
 Footpath to be deleted A - B **—**
 Other footpaths **|||||**
 Maintained Highways **|||||||**

Map drawn on 17 February 2014
 Drawn by AWH Scale 1:2500

North Yorkshire County Council

PROPOSED WITHDRAWAL OF DIVERSION ORDERS FOR FOOTPATH NO. 20.49/6 NEWSHAM HALL, NEWSHAM

Plan prepared for the Planning & Regulatory Functions Sub-Committee
 7 March 2014

File Ref No. RICH/2004/14