

**PUBLIC FOOTPATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A(2)**

**THE COUNTY COUNCIL OF DURHAM
(PUBLIC FOOTPATH NO. 5 GREAT AYCLIFFE PARISH) &
DARLINGTON BOROUGH COUNCIL
(PUBLIC FOOTPATH NO. 7 HEIGHINGTON PARISH)
PUBLIC FOOTPATH DIVERSION & DEFINITIVE MAP & STATEMENT MODIFICATION
ORDER 2013**

This Order is made by The County Council of Durham and Darlington Borough Council, under Section 257 of the Town and Country Planning Act 1990 ("the Act"), because they are satisfied that it is necessary to divert the public footpaths to which this Order relates to enable development of Newton Aycliffe – Merchant Park, specifically the construction of the Hitachi facility, in accordance with planning permission granted by The County Council of Durham on 17 December 2012.

This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to both authorities that the Definitive Maps and Statements of Public Rights of Way for County Durham and Darlington Borough require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this Order) of a highway hitherto shown or required to be shown in the Definitive Map and Statement.

BY THIS ORDER:

1. The public footpath over the land shown by a bold line on the attached map and described in Part 1 to the Schedule of this Order ("the Schedule") shall be diverted and the Definitive Maps and Statements of Public Rights of Way for County Durham and Darlington Borough shall be modified as provided below.
2. There shall be created to the reasonable satisfaction of The County Council of Durham and Darlington Borough Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The stopping up of the public footpath shall have effect on the confirmation of this order and upon the occurrence of that stopping up the Definitive Map and Statement of Public Rights of Way for County Durham shall be modified by deleting from it the path referred to in paragraph 1 of this Order; and the path referred to in paragraph 2 of this Order shall be added to it and to the Definitive Maps and Statements of Public Rights of Way for County Durham and Darlington Borough, and the respective Definitive Statements shall be modified as described in Part 3 of the Schedule.
4. Where immediately before the date on which the footpaths are stopped up if there are any apparatus under, in, on, over, along, across it belonging to statutory undertakers for the purpose of carrying on their undertaking, then, the undertakers shall continue to have the same rights in respect of the apparatus as they had then.

SCHEDULE

PART 1

Description of site of existing path or way

<u>No. of Path</u>	<u>Position</u>
<p>Public Footpath No. 5 Great Aycliffe Parish (County Durham)</p> <p style="text-align: center;">(entire width)</p>	<p>Public Footpath commencing from a point west of the railway line, grid reference 427132.522330 (point A on the plan) proceeding in a north westerly direction for a distance of some 68 metres to Demon's Beck, grid reference 427090.522382 (point B on plan) then in a generally westerly direction for a distance of some 544 metres to a point to the east of the County boundary, grid reference 426574.522296 (point C on plan) then in a southerly direction for a distance of some 37 metres to grid reference 426570.522264 (point D on plan) then in a westerly direction for a distance of some 184 metres to grid reference 426383.522284 (point E on plan) (A – B – C – D – E)</p>

PART 2

Description of site of alternative highway

<u>No. of Path</u>	<u>Position</u>
<p>Public Footpath No. 5 Great Aycliffe Parish (County Durham)</p> <p style="text-align: center;">(width 1.8 metres)</p>	<p>Public Footpath commencing from a point west of the railway line, grid reference 427132.522330 (point A on plan) proceeding in a generally westerly direction for some 143 metres to grid reference 426967.522337 (point F on plan) then ascending an embankment for a distance of some 39 metres to grid reference 426951.522324 (point G on plan) then proceeding in a generally westerly direction for some 403 metres to a point on the boundary with Darlington Borough (Heighington Parish), grid reference 426568.522274 (point H on plan) (A – F – G – H)</p> <p>Public Footpath commencing from a point on the boundary with Darlington Borough (Heighington Parish), grid reference 426404.522287 (point J on plan) proceeding in a generally westerly direction for some 16 metres to grid reference 426383.522284 (point E on plan) (J – E)</p>
<p>Public Footpath No. 7 Heighington Parish (Darlington Borough)</p> <p style="text-align: center;">(width 1.8 metres)</p>	<p>Public Footpath commencing from a point on the boundary with County Durham (Great Aycliffe Parish), grid reference 426568.522274 (point H on plan) proceeding in a generally westerly direction for a distance of some 172 metres to the boundary with County Durham (Great Aycliffe Parish), grid reference 426404.522287 (point J on plan) (H – J)</p>

PART 3

MODIFICATION OF DEFINITIVE STATEMENT VARIATION OF PARTICULARS OF PATH OR WAY

7/18/6

No: 5

Town/Parish: Great Aycliffe

Name of Path:

Status: Footpath

OS Sheet: NZ 22 SE

Starting Point: Heighington Industrial Estate

Description of Route: Approximately westward to level crossing near Station Cottages, across railway, north westward to field edge, then westward along field edges, from corner across field, along edge, turns south at corner, then west into next field, along edge, leaves field, turning south onto metalled road, turns west to cross embankment then west to County boundary and join Footpath No. 7 Heighington (Darlington Borough) then resuming from County boundary west to join Footpath No. 6 towards the north east corner of Cumby's Plantation

Ultimate Destination: Heighington parish boundary, junction with Footpath No. 6 Heighington Parish

Details of Features:

Width of Path: Diverted width set at 1.8 metres

Type of Construction: Diverted sections F – H (2013) stone surface

Sections Metalled:

Sections Ploughed:

General Conditions of:

- (a) Path
- (b) Stiles and Gates
- (c) Bridges
- (d) Stepping Stones

Details of any Signs and Notices Boards:

NOTES:

Part diverted by the Durham County Council Public Path Diversion Order 1986. Central section diverted by the Durham County Council (Public Footpath No 5 Great Aycliffe Parish and Public Footpath No 7 Heighington Parish) Public Path Diversion Order, 1988. At western end, approximately 28 metres of path extinguished by the Sedgfield District Council (Bridleways Nos 6, 10 and 11, and Footpaths Nos 5 and 7 Great Aycliffe Parish). Diversion and Stopping-up Order 1989. Confirmed November 1989

Part diverted by the County Council of Durham (Public Footpath No. 5 Great Aycliffe Parish and Public Footpath No. 7 Heighington Parish (Darlington Borough)) Public Path Diversion and Definitive Map and Statement Modification Order 2013

DARLINGTON BOROUGH COUNCIL

STATEMENT ACCOMPANYING THE DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY

Town / Parish: Heighington

Status: Footpath

Path number: 7

Definitive Map Sheet Number: 87

O.S. Sheet: NZ 22 SE

1. Starting point: Station Road, Heighington

2. Detailed description of Route: (furniture, surfaces etc.)

Southward, then eastward, along green lane to field gate, eastward across pasture to A6072. Resumes on east side of road, down farm track to join footpath No. 8. Resumes about 360 metres further along track where path leaves track at bend, east through field gate between two fields, alongside hedge, veers around old building, continues eastward some 8 – 10 metres south of hedge line, reducing to some 4 – 6 metres, then across open field to join metalled road opposite access for footpath No 5 Great Aycliffe Parish, also junction with footpath No. 6 Heighington Parish. **Resumes east of Footpath No. 6 running eastward for 172 metres to junction with Footpath No. 5 Great Aycliffe.**

3. Ultimate destination: Footpath Number 6 Heighington **5 Great Aycliffe** Parish

4. Width of path (as per original statement) Set at 1.8 metres on diverted length east of junction with footpath no. 8 **and on new section east of Footpath No. 6**

5. Notes: Length from junction with footpath no. 8 diverted by the Durham County Council (Public Footpath No 5 Great Aycliffe Parish and Public Footpath no 7 Heighington Parish) Public Path Diversion Order 1988. Confirmed November 1989.

Original route scheduled by Darlington Rural District Council under the Rights of Way Act 1932, reference No 41.

Additional section east of Footpath No. 6 added by the County Council of Durham (Public Footpath No. 5 Great Aycliffe Parish and Public Footpath No. 7 Heighington Parish (Darlington Borough)) Public Path Diversion and Definitive Map and Statement Modification Order 2013

DARLINGTON BOROUGH COUNCIL

STATEMENT ACCOMPANYING THE DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY

Town / Parish: Heighington	Status: Footpath	Path number: 7
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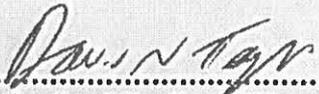
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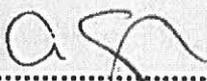
THE COUNTY COUNCIL OF DURHAM
(PUBLIC FOOTPATHS NO. 5 GREAT AYCLIFFE PARISH &
DARLINGTON BOROUGH COUNCIL
(PUBLIC FOOTPATH NO. 7 HEIGHINGTON PARISH)
PUBLIC FOOTPATH DIVERSION & DEFINITIVE MAP & STATEMENT MODIFICATION
ORDER 2013

GIVEN UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF DURHAM ON
THE 4th DAY OF November 2013


.....
Authorised Sealing Officer



GIVEN UNDER THE COMMON SEAL OF DARLINGTON BOROUGH COUNCIL ON
THE 6th DAY OF November 2013


.....
Authorised Signatory

