

**PUBLIC PATH DIVERSION AND
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER
TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257
WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53(A)(2)**

**DARLINGTON BOROUGH COUNCIL
(PUBLIC FOOTPATHS 3 AND 4
PARISH OF LOW DINSDALE)
DIVERSION ORDER 2024**

This Order is made by Darlington Borough Council ('the Council') under Section 257 of the Town and Country Planning Act 1990 ('the 1990 Act') because it is satisfied that it is necessary to divert the footpaths known as Footpaths 3 and 4 in the Parish of Low Dinsdale (now located in the Parish of Middleton St George) in order to enable development to be carried out in accordance with planning permission granted under Part III of the 1990 Act, namely Planning Application Reference 21/00529/FUL, for the demolition of existing buildings and for the construction of 260 dwellings at land to the west of Station Road, Middleton St George, Darlington ('the Land').

This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ('the 1981 Act') because it appears to the Council that the Darlington Borough Council Definitive Map of Public Rights of Way definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of highways hitherto shown or required to be shown in the map and statement

BY THIS ORDER

1. The public footpaths over the Land shown by purple lines on the attached map and described in Part 1 of the Schedule to this Order ('the Schedule') shall be diverted as provided below and the Darlington Borough Council Definitive Map of Public Rights of Way definitive map and statement shall be modified
2. There shall be created to the reasonable satisfaction of the Council alternative footpaths over the Land for use as replacement for the said footpaths shown by red lines on the attached map and described in Part 2 of the Schedule
3. The diversion of the footpaths described above shall have effect on the date on which the Council certify that the terms of Article 2 above have been complied with and upon the occurrence of that diversion the Darlington Borough Council Definitive Map of Public Rights of Way definitive map shall be modified by deleting from it the footpaths referred to in Article 1 above and the footpaths referred to in Article 2 above shall be added to it, and the definitive statement shall be modified as described in Part 3 of the Schedule
4. Story Homes Limited (CRN: 10825314) whose registered office is at Story House, Lords Way, Kingmoor Business Park, Carlisle CA6 4SL is hereby required to carry out and pay for the works required in bringing the new footpaths into a fit condition for use by the public in consequence of the coming into force of this Order and any expenses which are incurred.
5. Where immediately before the date on which the footpaths are diverted there is apparatus under, in, on, over, along or across the footpaths 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.

Dated this 7th August 2024

The COMMON SEAL of DARLINGTON BOROUGH COUNCIL was hereto affixed in the presence of:



Authorised Signatory



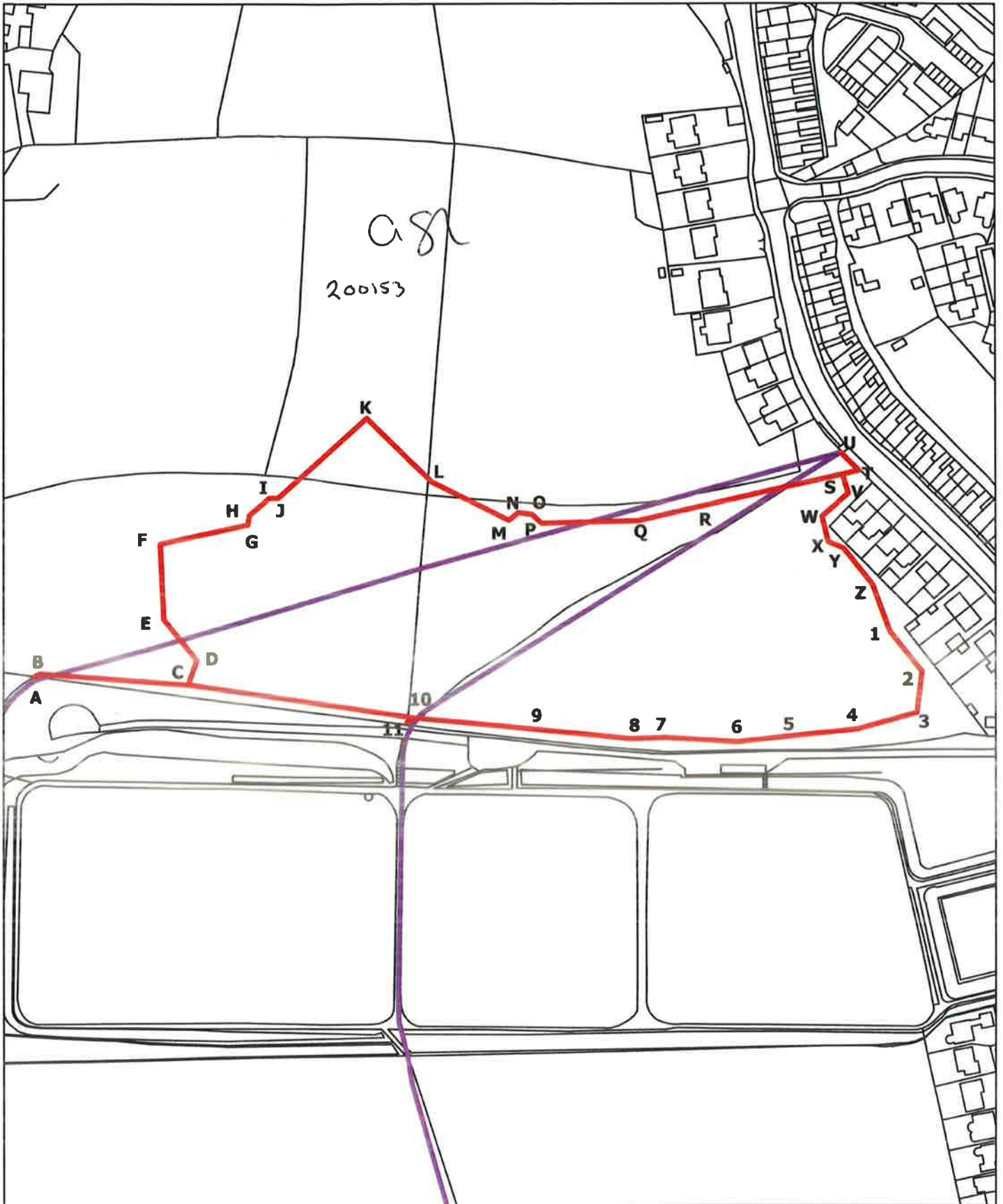
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SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING FOOTPATHS

Footpath No.3 Parish of Low Dinsdale	Starting at Point U, (NZ 34246 13959), heading south west across a field, a stile in a hedge and into another field before reaching another stile at point A, (NZ3392 213869). Width undefined.
Footpath No.4 Parish of Low Dinsdale	Starting at Point U, (NZ 34246 13959), heading south west across a field, before reaching a stile at point 11, (NZ3407 113850). Width undefined.



DARLINGTON
Borough Council

Public Rights of Way
Services Group
Darlington Borough Council
17 Allington Way
Darlington
DL1 4QB

PROW Designation

- Public Footpath
- Proposed route

For Ordnance
Survey Grid
Reference locations
of each point see
attached sheet.

Drawn by: GM

Date: 27/03/2024

Scale: 1:2,000

Plan to show the proposed Section 257 PPO diversion of Low Dinsdale Public Footpaths 3 and 4 to the west of Station Road, Middleton St. George in the Borough of Darlington.

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Map location points with Ordnance Survey Grid References

Low Dinsdale Footpath 3 proposed diversion to	Map point	Grid reference
	U	NZ 34246 13959
	T	NZ 34253 13952
	S	NZ 34247 13950
	R	NZ 34188 13937
	Q	NZ 34164 13931
	P	NZ 34125 13930
	O	NZ 34122 13934
	N	NZ 34116 13935
	M	NZ 34112 13932
	L	NZ 34081 13947
	K	NZ 34055 13973
	J	NZ 34020 13940
	I	NZ 34016 13940
	H	NZ 34008 13933
	G	NZ 34008 13930
	F	NZ 33973 13922
	E	NZ 33974 13892
	D	NZ 33987 13875
	C	NZ 33984 13865
	B	NZ 33924 13870
	10	NZ 34074 13852
Low Dinsdale Footpath 4 proposed diversion to		
	U	NZ 34246 13959
	T	NZ 34253 13952
	S	NZ 34247 13950
	V	NZ 34249 13942
	W	NZ 34238 13933
	X	NZ 34240 13923
	Y	NZ 34247 13920
	Z	NZ 34258 13905
	1	NZ 34265 13887
	2	NZ 34278 13871
	3	NZ 34276 13854
	4	NZ 34252 13847
	5	NZ 34230 13842
	6	NZ 34204 13842
	7	NZ 34175 13844
	8	NZ 34161 13844
	9	NZ 34121 13848
	10	NZ 34074 13852
	11	NZ 34071 13850

PART 2

DESCRIPTION OF SITE OF ALTERNATIVE FOOTPATHS

<p>Footpath No.3 Parish of Low Dinsdale</p>	<p>Starting from its current north east end point off Station Road at Point U (NZ 34246 13959), and then progressing south east for a short distance to Point T (NZ 34253 13952), then south west along the north side footway of an estate road, some of which borders a couple of small open spaces, crosses another estate road, turning north west and then in front of plot numbers 163 to 167 passing through Points S (NZ 34247 13950), R (NZ 34188 13937), Q (NZ 34164 13931), P (NZ 34125 13930), O (NZ 34122 13934), N (NZ 34116 13935), M (NZ 34112 13932), L (NZ 34081 13947) and finally K (NZ 34055 13973). From here turning south west across another estate road, past the end of another open space along another footway past plots 87, 76-74 through Points J (NZ 34020 13940), I (NZ 34016 13940), H (NZ 34008 13933) G (NZ 34008 13930) and then point F (NZ 33973 13922). The route then heads south across an estate road and then along another footway slowly turning south east past plots 99-100 through Points E (NZ 33974 13892) and D (NZ 33987 13875). It then turns south again across an estate road into a green area where it splits in two directions in a 'T junction' at Point C (NZ 33984 13865). One section then heads west along the southern development boundary to Point B (NZ 33924 13870), turning briefly south west to Point A (NZ 33922 13869) where it rejoins the existing route. The other section heads east from Point C (NZ 33984 13865), again along the southern development boundary but to Point 10 (NZ 34074 13852) where it finally meets the proposed route of Footpath 4.</p> <p>Width – 2 metres.</p>
<p>Footpath No.4 Parish of Low Dinsdale</p>	<p>Starting from its current north east end point off Station Road at Point U (NZ 34246 13959) and then progressing south east for a short distance to Point T (NZ 34253 13952), then briefly turning south west to Point S (NZ 34247 13950), before heading around the end of an estate road heading south through Points V (NZ 34249 13942), W (NZ 34238 13933) and then Point X (NZ 34240 13923). The route then follows the eastern site boundary heading south east through a landscape area to the south east corner of the development boundary through Points Y (NZ 34247 13920), Z (NZ 34258 13905), 1 (NZ 34265 13887), 2 (NZ 34278 13871) & 3 (NZ 34276 13854). The route then turns approximately west along the north side of the south development boundary, still passing through a landscape area through points 4 (NZ 34252 13847), 5 (NZ 34230 13842), 6 (NZ 34204 13842), 7 (NZ 34175 13844), 8 (NZ 34161 13844), 9 (NZ 34121 13848) and 10 (NZ 34074 13852) where it means the proposed route for Footpath 3. It finally briefly heads south where it meets the existing route of footpath 4.</p> <p>Width – 2 metres.</p>

PART 3

MODIFICATION OF DEFINITIVE STATEMENT

DELETIONS

The following parts of the statement for Footpath No.3 Parish of Low Dinsdale shall be deleted:

Description of route: From field gate north-westward over pasture to stile, pasture, stile, field, stile and steps onto railway, down steps to stile, east along field edge to join farm road, follows this north-westward, turns north over stile, along field edge to junction with Footpath No 1. Resumes a short distance further on and turns out of field into reservoir area, over stile and east north-east across pasture to kissing gate at roadside

Width: Previously recorded as 2 feet between hedges around the reservoir, otherwise undefined. Diverted length set at 1.8 metres.

Notes: Part diverted by the Durham County Council (Footpaths Nos 1, 2 and 3 Low Dinsdale Parish) Public Path Diversion Order 1993. Confirmed 30th September 1993. Pre-diversion route recorded under the Rights of Way Act 1932.

The following parts of the statement for Footpath No.4 Parish of Low Dinsdale shall be deleted:

Description of Route: Proceed in a W'ly direction along C.R. to Thorntree Farm. Turn right at farm to F.G. and S and cross B.Rly. bridge, cross F.P.5 on N side. Continue along ploughed field to S then on to S into Reservoir Area. Cross reservoirs to S then turn into a north-easterly direction to join F.P.3 at F.G. and K.G. on B.1273

Width: Undefined on C.R. in first field. 4'6" past reservoirs.

Details of Features:

2 – F.G.

4 – S

1 – Gap

2 – N.B.

1 – F.B.

Type of Construction: Grass, earth and ash

Sections Metalled: Ash path in reservoir area

Sections Ploughed: First field North of Railway ploughed, not obstructing

General Condition of:

(a) Path – Good

(b) Stiles and Gates – Good

(c) Bridges – British Railway Bridge over railway – good

(d) Stepping Stones

Details of any notice boards – N.B. 2 No situated at exit and entrance to reservoir area. “The Tees Valley Water Board. Please keep to the footpath. Trespassers will be prosecuted. It is an offence to do any act which will in any way foul the water in these reservoirs as such water is filtered and ready to be put into supply. Offenders will be liable to a fine of five pounds. E.A. Morris, Clerk of the Board” N.B’s in good condition

ADDITIONS

**The following shall be added to the statement for
Footpath No.3 Parish of Low Dinsdale:**

DESCRIPTION OF ROUTE: From field gate north-westward over pasture to stile, pasture, stile, field, stile and steps onto railway, down steps to stile, east along field edge to join farm road, follows this north-westward, turns north over stile, along field edge to junction with Low Dinsdale Public Footpath No 1. Resumes a short distance further on and turns out of field into reservoir area, through gap into housing estate, turns east along boundary where it diverges into two. One continues east along the boundary where it meets Low Dinsdale Public Footpath No.4. The other section heads north over a road. It then proceeds by the road northwest then north before crossing another road. Here it turns sharply east then northeast by a road before crossing another road. It then turns sharply south-east running by a road, slowly turning east. It then merges with the north end of Low Dinsdale Public Footpath No.4 before meeting Station Road. It finally turns sharply north to its finishing point, over stile and east north-east across pasture to kissing gate at roadside.

WIDTH: Previously recorded as 2 feet between hedges around the reservoir, otherwise undefined.

Length diverted length by 1993 Order set at 1.8 metres.

Length diverted by 2024 Order set at 2 metres.

NOTES: ‘1993 Order’ means the Durham County Council (Footpaths Nos. 1, 2 and 3 Low Dinsdale Parish) Public Path Diversion Order 1993.

‘2024 Order’ means the Darlington Borough Council (Public Footpaths 3 and 4 Parish of Low Dinsdale) Diversion Order 2024

Pre-diversion route recorded under the Rights of Way Act 1932.

**The following shall be added to the statement for
Footpath No.4 Parish of Low Dinsdale:**

DESCRIPTION OF ROUTE: Proceed in a westerly direction along C road to Thorntree Farm. Turn right at farm to field gate and stile and cross railway bridge, cross Low Dinsdale Public Footpath No.5 on north side. Continue along ploughed field to stile then on to stile into Reservoir Area. Cross reservoirs to gap into housing estate where it meets Low Dinsdale Public Footpath No.3 where it turns sharply east. The route proceeds east along the boundary into landscape area where the route slowly turns northwest. It then meets the blind end of a road and navigates around the end of it before merging with the north-east end of Low Dinsdale Public Footpath No.3. It then

proceeds east onto Station Road before sharply turning north, stile then turn into a north-easterly direction to join Low Dinsdale Public Footpath No.3 at field gate and kissing gate on B1273.

WIDTH: Undefined on C road in first field.

4'6" past reservoirs.

Section diverted by the Darlington Borough Council (Public Footpaths 3 and 4 Parish of Low Dinsdale) Diversion Order 2024 set at 2 metres

SURFACE TYPES: Grass, earth, asphalt and ash