

## **NOTICE OF ORDER**

### **WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53**

Derbyshire County Council  
(Footpath from Public Footpath No. 9 in Intake Field to Public Footpath No. 10  
above the Green Gate - Parish of Curbar) Modification Order 2012

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order 25 April 2016.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **Derbyshire County Council, County Hall, Bank Road, Matlock DE4 3AG** on **Monday 10 October 2016** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to modify the Definitive Map and Statement for the area by:-

Adding to them a Footpath in the Parish of Curbar from Public Footpath No.9 at Point A (Ordnance Survey Grid Reference ("GR") SK 2547 7475) proceeding in a generally north, north easterly direction to Point B (GR SK 2548 7484). Then in a generally northerly direction to join Public Footpath No.10 as shown on the order map.

Any queries relating to this Order should be referred to Jean McEntee at The Planning Inspectorate, Rights of Way Section, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5437. Email: jean.mcentee@pins.gsi.gov.uk. Please quote reference number FPS/U1050/7/102 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at County Hall, Matlock, Derbyshire DE4 3AG, Monday to Friday during normal office opening times (9:00am to 5:00pm). Telephone: 01629 538465.

As Derbyshire County Council has indicated that they will not be supporting the Order at the Inquiry, the case for the Order will be presented by Wake Smith Solicitors. They will be expected to adhere to the following timetable as if they were the Council.

#### **Timetable for sending in statements of case and proofs of evidence**

##### **Within 8 weeks of the start date [by 20 June 2016]**

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to everyone who has made an

objection or representation and the applicant and any other person who has written to us in respect of the Order.

### **Within 14 weeks of the start date [by 1 August 2016]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case<sup>1</sup> is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies to the Authority, the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents, although these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy to the Authority, everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents, although these will be available to view at the Authority's offices).

### **4 weeks before the date of the inquiry [by 12 September 2016]**

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

**All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.**

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

Notice of order for inquiry

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<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

**DATED**

**30 AUGUST**

**2012**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**DEFINITIVE MAP AND STATEMENT FOR  
THE COUNTY OF DERBYSHIRE**

**THE DERBYSHIRE COUNTY COUNCIL (FOOTPATH FROM PUBLIC  
FOOTPATH NO. 9 IN INTAKE FIELD TO PUBLIC FOOTPATH NO. 10  
ABOVE THE GREEN GATE - PARISH OF CURBAR)  
MODIFICATION ORDER 2012**

**CASE NO: 27080**

**DMMO: X3160**

**JOHN McELVANEY  
MATLOCK**

# WILDLIFE AND COUNTRYSIDE ACT 1981

## DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF DERBYSHIRE

### THE DERBYSHIRE COUNTY COUNCIL (FOOTPATH FROM PUBLIC FOOTPATH NO. 9 IN INTAKE FIELD TO PUBLIC FOOTPATH NO. 10 ABOVE THE GREEN GATE - PARISH OF CURBAR) MODIFICATION ORDER 2012

This order is made by Derbyshire County Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Definitive Map and Statement in respect of the Parish of Curbar require modification in consequence of the occurrence of an event specified in section 53(3)(c)(i) of the Act, namely, the discovery by that authority of evidence which when considered with all other relevant evidence available to them shows that the right of way referred to in this order which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates.

The authority has consulted with every local authority whose area includes the land to which the order relates. The Derbyshire County Council hereby order that:

1. For the purpose of this order the relevant date is 29 August 2012.
2. The Definitive Map and Statement for the County of Derbyshire for the Parish of Curbar shall be modified as described in Part I and Part II of the Schedule and shown on the map to the order.
3. This order shall take effect on the date when it is confirmed and may be cited as the Derbyshire County Council (Footpath from Public Footpath No. 9 in Intake Field to Public Footpath No. 10 above the Green Gate - Parish of Curbar) Modification Order 2012.

## SCHEDULE

### PART I

#### Modification of Definitive Map

Section as indicated on map	Description of Path or Way to be added
<b>A-B-C</b>	Footpath in the Parish of Curbar from Public Footpath No. 9 at Point A (Ordnance Survey Grid Reference ("GR") SK 2547 7475) proceeding in a generally north, north easterly direction to Point B (GR SK 2548 7484). Then in a generally northerly direction to join Public Footpath No. 10 at Point C (GR SK 2548 7491), a distance of 166 metres or thereabouts.

**PART II**

**Modification of Definitive Statement**

**Variation of particulars of Path or Way**

Path No	1/10,000 OS Sheet Ref No	Status and Description of Route	Nature of Surface	Approx Length	Approx Width	Remarks
21	SK27SE	Footpath from junction with path No. 9 (GR SK 2547 7475) E of Curbar village, in a generally NNE direction, crossing land known as "Intake Field", to green hand gate in stone wall (GR SK 2548 7484). Then N to junction with path No. 10 (GR SK 2548 7491) W of Warren Lodge.	Grass Earth	166 metres	2.0 metres narrowing to 1.2 metres between gate posts at GR SK 2548 7484	Hand gate: GR SK 2548 7484 Modification Order 2012 DCC Ref: X3160

**THE COMMON SEAL** of the Derbyshire )  
County Council was hereunto )  
Affixed the Thirtieth day of August )  
Two Thousand and Twelve )  
in the presence of:- )

*R. N. D. O. M.*  
Director of Legal Services

Number in Series  
Book 2012/925

