

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

SECTION 53

Derbyshire County Council
(Upgrading of Public Footpath No. 50 to Bridleway - Parish of Ashover)
Modification Order 2016

Notice is hereby given that the above referenced Order(s) has/have 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(s).

The **start date** for the above Order(s) is 12 July 2016

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

The Inquiry will be held at **Ashover Parish Hall, Events Centre, Milken Lane, Ashover, Chesterfield, S45 0BA** on Tuesday 13 December 2016 at 10.00am.

The effect of the Order, if confirmed without modifications, will be to upgrade Public Footpath No. 50 to Bridleway in the Parish of Ashover from Point A (Ordnance Survey Grid Reference (GR) SK 3403 6374) proceeding in a generally east north easterly then east south easterly then generally easterly direction to Point B (GR) SK 3443 6375, a total distance of 400 metres or thereabouts, with a width varying between 3.1 and 5.7 metres.

Any queries relating to this Order should be referred to Jean McEntee at The Planning Inspectorate, Rights of Way Section, Room 3/G 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/U1050/7/104 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 The County Hall, Matlock, Derbyshire, DE4 3AG prior appointment, Monday to Friday during normal office opening times (9.00am to 5pm) contact Peter Jackson telephone number 01629 538465.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date [by 6 September 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 18 October 2016]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ 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 15 November 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

¹ 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.

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

DATED 4 FEBRUARY 2016

WILDLIFE AND COUNTRYSIDE ACT 1981

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

**THE DERBYSHIRE COUNTY COUNCIL
(UPGRADING OF PUBLIC FOOTPATH NO. 50 TO BRIDLEWAY - PARISH
OF ASHOVER) MODIFICATION ORDER 2016**

**CASE NO: 41156
DMMO NO: X3458**

**JOHN McELVANEY
MATLOCK**

WILDLIFE AND COUNTRYSIDE ACT 1981
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF DERBYSHIRE

THE DERBYSHIRE COUNTY COUNCIL
(UPGRADING OF PUBLIC FOOTPATH NO. 50 TO BRIDLEWAY - PARISH
OF ASHOVER) MODIFICATION ORDER 2016

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 Ashover require modification in consequence of the occurrence of an event specified in section 53(3)(c)(ii) 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 highway referred to in this order and shown on the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.

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

1. For the purpose of this order the relevant date is 3 February 2016.
2. The Definitive Map and Statement for the County of Derbyshire for the Parish of Ashover 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 (Upgrading of Public Footpath No. 50 to Bridleway - Parish of Ashover) Modification Order 2016.

SCHEDULE

PART I

Modification of Definitive Map

Section as indicated on map	Description of Path or Way to be upgraded to bridleway
A-B	Public Footpath No. 50 in the Parish of Ashover from Point A (Ordnance Survey Grid Reference ("GR") SK 3403 6374), proceeding in a generally east north easterly then east south easterly then generally easterly direction to Point B (GR SK 3443 6375), a total distance of 400 metres or thereabouts, with a width varying between 3.1 and 5.7 metres.

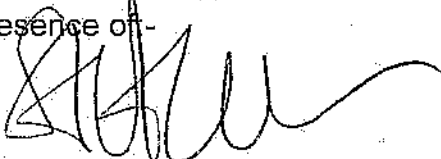
PART II

Modification of Definitive Statement

Variation to add of particulars of Path or Way

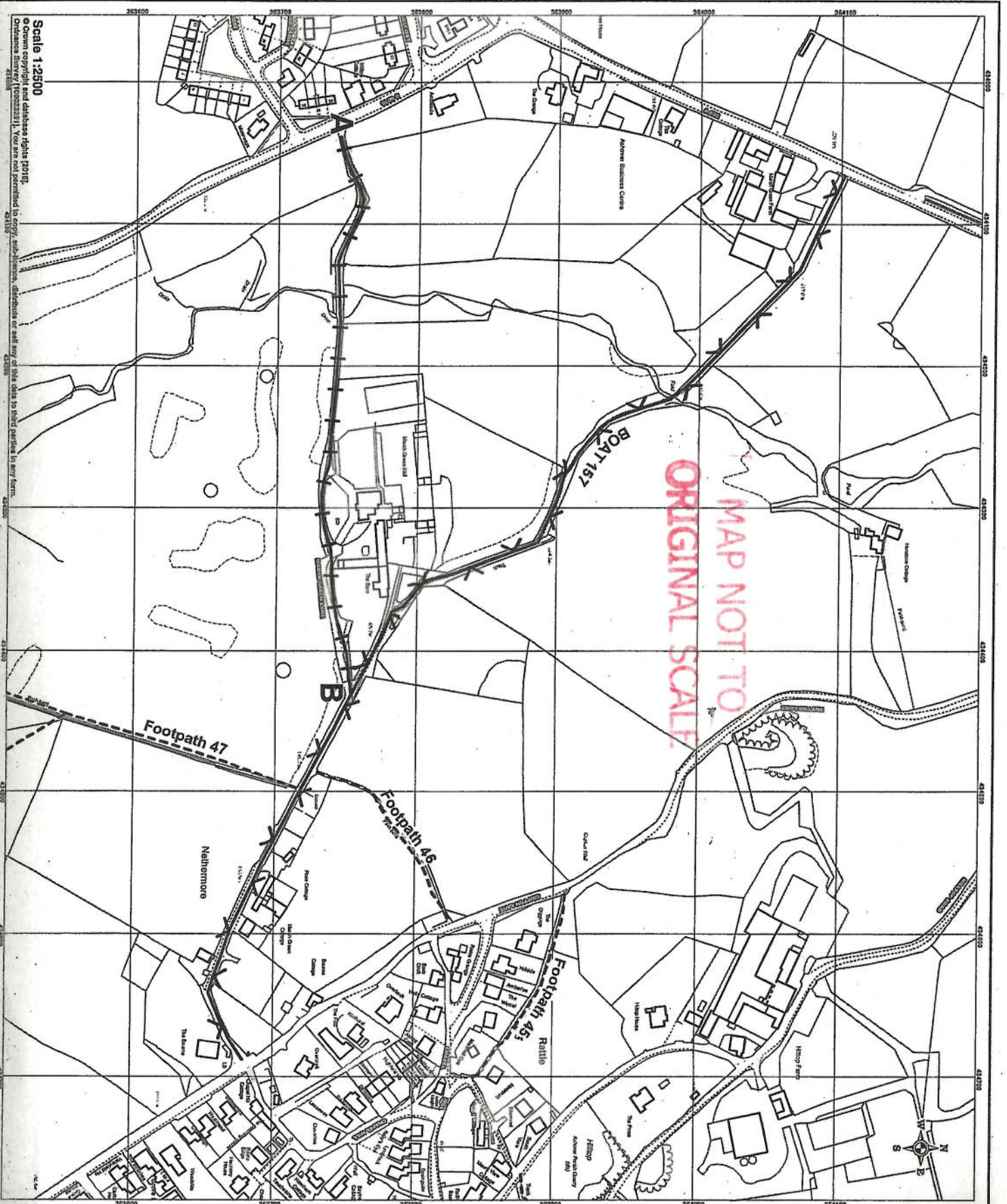
Path No	1/10,000 OS Sheet Ref No	Status and Description of Route	Nature of Surface	Length	Width	Remarks
50 (Parish of Ashover)	SK36SW	Public Bridleway from Ashover Road, Kelstedge (GR SK 3403 6374) in a generally ENE then ESE and E direction along a roughly metalled tarmac and stone track, enclosed by a fence and stone wall on the N side and a stone wall and stone retaining wall on the S side, to the Marsh Brook (GR SK 3416 6374). Then continuing E initially along rough stone track then along grassed strip of land adjacent to tarmac access road, bounded to the N by stone walls and unenclosed on the S side, to junction with Byway Open to All Traffic No. 157, Ashover (GR SK 3443 6375).	Tarmac, stone and natural ground	400 metres	Varying between 3.1 and 5.7 metres as shown between the solid and pecked line boundaries on the 2 nd edition 1:2500 Ordnance Survey Plan of 1898 (excluding splayed accesses to properties along the route)	Modification Order 2016 DCC Ref: x3458 Culverted Marsh Brook (GR SK 3416 6374) Field gate posts and squeeze stile (GR SK 3417 6374)

THE COMMON SEAL of the Derbyshire)
County Council was hereunto)
Affixed the Fourth day of February)
Two Thousand and Sixteen)
in the presence of-


Director of Legal Services

Number in Seal Book

2016/86



MAP NOT TO ORIGINAL SCALE



Wildlife and Countryside Act 1981, Section 53

The Derbyshire County Council (Upgrading of Public Footpath No. 50 to Bridleway - Parish of Ashover) Modification Order 2016

KEY

Footpath Claimed as Bridleway

Other Existing Footpaths

Existing Byway Open to All Traffic (BOAT)

DERBYSHIRE
County Council

Improving life for local people

Mills Ashover
Shard House
Dale Road South
Maklock
Derbyshire
DE4 5RY

Produced by Public Rights of Way on 29 January 2016

Scale 1:2500

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