

REVISED NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Derbyshire County Council
The Derbyshire County Council (Footpath from Public Footpath No.7 to the
Woodlands – Parish of Melbourne) Modification Order 2016.

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 is **1 September 2017**

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

The Inquiry will be held at **St Mary's Hall, Church Street, Melbourne, Derbyshire, DE73 8EJ** on **Tuesday 30 January 2018** 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 Melbourne from Point A (Ordnance Survey Grid Reference 'GR' SK 3838 2601) proceeding in a generally east south easterly direction to Point B (GR SK 3845 2596), turning to an east north easterly direction to Point C (GR SK 3848 2597) then turning to a south easterly direction along Woodlands Close to the Woodlands at Point D (GR SK 3851 2594), a total distance of 160 metres or thereabouts with a width of 1.5 metres for the section A – B – C and 4.5 metres for the section C – D along Woodlands Close.

Any queries relating to this Order should be referred to Charlotte Callaway 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 5779. Email: charlotte.callaway@pins.gsi.gov.uk. Please quote reference number ROW/3170111 (new reference) or FPS/U1050/7/111 (old reference) 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 Derbyshire County Council, County Hall, Matlock, Derbyshire, DE4 3AG by prior appointment. Monday to Friday during normal office opening times (09:00 am – 5:00pm) Tel – 01629 538 241.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by 24 October 2017

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 - 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 05 December 2017

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 full copies to the Authority. Copies will also be sent to 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 - 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 full copy to the Authority. Copies will also be sent to 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 - these will be available to view at the Authority's offices).

4 weeks before the date of the inquiry 02 January 2018

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

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.

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.

If you have already submitted a statement and/or comments for this case, then you will not need to re-submit unless you have new evidence to add. The Inspector will take all previous submissions into consideration at this inquiry.

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

Notice of order for inquiry

DATED 10 MARCH 2016

WILDLIFE AND COUNTRYSIDE ACT 1981

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

**THE DERBYSHIRE COUNTY COUNCIL (FOOTPATH FROM PUBLIC
FOOTPATH NO. 7 TO THE WOODLANDS – PARISH OF MELBOURNE)
MODIFICATION ORDER 2016**

**CASE NO: 63640
DMMO NO: X3953**

**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. 7 TO THE WOODLANDS – PARISH OF MELBOURNE) 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 Melbourne 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 orders that:

1. For the purpose of this order the relevant date is 9 March 2016.
2. The Definitive Map and Statement for the County Of Derbyshire for the Parish of Melbourne 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. 7 to The Woodlands – Parish of Melbourne) Modification Order 2016.

SCHEDULE

PART I

Modification of Definitive Map

Section as indicated on map	Description of Path or Way to be added
A-B-C-D	Footpath in the Parish of Melbourne from Point A (Ordnance Survey Grid Reference "GR" SK 3838 2601) proceeding in a generally east south easterly direction to Point B (GR SK 3845 2596), turning to an east north easterly direction to Point C (GR SK 3848 2597) then turning to a south easterly direction along Woodlands Close to The Woodlands at Point D (GR SK 3851 2594), a total distance of 160 metres or thereabouts with a width of 1.5 metres for the section A – B – C and 4.5 metres for the section C – D along Woodlands Close.

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
40	SK32/NE	Footpath from junction with Footpath 7 (GR SK 3838 2601) in an ESE direction along boundary with rear gardens of properties at E end of Melton Avenue, Melbourne, then in an ENE direction to N end of Woodlands Close, continuing SE along Woodlands Close to junction with The Woodlands (GR SK 3851 2594).	Natural ground; tarmacadam	160 metres	1.5 metres widening to 4.5 metres along Woodlands Close	Modification order 2016. DCC Ref: X3953

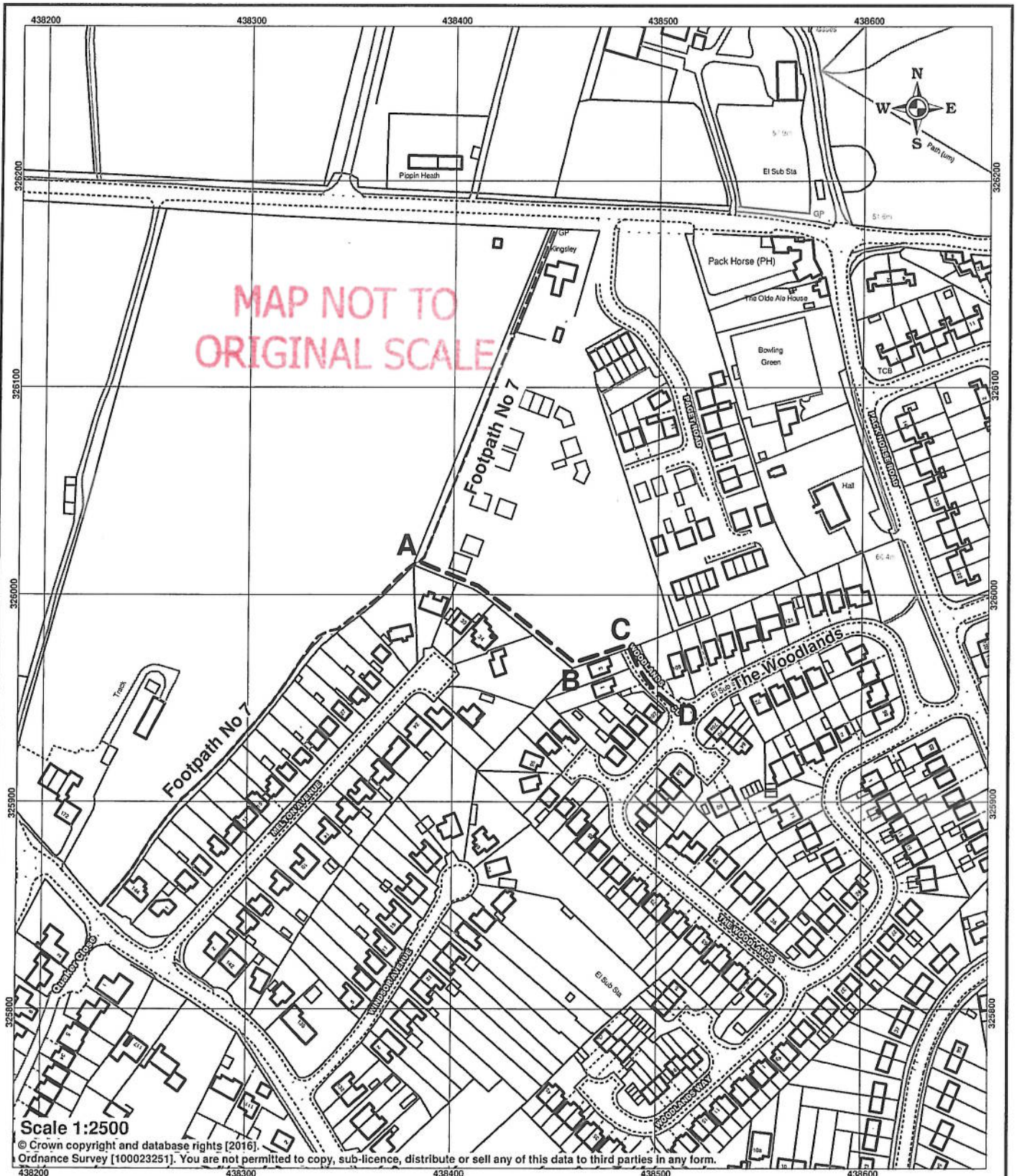
THE COMMON SEAL of the Derbyshire)
County Council was hereunto)
Affixed the Tenth day of March)
Two Thousand and Sixteen)
in the presence of:-)

Director of Legal Services

PP Natalie Amey

Number in Seal
Book


2016/168



Scale 1:2500

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Ref: TE/PWb/X3953/Order2016



DERBYSHIRE
 County Council
 Improving life for local people


Mike Ashworth
 Strategic Director - Economy, Transport & Environment

Shand House
 Dale Road South
 Matlock
 Derbyshire
 DE4 3RY

Produced by Public Rights of Way on 2nd March 2016

Wildlife & Countryside Act 1981 Section 53
The Derbyshire County Council
(Footpath from Public Footpath No 7 to
The Woodlands - Parish of Melbourne)
Modification Order 2016

Key:

Footpath to be Added 

Existing Footpath 