



Order Decision

Accompanied site visit made on 16 June 2016

by Heidi Cruickshank BSc (Hons), MSc, MIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 11 November 2016

Order Ref: FPS/U1050/7/96M

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 and is known as The Derbyshire County Council (Byway Open to all Traffic from junction with minor road south of White Rake continuing as Restricted Byway to junction with Black Harry Lane – Parishes of Great Longstone and Stoney Middleton) Modification Order, 2014.
- The Order is dated 27 March 2014 and proposes to record a route in the Parishes of Stoney Middleton and Great Longstone as byway open to all traffic in part and a restricted byway in part. Full details of the route are given in the Order map and described in the Order Schedule.
- In accordance with paragraph 8(2) of Schedule 15 to the Wildlife and Countryside Act 1981 I have given notice of my proposal to confirm the Order subject to modifications.
- One representation was received in response to the notice and subsequently withdrawn.

Summary of Decision: The Order is confirmed subject to modifications set out in the Formal Decision.

Preliminary matters

1. In my Interim Order Decision ("IOD"), issued on 12 July 2016, I proposed some modifications to the Order as made, involving alterations to widths and status to parts of the Order, following an accompanied site visit. Advertisement of the proposed modifications led to one representation being made. This has subsequently been withdrawn and so there are no objections or representations to the proposed modifications outstanding.

Conclusion

2. I am satisfied, on the balance of probabilities, by consideration of all the evidence available, that it is appropriate for me to confirm the Order subject to the modifications set out in paragraph 58 of my IOD, as set out below.

Formal Decision

3. In exercise of the powers transferred to me, the Order is confirmed subject to the modifications previously proposed:
 - Within Part I of the Schedule:
 - replace text "...Point B (GR SK 2033 7439)..." with "...Point W (GR SK 2038 7435)..."
 - add text "Width varying between 6 and 12.5 metres."

- Within Part II of the Schedule:
 - In the column heading regarding width remove text “*Approx.*”;
 - For ‘*Path No 59 (Parish of Great Longstone)*’:
 - replace “...*No. 53 (GR SK 2033 7439)*...” with “...*No. 51 (GR SK 2038 7435)*...”;
 - replace “...*20 metres*...” with “...*65 metres*...”;
 - replace “*6.7 metres*” with “*Varying between 6.7 and 12.5 metres*”;
 - For ‘*Path No 51 (Parish of Great Longstone)*’:
 - replace “...*No. 51 (GR SK 2033 7439)*...” with “...*No. 59 (GR SK 2038 7435)*...”;
 - replace “...*415 metres*...” with “...*370 metres*...”;
- On the Order plan:
 - add point W and modify the Order line to this point to a solid black line with arrowheads alternatively above and below the line;
 - indicate the width between the PQR and point B as 12.5 metres;
 - alter the key to show the BOAT between points A and W and the RB between points W and C;
 - indicate points U, V, X, Y and Z for information purposes.

Heidi Cruickshank

Inspector



Wildlife and Countryside Act 1981, S.53

The Derbyshire County Council
(Byway Open to All Traffic from
junction with minor road south
of White Rake, continuing as
Restricted Byway to junction
with Black Harry Lane
and Soney Middleton)
Modification Order 2014

KEY

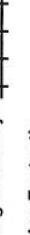
Byway Open to All
Traffic to be added



Restricted Byway
to be added



Existing Bridleway



Existing Footpath

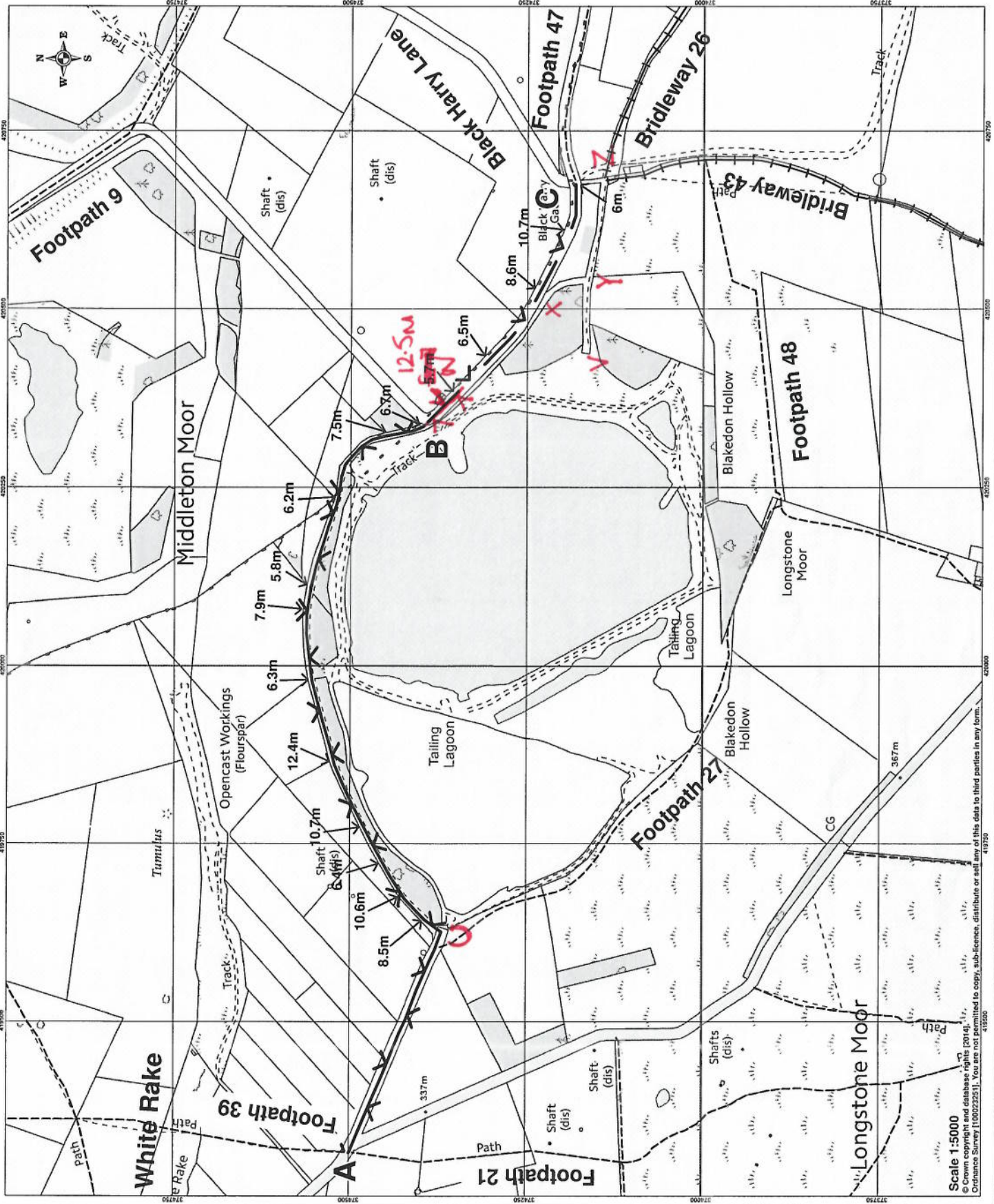


DERBYSHIRE
County Council

Improving life for local people

Shard House
Date Road South
Nailstock
Derbyshire
DE4 3RY

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