

# NOTICE OF ORDER

## WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Derbyshire County Council

(Bridleway and Footpath along the non-classified highway known as  
Brushfield Lane - Parishes of Brushfield and Little Longstone) Modification  
Order 2014

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.

Following an earlier inquiry, the Inspector appointed to determine the Order issued a letter in which she proposed to make modifications to the Order as drafted. Following advertisement of those proposals objections/representations have been received.

The **start date** for the above Order is 27 June 2016

Consideration of the Order will take the form of a public local inquiry. It is being held so that the Inspector can hear evidence in respect of the modified part of the Order **and** new evidence in respect of the unmodified part of the Order. Evidence may be submitted in respect of the whole order. Issues raised in the submissions and on which further evidence/arguments is invited are, in outline:

1. the proposed bridge across the river (paragraph 36 of the Interim Decision)(TRF);
2. Cary's map and the term 'Parochial Road' (paragraph 13 of the Interim Decision)(TRF);
3. Taddington and Priestcliffe Inclosure Award and Plan 1795 setting out 'Brushfield Road' (new evidence, and evidence for the Order route as a 'through route' (TRF);
4. User evidence for the period 1984-2004 (new evidence)(GLASS); whether user went unnoticed (paragraph 61 of the Interim Decision)(Mrs Mallinson); public nuisance (paragraph 79 of the Interim Decision) (Mrs Mallinson), and any other matters.

The Inquiry will be held at Eyam Church Hall, Church Street, Eyam, Derbyshire, Hope Valley S32 5QH on Tuesday 25 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 Bridleway and Footpath along the non-classified highway known as Brushfield Lane in the parishes of Brushfield and Little Longstone.

The effect of the proposed modification would be to provide for the following modifications:

- Delete the words "and Footpath" in the Order title wherever they occur in the Order and Order plans and replace the word "Footpath" with the word "Bridleway" elsewhere in the Order
- Amend the notation on the Order plans to show the length C to D as a Bridleway

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 5223. Email: jean.mcentee@pins.gsi.gov.uk. Please quote reference number FPS/U1050/7/86 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by prior appointment at County Hall, Matlock, Derbyshire, DE4 3AG Monday to Friday during normal office opening times (9.00 am to 5 pm). To arrange a viewing please contact Mr Peter Jackson on Telephone Number 01629 538465.

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

#### **Within 8 weeks of the start date [by 22 August 2016]**

The Order Making Authority, the applicant and everyone who has made an objection or representation following the proposed modifications 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 receiving it 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 following the modifications, the applicant and anyone else who has previously written to us in respect of the Order.

#### **4 weeks before the date of the inquiry [by 27 September 2016]**

The Authority, everyone who has made an objection or representation following the proposed modifications, 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 the Secretary of State. As soon as possible after receiving them, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation following the proposed modifications, the applicant, anyone who has submitted a statement of case and anyone else who has previously written to us in respect of the Order;
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation following the proposed modifications, anyone who has submitted a statement of case and anyone else who has previously written to us in respect of the Order; and
- iii) all other proofs of evidence to the Authority, the applicant and anyone else who has either submitted a statement of case or who has previously written to us in respect of the Order.

**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 mods

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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.

