

NOTICE OF ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

SECTION 53

Derbyshire County Council
(Byway Open to all Traffic from Duffield Bank, Makeney to far side of
River Derwent - Belper and Parish of Duffield) 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. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **31 August 2016**.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case.

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 Byway Open to All Traffic from Duffield Bank, Makeney to the far side of the River Derwent in Belper and the Parish of Duffield.

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/U1050/7/107 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 offices of Derbyshire County Council, County Hall, Matlock, Derbyshire, DE4 3AG by prior appointment, Monday to Friday during normal office opening times (9am to 5pm). To arrange a viewing, please contact Ms Linda Phillips on Telephone Number (01629) 538352.

Timetable for sending in statements of case and comments

Within 2 weeks of the start date [by 14 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, the applicant and any other person who has written to us in respect of the Order.

Within 8 weeks of the start date [by 26 October 2016]

Everyone who has made an objection or representation or any other written representation 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 copies (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) 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.

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, 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 the Authority, everyone who has made an objection or representation and any other person who has written to us in respect of the Order.

Within 14 weeks of the start date [by 7 December 2016]

Everyone who has made an objection or representation, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure that their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of these comments to everyone else.

Any other person wishing to make representations in writing to the Secretary of State in respect of the above Order must do so in line with the timetable set out above.

In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received 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 w/r

DATED

14 AUGUST

2014

WILDLIFE AND COUNTRYSIDE ACT 1981

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

**THE DERBYSHIRE COUNTY COUNCIL (BYWAY OPEN TO ALL TRAFFIC
FROM DUFFIELD BANK, MAKENEY TO FAR SIDE OF RIVER DERWENT
– BELPER AND PARISH OF DUFFIELD)
MODIFICATION ORDER 2014**

**CASE NO: 870
DMMO NO: X2921**

**JOHN McELVANEY
MATLOCK**

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF DERBYSHIRE

**THE DERBYSHIRE COUNTY COUNCIL (BYWAY OPEN TO ALL TRAFFIC
FROM DUFFIELD BANK, MAKENEY TO FAR SIDE OF RIVER DERWENT
– BELPER AND PARISH OF DUFFIELD)
MODIFICATION ORDER 2014**

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 Belper and the Parish of Duffield requires 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 13 August 2014.
2. The Definitive Map and Statement for the County of Derbyshire for Belper and the Parish of Duffield 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 (Byway Open to All Traffic from Duffield Bank, Makeney to far side of River Derwent - Belper and Parish of Duffield) Modification Order 2014.

SCHEDULE

PART I

Modification of Definitive Map

Section as
indicated
on map
A-B-C-D-E

Description of Path or Way to be added

Byway Open to All Traffic in Belper and the Parish of Duffield from Point A (Ordnance Survey Grid Reference ("GR") SK 3524 4417) proceeding in a generally westerly direction to Point B (GR SK 3512 4416), turning to a generally southerly direction to Point C (GR SK 3510 4402), then continuing in a generally

southerly, then south westerly direction to Point D (GR SK 3505 4389) and then in a generally south westerly direction to Point E (GR SK 3488 4376), a distance of 635 metres or thereabouts with a width varying between 3.3 and 10 metres.

E-F-G Byway Open to All Traffic in Belper from the aforementioned Point E (GR SK 3488 4376) proceeding in a generally south westerly direction to Point F (GR SK 3481 4372) and then to Point G (GR SK 3476 4369), a distance of 150 metres or thereabouts with a width of 4 metres.

G-H Byway Open to All Traffic in the Parish of Duffield from the aforementioned Point G (GR SK 3476 4369) proceeding in a generally south westerly direction to Point H (GR SK 3473 4367), a distance of 30 metres or thereabouts with a width of 4 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	Approx. Length	Approx. Width	Remarks
53 (Belper and Parish of Duffield)	SK34SE SK34SW	Byway Open to All Traffic straddling the boundary between Belper and Duffield Parish from W side of Duffield Bank (GR SK 3524 4417) in W direction to sharp S turn (GR SK 3512 4416) then in S then SW direction along enclosed track passing through two field gates (GR SK 3510 4402 and GR SK 3505 4389) then continuing in SW direction along field edge to the parish boundary at N edge of woodland (GR SK	Natural Stone Tarmac	635 Metres	Varying between 3.3 and 10 metres as shown on the Second Edition 1:2500 Ordnance Survey Map of 1898	Field gate: GR SK 3510 4402 GR SK 3505 4389 GR SK 3488 4376 Modification Order 2014 DCC Ref: X2921

3488 4376) NE of
Duffield Railway
Station.

148
(Belper)

SK34SW

Byway Open to All
Traffic in Belper from
Duffield parish
boundary (GR SK
3488 4376) in
generally SW
direction through
woodland to N bank
of the River Derwent
(GR SK 3481 4372)
continuing SW to
parish boundary (GR
SK 3476 4369) in
the centre of the
River Derwent NE of
Duffield Railway
Station.

Natural

150
metres

4 metres

Modification
Order 2014
DCC Ref: X2921

58
(Parish of
Duffield)

SK34SW

Short Byway Open
to All Traffic in the
Parish of Duffield
from the parish
boundary in the
centre of the River
Derwent (GR SK
3476 4369) in SW
direction to the
south bank of the
river (GR SK 3473
4367) NE of Duffield
Railway Station.

Natural

30
metres

4 metres

Modification
Order 2014
DCC Ref: X2921

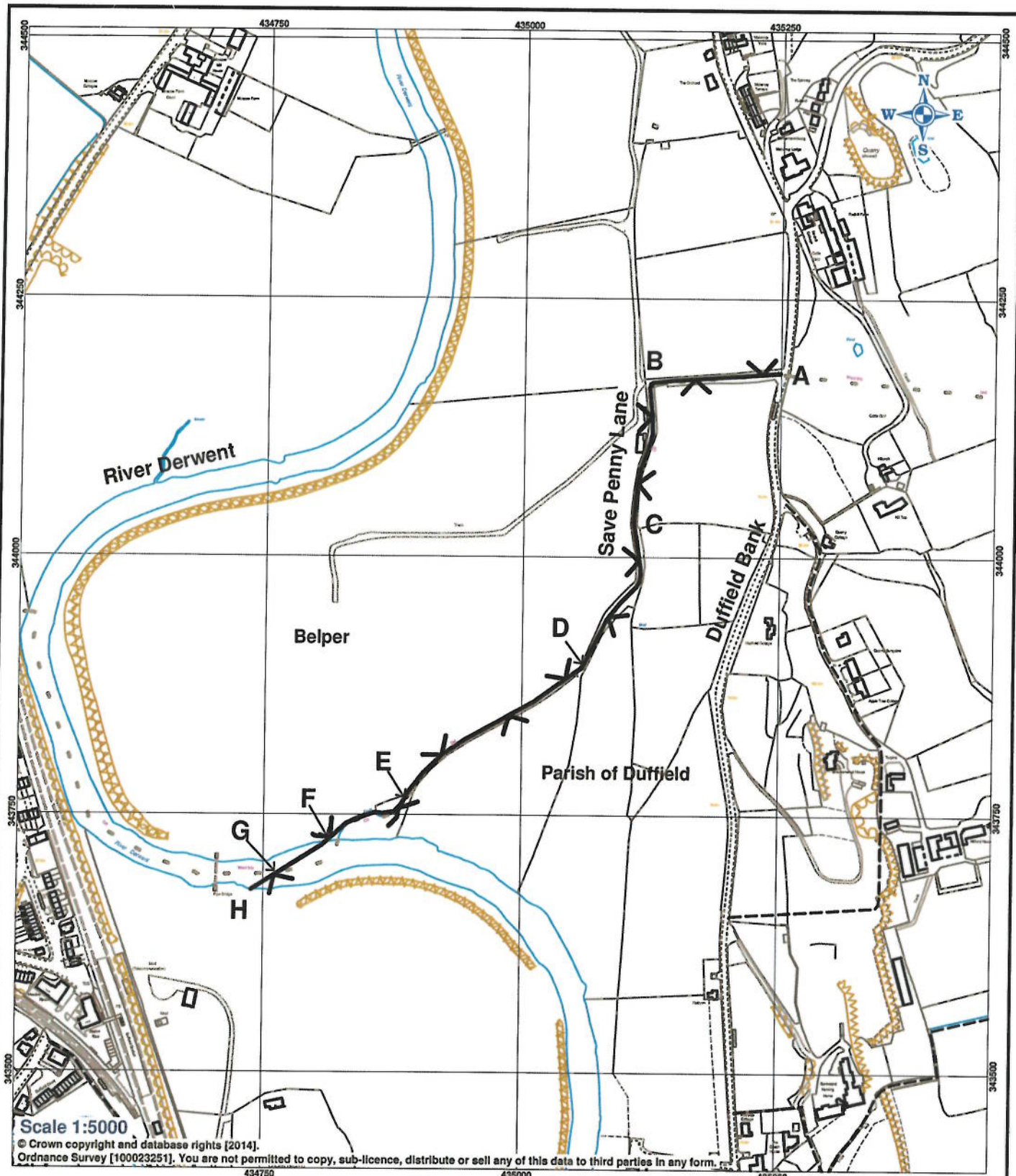
THE COMMON SEAL of the Derbyshire)
County Council was hereunto affixed the)
fourteenth day of August Two Thousand)
and Fourteen in the presence of:-)


Asst Director of Legal Services

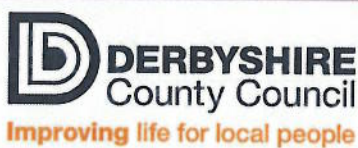
Number in Seal
Book

2014/762





Ref: PE/JV/X2921/Order/2014



Mike Ashworth
Strategic Director - Economy, Transport & Environment

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Dale Road South
Matlock
Derbyshire
DE4 3RY

Produced by Public Rights of Way on 29 July 2014

Wildlife & Countryside Act 1981 Section 53

The Derbyshire County Council (Byway Open to All Traffic from Duffield Bank, Makeney to far side of River Derwent - Belper and the Parish of Duffield) Modification Order 2014

Key:

- Claimed Byway Open to All Traffic
- Existing Footpaths
- Parish Boundary

