



Order Decision

Site visit on 4 August 2016

by Mark Yates BA(Hons) MIPROW

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

Decision date: 09 November 2016

Order Ref: FPS/U1050/7/100

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the 1981 Act") and is known as the Derbyshire County Council (Byway Open to All Traffic along Derby Lane – Parish of Monyash) Modification Order 2015.
- The Order was made by Derbyshire County Council ("the Council") on 23 April 2015 and proposes to add a byway open to all traffic ("BOAT") to the definitive map and statement, as detailed in the Order Map and Schedule.
- There was one objection and four representations outstanding when the Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.

Summary of Decision: The Order is proposed for confirmation subject to the modifications set out below in the Formal Decision.

Procedural Matters

1. I visited the site on 4 August 2016 accompanied by the interested parties.
2. A late submission from the objector (Mrs Mallinson) and the Council's response have been circulated to the other parties. This is also applicable to the submissions received following my request for information from the Council in relation to its list of streets.
3. All of the points referred to below correspond to those delineated on the Order Map. The route included in the Order ("the claimed route"), or part of it, is referred to in some of the documents as 'Derby Lane'.

Main Issues

4. The Order is made under Section 53(2)(b) of the 1981 Act, relying on the occurrence of an event specified in Section 53(3)(c)(i) of the Act. Therefore, if I am to confirm the Order, I must be satisfied that the evidence shows that a right of way which is not shown in the map and statement subsists. The burden of proof to be applied is the balance of probabilities.
5. The case in support relies on the interpretation of various documents and maps. I shall consider whether the evidence provided is sufficient to infer the dedication of a public right of way over the claimed route at some point in the past. Section 32 of the Highways Act 1980 requires a court or tribunal to take into consideration any map, plan or history of the locality, or other relevant document which is tendered in evidence, giving it such weight as appropriate, before determining whether or not a way has been dedicated as a highway.
6. Should I find that the claimed route is a BOAT, I shall have regard to the Natural Environment and Rural Communities Act 2006 ("the 2006 Act"). This

Act has the effect of extinguishing unrecorded public rights of way for mechanically propelled vehicles unless one or more of the exemptions outlined in Section 67(2) or (3) of the Act is applicable.

Reasons

The early evidence

7. In essence, the evidence relating to the existence of a pre-enclosure highway in this locality is derived from twentieth century sources. An extract from the book titled '*Peakland Roads and Trackways*¹' by A.E. Dodd & E.M. Dodd states that there had been ways between Derby and Manchester since Roman times. They outline that the Roman route was still the major thoroughfare in Stuart times but that for much of the intervening period there seems to have been an alternative route serving the upland villages, including Monyash. The authors considered the claimed route to be part of a route between Manchester and Derby, which dated back to medieval times. Further support for the claimed route being part of a longer route of some antiquity is found in an article of 1936 in the publication titled '*The Derbyshire Countryside*' written by RWP Cockerton.
8. Dodd and Dodd refer to the presence of an early eighteenth century guide stone² which now serves as a gatepost. This feature is also documented in extracts from the publication titled '*Derbyshire Miscellany*' from 1957³ and 1958⁴. The first extract notes the wording on the four faces of the guide stone as "DARBY RO", "BUXTON RO", "CHEDEL⁵ RO" and "BAKEWEL RO". I agree with the Council that the initials "RO" are likely to have corresponded to a road (whether for vehicular or other forms of traffic). Dodd and Dodd suggest that the Buxton and Derby faces related to the north-south route and the Cheadle and Bakewell sides corresponded to a saltway.
9. Attention is drawn to the additional initials "BR" on the face immediately adjacent to the claimed route, which corresponds to the one worded "BUXTON RO". Mrs Mallinson takes these initials to be indicative of a bridle road. However, it is apparent that they have a different nature to the other letters on the stone. Further, as a supporter (Mr Cleary) points out, they are only carved on one face of the stone. In the circumstances, I do not consider that I can reach a conclusion regarding the origin of the additional letters or that bridleway status can be inferred from them.
10. The grid reference provided by Dodd and Dodd for the guide stone broadly corresponds to its present location on site. Both the Council and Mr Cleary believe that the stone is not sited in its original position. Mr Cleary says it does not now match with the destinations mentioned. I accept that it is possible the stone was moved when it became used as a gate post. However, I am not satisfied that any firm conclusion can be reached on this matter from the evidence. It may be the case that the alignment of a section of the route changed slightly following the enclosure of the land, as suggested by Mrs Mallinson.

¹ 2000 edition

² Also known as a stoop

³ Recorded by Brian Melland

⁴ Attributed to RWP Cockerton

⁵ Interpreted as corresponding to Cheadle

11. The parties generally agree that the claimed route formed part of a historical route between Derby and Buxton. In this respect, the Council says the fact that it was worthy of a guide stone in the late seventeen century or early eighteenth century indicates it was a fairly significant link in the highway network. However, it is apparent that the Council acknowledges that guide stones can be found on carriage roads or bridle roads. I do not find that it can be determined that Dodd and Dodd considered any part of the route to be a historical footpath. The reference to blocked bridle gates in the 1958 article is reflective of the presence of these features at that time and appears to relate to the Bakewell to Cheadle route. In respect of the account of John Taylor from 1820, mentioned by Dodd and Dodd and referred to in the 1936 article by RWP Cockerton, I am not satisfied that it can be determined from these extracts that a route, which incorporated the claimed route, was considered to be a bridleway.
12. The claimed route is not shown on Burdett's map of Derbyshire from around the 1760s. Mrs Mallinson says this map indicates that travellers between Buxton and Derby would have used the nearby Roman road and not the claimed route. The Council acknowledges that by the mid-eighteenth century the claimed route may have been bypassed as other routes were improved. It is also apparent that there have been other cases where known highways were omitted from Burdett's map.

Enclosure award evidence

13. An Enclosure Act of 1771 for the manor of Monyash gave the Enclosure Commissioners the power to appoint "*publick and private Roads, Highways, and Footways... so as such publick Roads so to be set out and ascertained shall be and remain Sixty Feet between the Ditches; which publick Roads shall at all Times for ever thereafter be repaired and kept in Repair in such manner as other publick Roads and Highways are by Law directed to be repaired...* ".
14. Further, the Act states "*it shall not be lawful for any Person, either on Foot, or with Horses, Cattle or Carriages, to use or claim the Use of any other Roads or Ways, either publick or private, in, over, or through the said new Inclosures; or any Part thereof; and all former Roads and Ways, or so much thereof as shall not be set out or appointed as Roads or Ways... shall be deemed Part of the Lands divided and inclosed...*".
15. The map with the 1776 Monyash Enclosure Award shows the northern section of the claimed route proceeding through ancient enclosures outside of the scope of the award and annotated "*Derby Lane*". The route then proceeds between the allotted enclosures and is annotated "*Middleton Road*". Middleton Road is set out in the award as "*one other publick horse carriage and drift road of the width of sixty feet between the walls fences or ditches as marked in the said plan branching out of the south east end of an ancient lane in Monyash aforesaid called Derby Lane...*". It further states that the road would be maintained in the same manner as other public roads.
16. Mrs Mallinson refers to the description of Middleton Road in the award stating that it proceeded in nearly the same direction as the present road leading from Monyash to Middleton. This could suggest that the awarded section was over a slightly different alignment to the corresponding section of the original road. Nonetheless, it is not disputed that the awarded section corresponds to part of the claimed route.

17. The enclosure map shows Middleton Road terminating at its southern end with a route running westwards and annotated as "*One Ash Road*". This point is located at the end of the enclosed section of the claimed route. One Ash Road was also set out in the award as a public road and is described as branching out of Middleton Road. It is the Council's view that this road served as a branch leading off the claimed route. In this respect, an inference can be drawn from the name of the awarded Middleton Road and the tithe map referred to in paragraph 25 below.
18. Mrs Mallinson refers to the word 'highway' being historically used in connection with vehicular roads. She believes the Commissioners only had the power to award roads and footpaths in this case. This means they could only preserve pre-existing bridleway rights by upgrading any such route. Whilst no public bridleways are included in the award, the Council says the land enclosed covered a relatively small area.
19. I accept that there is a lack of express provision for bridleways in the local Act. However, there is a distinction between public roads and highways. As the Council submits, there is the potential for a bridleway to be awarded under the highway category. The Commissioners had the power to appoint public roads and they clearly did so in connection with a proportion of the claimed route. The award and map are supportive of this public road continuing northwards to Monyash over an ancient lane. Although the position for the southern section is not clearly stated in the award, the name Middleton Road suggests that the road continued to Middleton.
20. The 1818 Middleton by Youlgreave Enclosure Award covered land to the south of the claimed route. Long Rake Road was awarded as part of a longer public road and it is the southern termination point for the claimed route. Reference is made in the description of this road in the enclosure award to "*an ancient Gateway leading to Monyash in the boundary fence of One Ash Grange*". The Council believes that the ancient gateway corresponded to the point the route met Long Rake Road.
21. Mrs Mallinson has provided sketches from 1815 which she believes correspond to the surveyor's drafts for the survey and plan used by the Commissioners for the award. A gate is shown on the northern side of Long Rake Road on one of the sketches. There is also the annotation near to this point "*From Monyash*". Another sketch shows a double pecked line to indicate a route proceeding south eastwards from the gate over parcel 143 (parcel 170 on the award plan), Long Rake Road and Middleton Moor.
22. It is Mrs Mallinson's view that the route from Monyash proceeded through parcel 170 and any rights would have been stopped up as it was not set out in the award. In contrast, the Council says it is probable that in 1818 the junction of the claimed route and Long Rake Road would have been at the western tip of plot 170 against the northern side of the road. From a comparison of the survey map and the 1818 enclosure map, I find it more likely that the southern section originally proceeded just within the western corner of plot 170.

Nineteenth century estate plans

23. A map of One Ash Grange, surveyed by Peter Potter in 1810, shows a proportion of the claimed route. At the northern end of the section shown is the annotation "*From Monyash*". However, the Council acknowledges that the

route shown deviates from the claimed route towards its southern end and terminates to the east of point B. A later map of One Ash Grange of 1854 shows the claimed route on its present alignment.

24. The annotation is indicative of the route shown continuing to Monyash. On this issue, I note the point made by Mrs Mallinson regarding a private road being shown in the same way. In the absence of a key to the maps, no conclusion can be reached in relation to the status of the routes shown in a particular way. Further, estate plans would have been primarily concerned with identifying the extent of particular landholdings. In this respect, I give little weight to the lack of distinction between the claimed route and a private road in an 1855 estate survey document. The same applies to the bracing shown on the 1854 plan in relation to the unenclosed section of the claimed route. The annotation "*The Road from Buxton, Hartington & Longnor*", which appears in connection with Long Rake Road, could suggest that the claimed route served as a local means of access between Monyash and Middleton.

Tithe map

25. The map with the 1848 Monyash Tithe Award depicts the claimed route as far as the parish boundary in the same way as the Monyash enclosure map. It is coloured in the same manner as other public and private roads and annotated at its southern end "*To Middleton*". The Council also points to the awarded section being noticeably wider than the remainder of the route shown and how this suggests that it was set out on the ground. The same cannot be said of the majority of One Ash Road. I find that the annotation on the tithe map provides further support for the awarded road continuing southwards towards Middleton.

Ordnance Survey maps

26. The majority of the claimed route is shown on the First Edition Ordnance Survey ("OS") map of circa 1840 and is annotated as "*Derby Lane*". However, towards its southern end the route is generally shown corresponding to the alignment depicted on the 1810 estate map. As the Council points out the route on the ground changed more significantly at some time between 1840 and 1854. Mrs Mallinson relies upon case law in support of her view that this is an example of a substitute highway being offered by the landowner.
27. The 1898 Second Edition 1:2500 OS map generally shows the claimed route over the alignment shown on the Order Map and annotated as "*Derby Lane*". An OS object name book contains a reference to Derby Lane applying to "*a lane extending about 1Mile S from the ...corner of Monyash*". Mrs Mallinson says this description does not apply to the unenclosed section which starts at around 1900 metres from point A.
28. Mrs Mallinson states that the colouring of the northern section of the claimed route on the First Edition 1879 OS map⁶ indicates it was viewed as a road, but that this does not apply to the southern section. However, the Council submits the lack of colouring could indicate the section was unmetalled. It is apparent that the 1879 and 1898 maps both show the route moving away from the field boundary at the head of Cales Dale for a short section. This suggests that the route visible on the date of the survey varied slightly from the claimed route at this point.

⁶ Surveyed in 1877-78

The railway documents

29. Documents have been provided from 1905 in connection with the proposed Mid-Derbyshire Railway. This line was proposed to cross the claimed route a short distance to the south of Summerhill Farm. The plan shows a section of the claimed route numbered as plot 68. The accompanying book of reference describes this plot as "*public road and waste*" in the ownership of Bakewell Rural District Council and Monyash Parish Council. The cross-section drawing also refers to the route as a public road and specifies that the crossing at this point required an arch with the dimensions of "*20 feet span 15 feet high*". These dimensions are comparable with the public road between Monyash and Parsley Hay.
30. The railway documents provide good evidence that the relevant section of the claimed route was viewed at the time as a public road. However, the fact that the railway was not built will limit its weight to some extent.

The 1910 Finance Act

31. A working map produced for the purpose of the 1910 Finance Act shows the majority of the claimed route excluded from the surrounding taxable parcels of land, known as hereditaments. This provides a good indication of highway status, probably vehicular as footpaths and bridleways were usually dealt with by way of deductions in the accompanying field books. However, there may be other reasons for its exclusion and it should be borne in mind that the existence of highways was incidental to this Act. In contrast, the southern section proceeds across fields. There is a deduction of £30 for "*Public Rights of Way or User*" within the relevant hereditament. Whilst the field books note that this deduction related to footpaths, the Council points to there being at least two recognised public footpaths within this hereditament. This means that it is not possible to infer that the southern section was considered to be a footpath. Bearing in mind the highway records documented below, it is likely that the whole of the route was a highway of some description.

Local authority maintenance records

32. The Bakewell Rural District Council produced a map and schedule in accordance with the Local Government Act 1929. This Act provided for the transfer of maintenance responsibility for highways from the Rural District Councils to the County Councils. The whole of the claimed route is shown on the 'handover map' as an "*other district road*". The route is stated in the schedule to be 2 miles in length and "*part green across fields*". In the accompanying District Roads report compiled by the Rural District Council it is recorded as "*Road across fields, little used in poor condition*".
33. The Council states that the claimed route is currently recorded in its list of streets as a non-classified highway. This is again supportive of the route being a highway maintainable at public expense. However, as the Council acknowledges, it provides no clarification regarding the extent of the public rights that exist.
34. The above highway records are conclusive evidence of the highway authority's acceptance of its maintenance responsibility. In this respect, they are supportive of the claimed route being a highway. However, they are not a definitive record of the highway rights in connection with the ways shown and they need to be considered in conjunction with the remainder of the evidence.

35. Mrs Mallinson has provided a copy of a photograph taken from point A in circa 1960. This shows a sign on the route which states "*Notice No Through Road*". She believes this indicates the Council did not consider that the claimed route was maintainable throughout its length. In response, the Council says that this signage has historically been used to prevent ordinary traffic from getting into difficulty on a road which is not suitable for whatever reason as a through route. As detailed above, the records indicate that a route through to Long Rake Road is maintained at public expense.

Twentieth century OS maps

36. The 1947 one inch to a mile OS Buxton and Matlock map shows the section of the claimed route between Monyash and Summerhill Farm under the category of "*Other Motor Roads*" and defined as "*narrow and bad*". In contrast, the remainder of the route is shown as a "*Minor Road*". The Council accepts that these categories would have included private carriage roads (with or without lower public bridleway rights) and public carriage roads.
37. The 1962 edition records the whole of the claimed route under the category of "*Minor Roads in Towns, Drives and Unmetalled Roads*". Again, the Council accepts that this category could encompass public and private roads. In contrast, only the enclosed section of the claimed route is shown on the 1999 OS Landranger map. It falls within the overall category known as "*Other route with public access*".

The definitive map process

38. It is accepted that the Council is likely to have provided the survey plans upon which the claimed rights of way were shown at the early stage of this process. In addition, it is believed that the Council was responsible for the green line shown on the relevant survey map which corresponds to the proportion of the claimed route between Monyash and the end of the enclosed section. The remainder of the route is coloured to indicate that it was claimed by the parish council as a public right of way.
39. On the accompanying survey form, dated 26 November 1950, the route claimed is described between Rake End in Monyash and Middleton Road. However, the description in the form suggests that the claimed bridleway commenced at the end of the enclosed section and this broadly corresponds with the survey plan.
40. Mrs Mallinson draws attention to other information contained in the survey form. There is a reference in the form to public use dating back to the turn of the twentieth century, which could be indicative of use by the public on foot and horseback. In respect of any consideration by the parish council of the enclosure award evidence, the southern section was not awarded. Further, there is annotation on the survey plan which could indicate that the Monyash Enclosure Award was considered relevant.
41. There is a further reference in the survey form to the claimed bridleway being subjected to ploughing in wartime. Mrs Mallinson draws attention to Regulation 62 in '*The Defence (General) Regulations 1939*'. This allowed the Minister of Agriculture and Fisheries to authorise the stopping up and ploughing of a public, private or customary way. However, it was stated to not apply to carriage or cartways. Mrs Mallinson has provided a map from the local wartime committee which points to the field being ploughed at the time.

42. The above evidence does not point to the southern section of the claimed route being viewed locally as a vehicular highway at the onset of the Second World War and the commencement of the definitive map process.

Other evidence

43. A letter of 24 June 1964 from the Council to the landowner (the Chatsworth Estate) asks whether the estate would accept the route as a bridleway which would leave the question of higher status unresolved. Although there seems from the limited correspondence available to have been no strong objection to the route being recorded as a bridleway, it was never added to the definitive map. The parties generally agree that the inclusion of the claimed road in the highway maintenance records was the reason for its omission from the definitive map.
44. There has been some evidence provided of personal and observed use of the claimed route. This evidence suggests that the route has been used by pedestrians, horse riders and mechanically propelled vehicles. However, the quality and quantity of this evidence means I consider that it carries only limited weight. Nor indeed do the parties place much reliance on this evidence.

Conclusions

45. There is evidence, most notably in the form of the guide stone, that there was a highway in this locality prior to the enclosure of the land in Monyash. The highway is believed to have been part of a longer route. This issue does not appear to be in dispute despite the omission of the claimed route from the Burdett map. The issue in dispute is the status of the pre-enclosure highway.
46. I attach significant weight to the Monyash Enclosure Award in relation to the section of the claimed route which was set out as a public road. The award also provides good evidence in support of the public road continuing northwards by way of an ancient lane which corresponds to the northern part of the claimed route. In addition, the award is supportive of the road continuing southwards towards Middleton.
47. The Middleton by Youlgreave Enclosure Award also provides support for there being a route which continued from Long Rake Road to Monyash. I accept that there is some merit in Mrs Mallinson's view regarding the southern termination point for the route. Therefore, any pre-existing highway rights could potentially have been stopped up over a short section of the route at its junction with Long Rake Road. However, a through route is shown on the 1840 OS map which meets Long Rake Road adjacent to the western side of parcel 170. Clearly, this short section could have been dedicated in the intervening period. The tithe map provides further support for the route continuing through to Middleton but its exact alignment to the south cannot be determined.
48. The 1840 OS map and later estate map indicate that the route between Monyash and Middleton changed more significantly between 1840 and 1854. Whilst these maps provide no clarification regarding the status of the route shown, they depict a through route and could be supportive of the enclosure award evidence. The 1854 map shows the alignment corresponding to the claimed route.
49. In respect of the southern section, no evidence of a formal diversion has been located. Nonetheless, it is apparent that the claimed route has been viewed as

- proceeding over its present alignment since at least 1854. This revised route may have originated at the instigation of the landowner or following use by the public. In any case, the subsequent evidence could lead to the inference of the dedication of the southern section over its present alignment. When considering the slight curve away from the field boundary, which is evident on some of the OS maps, I give the greater weight to the highway records when determining the alignment of the route.
50. The 1905 railway documents are supportive of a proportion of the route being viewed as a public road at the turn of the twentieth century and the handover documents reveal that the highway authorities considered the highway proceeded over the alignment recorded on the Order Map. Whilst the Finance Act evidence does not point to the southern section being recognised as a vehicular highway, there is no apparent reason why a cul de sac public road would have terminated at the point shown.
51. The evidence from the definitive map process indicates that the southern section was only considered by the parish council to be a bridleway and there is a reference to use which could support this view. It is also apparent that the southern section was ploughed for a period of time. The more recent evidence points to use by all forms of traffic.
52. Having regard to my conclusions regarding the various documents and maps, I conclude on balance that the evidence as a whole is sufficient to infer the dedication of a vehicular highway over the claimed route prior to it being viewed locally as a bridleway. I therefore find on the balance of probabilities that a BOAT subsists. However, this conclusion is subject to the provisions of the 2006 Act.

Consideration of the 2006 Act

53. The Council relies upon the exemption found in Section 67(2)(b) of the 2006 Act. If applicable, the public right of way for mechanically propelled vehicles is not extinguished if immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under Section 36(6) of the Highways Act 1980. As outlined above, the claimed route has been recorded in the Council's highway records but was not shown in the definitive map. The issue to be determined for this exemption to apply is whether the route was shown in the Council's list of street on 2 May 2006.
54. Mrs Mallinson draws attention to particular pieces of evidence to question whether this exemption is applicable. However, the nature of the route depicted on the survey form completed in relation to the definitive map process and the sign shown on the photograph from the 1960s do not preclude the route from being included in the list of streets. It is suggested that the reason the route was not shown on the definitive map was its inclusion in the highway maintenance records. The handover map clearly records the whole of the claimed route. Nor does the absence of the southern section from the 1999 OS map mean that the route was also not shown in the list of streets, despite it being stated that the OS obtained the relevant information from this document. As suggested by the Council, this omission could be an error. In particular, the issue that I need to consider is the position on 2 May 2006.
55. I agree with Mrs Mallinson that it was advisable to retain a copy of the list of streets at the relevant date. On this issue, the Council states that the list (in map form) has been kept electronically since January 2006. The Council has

further clarified that whilst this electronic version now takes precedence, paper copies of the list of streets have been retained for use in conjunction with the electronic version.

56. Mrs Mallinson points to particular differences between the electronic and paper versions in terms of the route recorded, which differ from the claimed route. These differences appear to relate only to the southern unenclosed section. She has drawn attention to the High Court case of *Fortune and others v Wiltshire Council and another* ("*Fortune*") 2010⁷. At 1148 of the *Fortune* judgment, it is stated that "...the Highway Authority can only have one qualifying definitive and master section 36(6) list at any one time, having regard to the requirements of section 36(6) and (7) Highways Act 1980. This does not, however, preclude multiple originals of the list if in identical form to the master list."
57. I take the above to mean that where multiple copies of the list of streets exist the information recorded in them should be consistent. In this case, Mrs Mallinson has identified differences between the electronic and retained paper versions. However, the information supplied by the Council indicates that the paper versions complement the electronic version with the latter taking precedence. It is therefore apparent that where differences occur the electronic version prevails. Further, all of the versions appear to depict the enclosed section on the alignment recorded in the Order. In terms of the electronic version, this shows the unenclosed section proceeding on the other side of a field boundary to the route in the Order and continuing on the boundary itself.
58. In light of the above, I conclude on balance that the northern enclosed section of the claimed route is recorded in the list of streets and the relevant exemption is applicable. It follows in my view that this section should be recorded in the definitive map and statement as a BOAT. However, despite the presence of a disclaimer on the electronic version, the same cannot be said to apply to the southern section. Therefore, I propose to modify the Order to record this section as a restricted byway.

Overall Conclusion

59. Having regard to these and all other matters raised in the written representations I conclude that the Order should be confirmed with modifications.

Formal Decision

60. I propose to confirm the Order subject to the following modifications:

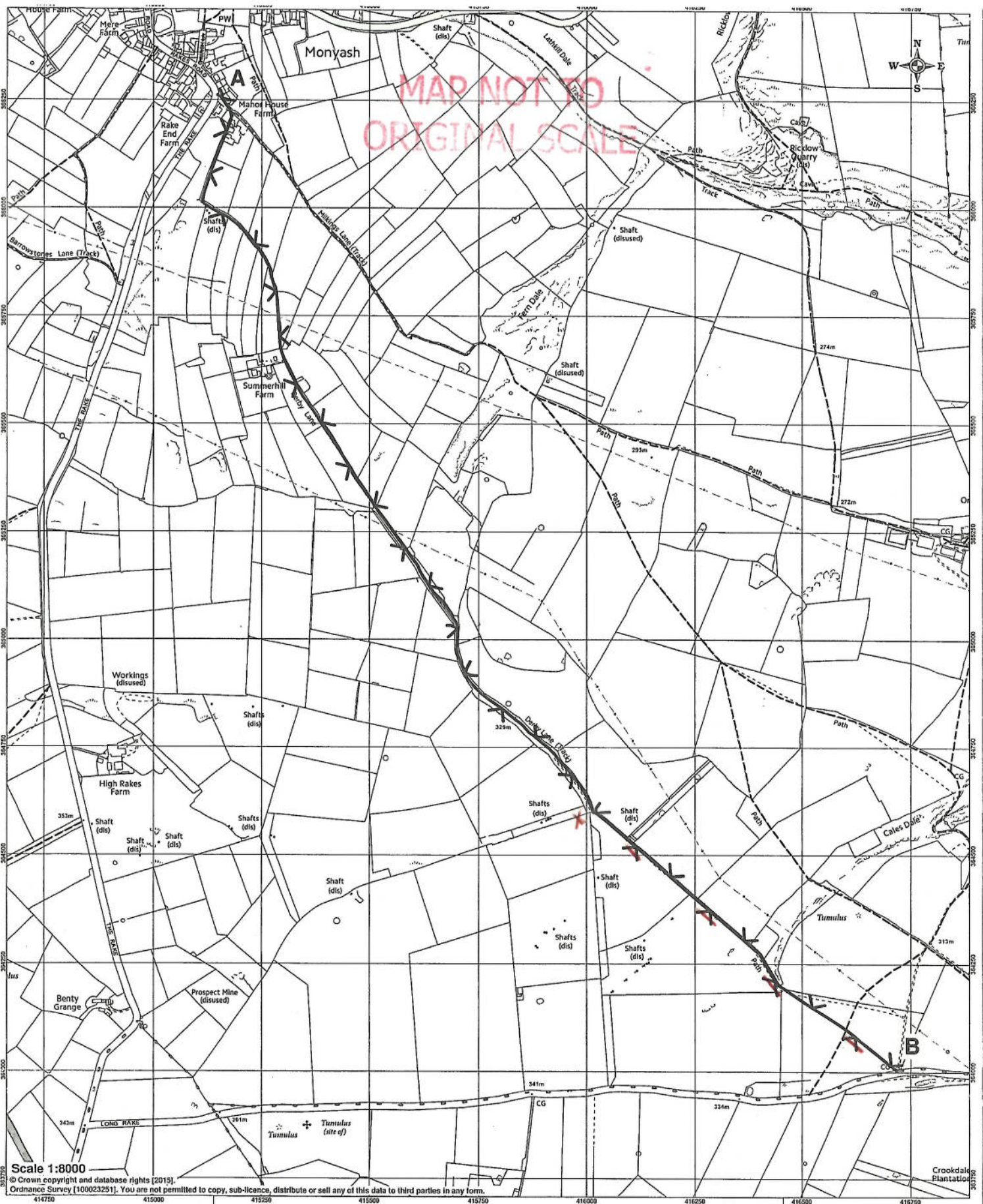
- Replace all references to the title of the Order with "*the Derbyshire County Council (Byway Open to All Traffic and Restricted Byway along Derby lane-Parish of Monyash) Modification Order 2015*".
- Insert after "*direction*" in the fourth line of the description in Part I of the Order Schedule "*to point X (GR SK1601 6460) then continuing in a south easterly direction as a restricted byway*".

⁷ This issue is stated to not have been varied in the Court of Appeal judgment of 2012

- Insert after “*continuing*” in the seventeenth line of the description in Part II of the Order Schedule, “*as a restricted byway*”.
 - Insert “X” on the Order Map at grid reference SK1601 6460.
 - Show the section of the route on the Order Map between points X and B by way of the notation for a restricted byway and amend the map key accordingly.
61. Since the confirmed Order would show as a highway of one description part of a way which is shown as a highway of another description in the Order as submitted I am required by virtue of Paragraph 8(2) of Schedule 15 to the 1981 Act to give notice of the proposal to modify the Order and to give an opportunity for objections and representations to be made to the proposed modifications. A letter will be sent to interested persons about the advertisement procedure.

Mark Yates

Inspector



Ref: ET/SR/X3303/Order/2015

DERBYSHIRE
County Council
improving life for local people

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Produced by Public Rights of Way on 15 July 2014

Wildlife and Countryside Act 1981 Section 53

The Derbyshire County Council (Byway Open to All Traffic
And Restricted along Derby Lane - Parish of Monyash)
Modification Order 2015

key: Byway Open to All Traffic
to be added

Existing footpaths

