

# NOTICE OF ORDER

## WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

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

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 exchange of written representations, the Inspector appointed to determine the Order issued a letter in which he 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 16 May 2017.

Consideration of the Order will take the form of a hearing. It is being held so that the Inspector can hear evidence in respect of the Inspector's proposed modifications only.

The Hearing will be held at **Committee Room 1, Derbyshire County Council, County Hall, Matlock, Derbyshire DE4 3AG** on **Tuesday 5 September 2017 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 Byway Open to All Traffic along Derby Lane between Rakes Road and Long Rake in the Parish of Monyash.

The effect of the modifications would be 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*".
- 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.

**Please Note:** The Inspector will be unable to hear objections or representations relating to the unmodified parts of the Order.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at deposited at the

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/U1050/7/100M 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 and may be inspected free of charge during normal working hours. Please contact Peter Jackson on 01629 538465.

### **Timetable for sending in statements of case**

#### **Within 8 weeks of the start date [by 11 July 2017]**

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 Hearing 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 full copy to the Authority. Copies (excluding copies of any supporting documents - these will be available to view at the Authority's offices) will also be sent to everyone who has made an objection or representation following the proposed modifications, the applicant and anyone else 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 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

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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 hearing.

PROPOSED MODIFICATIONS

DATED 23 APRIL 2015

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR  
THE COUNTY OF DERBYSHIRE

THE DERBYSHIRE COUNTY COUNCIL (BYWAY OPEN TO ALL TRAFFIC AND RESTRICTED  
BYWAY ALONG DERBY LANE – PARISH OF MONYASH) MODIFICATION ORDER  
2015

CASE NO: 36955  
DMMO NO: X3303

JOHN McELVANEY  
MATLOCK

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF DERBYSHIRE

**BYWAY** THE DERBYSHIRE COUNTY COUNCIL (BYWAY OPEN TO ALL TRAFFIC **AND RESTRICTED**  
**ALONG DERBY LANE – PARISH OF MONYASH) MODIFICATION ORDER**  
**2015**

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 Monyash 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 22 April 2015.
2. The Definitive Map and Statement for the County Of Derbyshire for the Parish of Monyash 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 ~~along~~ **and Restricted** Derby Lane – Parish of Monyash) Modification Order 2015.

**SCHEDULE**

**PART I**

Modification of Definitive Map

Section as indicated on the map

**A-B**

Description of Path or Way to be added

Byway Open to All Traffic along Derby Lane in the Parish of Monyash from Point A (Ordnance Survey Grid Reference ("GR") SK 1514 6626) proceeding in a generally south easterly then south south westerly then south easterly direction to Point B (GR SK 1671 6400), a total distance of 2933 metres or thereabouts, with a width varying between 2.4 and 21.5 metres.

*to point X (GR SK1661 6460) then continues in a south easterly direction as a restricted byway*

**PART II**

Modification of Definitive Statement

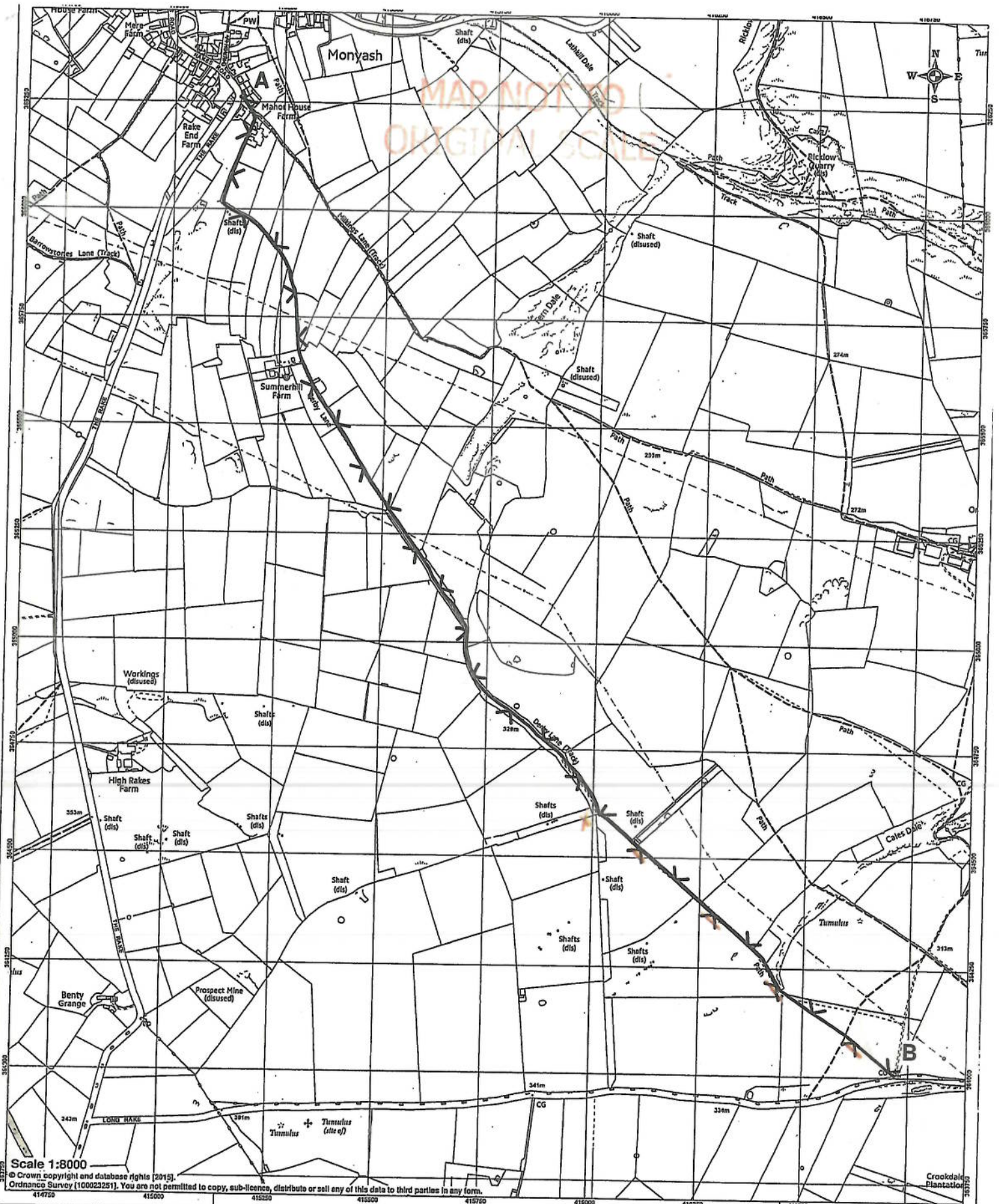
Variation to add of particulars of Path or Way

Path No	1/10,000 OS Sheet Ref No	Status and Description of Route	Nature of Surface	Length	Width	Remarks
29 (Parish of Monyash)	SK16NE	Byway Open to All Traffic from Rakes Road (GR SK 1514 6626), Monyash, enclosed by drystone walls in a generally SE then SSW direction before proceeding in SSE direction to Summerhill Farm along tarmac surface, continuing in general SE direction for a further 1280 metres along compacted stone surface to gate. Then continuing <sup>as a restricted byway</sup> unenclosed across two fields adjacent to SW side of wall before traversing SE across final field to Middleton and Smerrill parish boundary at N side of Long Rake (GR SK 1671 6400) opposite Arbor Low Quarry.	Tarmac, compacted stone, grass	2933m	Varying between 3.6 and 21.5 metres as shown between boundaries on the Second Edition Ordnance Survey map of 1898. Narrowing to 2.4 metres at gate (GR SK 1601 6460) then 3 metres for remaining section across fields to Long Rake (GR SK 1671 6400).	Field gate SK 1601 6460 Field gate SK 1645 6419 Field gate SK 1671 6400 Modification Order 2015 DCC Ref: X3303

THE COMMON SEAL of the Derbyshire )  
 County Council was hereunto )  
 Affixed the Twenty-third day of April )  
 Two Thousand and Fifteen )  
 in the presence of:- )

  
 Director of Legal Services

Number in Seal Book  
 2015/374



Ref: ET/SR/X3303/Order/2015

**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 15 July 2014

**Wildlife and Countryside Act 1981 Section 53**


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

*Not Restricted by way*

*Restricted by way to be added X*

Key: Byway Open to All Traffic  
to be added

Existing footpaths

A  B 