

# **NOTICE OF ORDER**

## **WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53**

The Derbyshire County Council  
(Byway Open to all Traffic along non-classified Highway along Pin Dale  
(including non-classified Highway Spur to Dirlow Rake) Parishes of  
Castleton and Bradwell) Modification Order 2017

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 **3 June 2019**.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **The Peveril Centre, Buxton Road, Castleton, Hope Valley, Derbyshire, S33 8WP** on **Tuesday 5 November 2019** 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 a Byway Open to All Traffic (BOAT) in the Parish of Castleton from point A on the Order Map (Ordnance Survey Grid Reference ("GR") SK 1608 8242) proceeding along the non-classified highway through Pin Dale in a generally west-south-westerly then in a southerly direction to the parish boundary with Bradwell at point B on the Order Map (GR SK 1567 8213), a total distance of 530 metres or thereabouts with a width of 4 metres;
- adding a Byway Open to All Traffic (BOAT) in the Parish of Bradwell from point B on the Order Map (GR SK 1567 8213) proceeding along the non-classified highway through Pin Dale in a generally southerly direction then south westerly direction to the parish boundary with Castleton at point C on the Order Map (GR SK 1557 8195), a total distance of 206 metres or thereabouts, with a width varying between 3 and 4 metres, and;
- adding a Byway Open to All Traffic (BOAT) in the Parish of Castleton from point C on the Order Map (GR SK 1557 8195) proceeding along the non-classified highway spur in a generally northerly direction to

the classified road at point D on the Order Map (GR SK 1554 8211), a total distance of 184 metres or thereabouts, with a width of 5 metres.

Any queries relating to this Order should be referred to Bethan Baldry at The Planning Inspectorate, Rights of Way Section, 3A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5722. Email: Bethan.Baldry@planninginspectorate.gov.uk. Please quote reference number ROW/3214771 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 the offices of Derbyshire County Council, County Hall, Matlock, Derbyshire DE4 3AG. Contact point: Peter Jackson, email Peter.Jackson@derbyshire.gov.uk, telephone 01629 538465.

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

#### **Within 8 weeks of the start date [by 29 July 2019]**

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 - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

#### **Within 14 weeks of the start date [by 9 September 2019]**

Everyone who has made an objection or representation 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 the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to 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 (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

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, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

#### **4 weeks before the date of the inquiry [by 8 October 2019]**

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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.

The Authority, everyone who has made an objection or representation, 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 by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

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.

DATED

8 JUNE

2017

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR  
THE COUNTY OF DERBYSHIRE

THE DERBYSHIRE COUNTY COUNCIL (BYWAY OPEN TO ALL TRAFFIC  
ALONG NON-CLASSIFIED HIGHWAY ALONG PIN DALE (INCLUDING  
NON-CLASSIFIED HIGHWAY SPUR TO DIRTLOW RAKE) PARISHES OF  
CASTLETON AND BRADWELL) MODIFICATION ORDER 2017

CASE NO: 36081  
DMMO NO: X3250

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 ALONG NON-CLASSIFIED HIGHWAY ALONG PIN DALE (INCLUDING NON-CLASSIFIED HIGHWAY SPUR TO DIRTLOW RAKE) PARISHES OF CASTLETON AND BRADWELL) MODIFICATION ORDER 2017

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 Parishes of Castleton and Bradwell 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 7 June 2017.
2. The Definitive Map and Statement for the County Of Derbyshire for the Parishes of Castleton and Bradwell 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 non-classified highway along Pin Dale (including non-classified highway spur to Dirtlow Rake) Parishes of Castleton and Bradwell) Modification Order 2017.

## SCHEDULE

### PART I

#### Modification of Definitive Map

Section as indicated on map	Description of Path or Way to be added
A-B	Byway Open to All Traffic in the Parish of Castleton from Point A (Ordnance Survey Grid Reference ("GR") SK 1608 8242) proceeding along the non-classified highway through Pin Dale in a generally west south-westerly direction then in a southerly direction to the parish boundary at Point B (GR SK 1567 8213), a total distance of 530 metres or thereabouts with a width of 4 metres.

**B-C** Byway Open to All Traffic in the Parish of Bradwell from Point B (GR SK 1567 8213) proceeding along the non-classified highway through Pin Dale in a generally southerly direction then south westerly direction to the parish boundary at Point C (GR SK 1557 8195), a total distance of 206 metres or thereabouts, with a width varying between 3 and 4 metres.

**C-D** Byway Open to All Traffic in the Parish of Castleton from Point C (GR SK 1557 8195) proceeding along the non-classified highway spur in a generally northerly direction to the classified road at Point D (GR SK 1554 8211) a total distance of 184 metres or thereabouts, with a width of 5 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 in the Parish of Castleton – District of High Peak	Nature of Surface	Length	Width	Remarks
59	SK18/SE	Byway Open to All Traffic at Black Rabbit Barn (1608 8242) in a generally WSW direction along the non-classified highway through Pindale to the parish boundary with Bradwell (1567 8213) E of Dirtlow Rake.	Stone	530 metres	4 metres	Modification Order 2017 DCC Ref: X3250
63	SK18/SE	Byway Open to All Traffic from the parish boundary with Castleton (1557 8195) S of Dirtlow Rake, in a NW then N direction along the non-classified highway to junction with Dirtlow Rake (1554 8211), classified highway.	Stone	184 metres	5 metres	Modification Order 2017 DCC Ref: X3250

Variation to add of particulars of Path or Way

Path No	1/10,000 OS Sheet Ref No	Status and Description of Route in the Parish of Bradwell – District of Derbyshire Dales	Nature of Surface	Length	Width	Remarks
40	SK18/SE	Byway Open to All Traffic from the parish boundary with Castleton (1567 8213) E of Dirlow Rake in a generally S then SW direction along the non-classified highway through Pindale to the parish boundary with Castleton (1557 8195) S of Dirlow Rake.	Stone	206 metres	3 to 4 metres as shown between solid boundaries on the second Edition 1:2500 Ordnance Survey Map of c1898	Modification Order 2017 DCC Ref: X3250

THE COMMON SEAL of the Derbyshire )  
County Council was hereunto )  
Affixed the Eighth day of June )  
Two Thousand and Seventeen )  
in the presence of:- )

*Paul Pent*  
ef Director of Legal Services

Number in Seal  
Book

2017/872





**Wildlife & Countryside Act 1981 Section 53**  
**The Derbyshire County Council**  
 (Byway Open to All Traffic along  
 non-classified highway along  
 Pin Dale (including non-classified  
 highway spur to Dirlow Rake)  
 Parishes of Castleton and Bradwell)  
**Modification Order 2017**

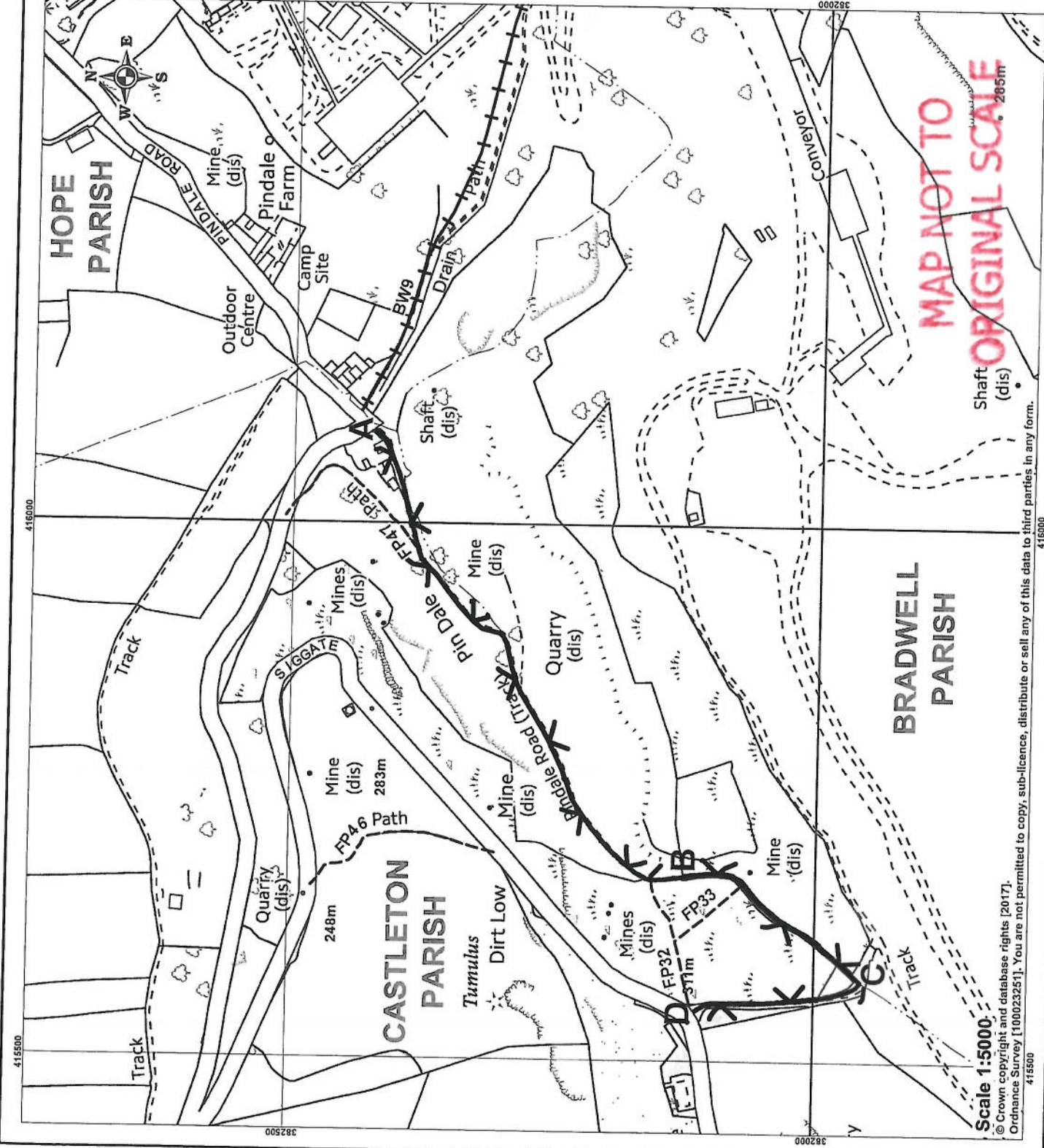
**Key:**

- BOAT to be added
- (A-B)
- (B-C)
- (C-D)
- Existing Footpath
- Existing Bridleway
- District boundary
- Parish boundary

**Ref: TE/CH/X3250/Order/2017**  
**Date: 1 June 2017**



**Mike Ashworth**  
 Strategic Director  
 Economy, Transport & Communities  
 Derbyshire County Council  
 Shand House  
 Dale Road South  
 Matlock  
 DE4 3RY



**MAP NOT TO ORIGINAL SCALE**