

NOTICE OF ORDER
HIGHWAYS ACT 1980 – SECTION 119
WILDLIFE & COUNTRYSIDE ACT 1981 – SECTION 53

Durham County Council

(Public Footpath No.39 Evenwood and Barony Parish) Public Path Diversion &
Definitive Map and Statement Modification Order 2018

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 **18 June 2019**.

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 divert Public Footpath No.39 Evenwood and Barony Parish from a point at the junction with Toft Hill Lane, proceeding in a generally westerly direction past the buildings of High Toft Hill Farm to a point at a field corner, immediately east of the junction with Footpath No. 38 to a line running from the same point at the junction with Toft Hill Lane, proceeding in a generally southerly direction along the field edge to a new access point onto the road, then in a generally westerly then north-westerly then northerly direction around the field edge to the same point in the field corner, immediately east of the junction with Footpath No. 38, as shown on the order map. The above order will also modify the Definitive Map and Statement of the Public Rights of Way for County Durham by deleting and adding the footpath described.

Any queries relating to this Order should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5646. Email: helen.sparks@planninginspectorate.gov.uk. Please quote reference number ROW/3223251 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 Durham County Council, County Hall, Durham, DH1 5UL (Monday to Friday: 9.00am to 4.00pm). To arrange a viewing of the documents please contact the Council on Telephone Number 03000 269724 or 03000 265331.

Timetable for sending in statements of case and comments

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

Within 8 weeks of the start date [by 13 August 2019]

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 full copies 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 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 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).

Within 14 weeks of the start date [by 24 September 2019]

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

**PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND
STATEMENT MODIFICATION ORDER**

**HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE COUNTY COUNCIL OF DURHAM
(PUBLIC FOOTPATH NO. 39 EVENWOOD AND BARONY PARISH)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION
ORDER 2018**

This Order is made by the County Council of Durham ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this Order it is expedient that the line of the path should be diverted.

This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the Definitive Map and Statement of Public Rights of Way for County Durham requires modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this order) of a highway shown or required to be shown in the map and statement.

BY THIS ORDER:

1. The public right of way over the land situate in the Parish of Evenwood & Barony and shown by a bold continuous line on the map contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up after 7 days from the date of confirmation of this order as provided for by paragraph 3 below and thereupon the Definitive Map and Statement of Public Rights of Way for County Durham shall be modified by deleting from it that public right of way.
2. There shall at the end of 7 days from the date of confirmation of this Order be a public footpath over the land situate in the Parish of Evenwood & Barony described in Part 2 of the Schedule and shown by a bold broken line on the map attached to this order, and thereupon the County Durham definitive map shall be modified by adding that path to it.
3. The County Durham definitive statement shall be modified as described in Part 4 of the Schedule to this Order.
4. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.

SCHEDULE

**PART 1
DESCRIPTION OF SITE OF EXISTING PATH OR WAY**

<u>No. of Path</u>	<u>Position</u>
Public Footpath No. 39 Evenwood and Barony Parish (entire width)	Public Footpath commencing from a point at the junction with Toft Hill Lane, grid reference 414718.527585 (point A on the plan) proceeding in a generally westerly direction for a distance of some 360 metres to a point at a field corner, immediately east of the junction with Footpath No. 38, grid reference 414370.527546 (point B on the plan) (A – B)

**PART 2
DESCRIPTION OF SITE OF NEW PATH OR WAY**

<u>No. of Path</u>	<u>Position</u>
<p>Public Footpath No. 39 Evenwood and Barony Parish</p> <p>(width 1.8 metres)</p>	<p>Public Footpath commencing from a point at the junction with Toft Hill Lane, grid reference 414718.527585 (point A on the plan) proceeding in a generally southerly then south westerly direction along the field edge for a distance of some 119 metres to a new access point onto the road, grid reference 414712.527468 (point C on the plan) then continuing along the field edge in a generally south-westerly direction for a distance of some 20 metres to grid reference 414697.527456 (point D on the plan) then proceeding along the field edge in a generally westerly direction for some 239 metres to the field corner, grid reference 414463.527430 (point E on the plan) then in a generally north- westerly direction for a distance of some 126 metres to grid reference 414365.527504 (point F on the plan) then in a generally northerly direction for a distance of some 42 metres to a point at the field corner, immediately east of the junction with Footpath No. 38, grid reference 414370.527546 (point B on the plan) (A – C – D – E – F – B)</p>

**PART 3
LIMITATIONS AND CONDITIONS**

<u>No. of Path</u>	<u>Position</u>
<p>Public Footpath No 39 Evenwood and Barony Parish</p>	<p>The limitation applies to the position of Footpath No. 39 as described in Part 2 of this Schedule and consists of a stile, in accordance with BS5709:2018, at grid reference 414712.527468 (point C on the plan).</p>

**PART 4
MODIFICATION OF DEFINITIVE STATEMENT
Variation of Particulars of Path or Way**

6/18/14

No: 39

Town/Parish: Evenwood and Barony

Name of Path:

Status: Footpath

OS Sheet: NY 12 NW

Starting Point: Junction with adopted highway, Nettlebed Lane, near Cock's House (413712, 527716)

Description of Route: In an easterly direction on south side of boundary wall to its junction with Public Footpath No.38. Continuing in an easterly direction then southerly, westerly and northerly around field edge, with additional stile onto Toft Hill Lane along south side of boundary wall and underground septic tanks south of High Toft Hill, across access track and onto junction with Toft Hill Lane.

Ultimate Destination: Junction with adopted highway, Toft Hill Lane Road B6282 (414718, 527585)

Details of Features: 5 6 x stiles (1 in accordance with BS:5709.2018)
2 x field gates
1 x wicket gate

Width of Path: Undefined, diverted section 1.8 metres

Length of Path: ~~4053~~ 1239 metres

Type of Construction: Grass ~~except for cart track at end~~

Sections Metalled: ~~Little Moor Farm to end~~

Sections Ploughed:

General Conditions of:

- | | | |
|-----|------------------|------|
| (a) | Path | Fair |
| (b) | Stiles and Gates | Good |
| (c) | Bridges | |
| (d) | Stepping Stones | |

Details of any Signs and Notices Boards: No

NOTES: Unrestricted use for over 20 years
Part diverted by the Durham County Council (Footpath No.39 Evenwood and Barony Parish) Public Path Diversion Order 2000 – confirmed 14/06/2000
Part diverted by the County Council of Durham (Public Footpath No 39 Evenwood and Barony Parish) Public Path Diversion and Definitive Map and Statement Modification Order 2018

**GIVEN UNDER THE COMMON SEAL OF THE COUNTY COUNCIL OF DURHAM
ON THE 4th DAY OF OCTOBER 2018**


.....
Authorised Sealing Officer



Simon May



an Thompson
Corporate Director
Durham County Council
County Hall
Leazes Road
Durham, DH1 1TA

The County Council of
Durham (Public Footpath
No. 39 Evenwood and
Barony Parish) Public Path
Diversion and Definitive Map
and Statement Modification
Order 2018

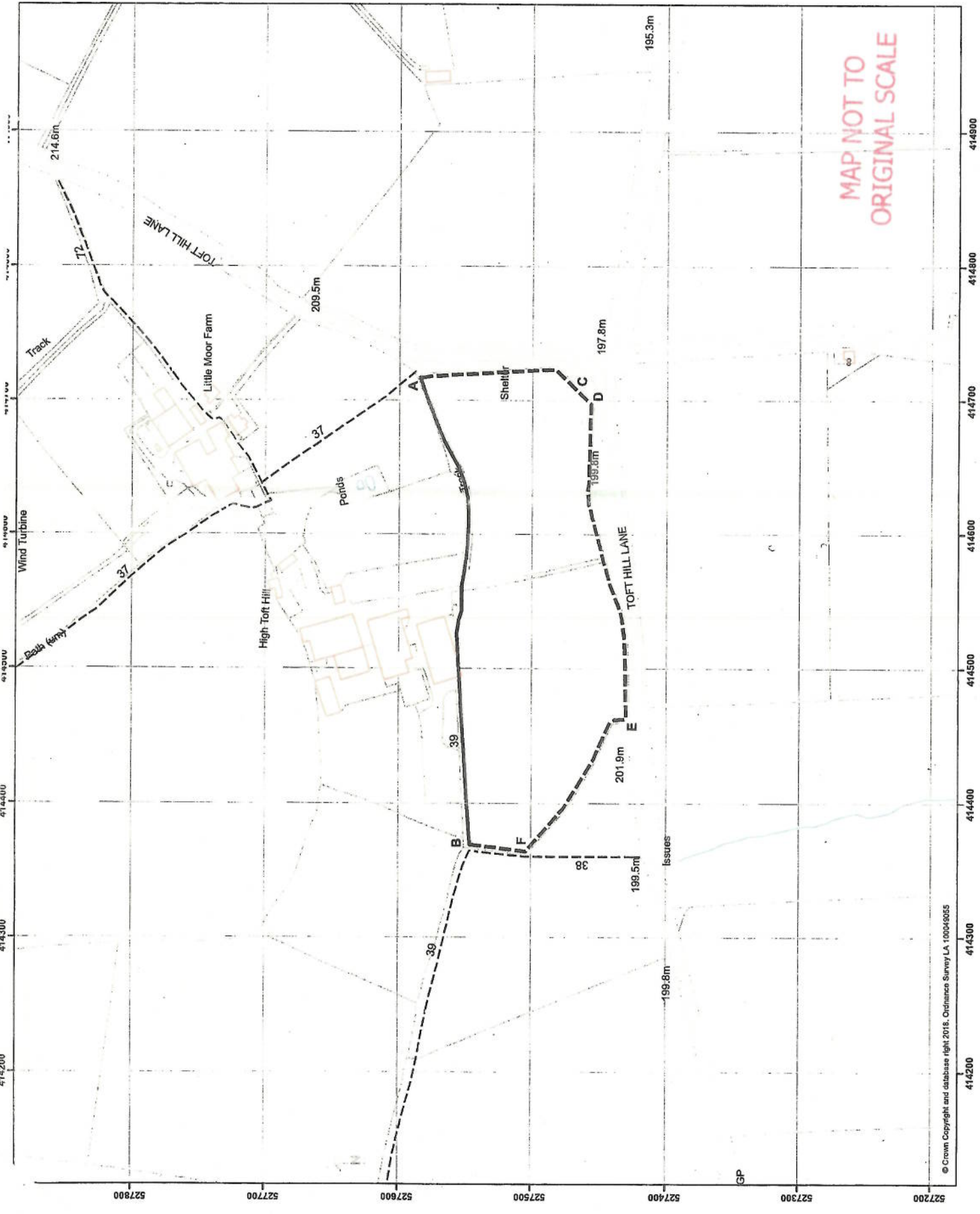
Footpath to be extinguished
Footpath to be created

Scale 1:2,500

Adopted
Highway
Existing Public
Footpaths

Drawn: 26 September 2018

Postcode: DL14 0PE



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