

NOTICE OF ORDER WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Derbyshire County Council
Byway Open to All Traffic along Clough Lane and Oldfield Lane – Parishes
of Birchover and South Darley Modification Order 2016

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 27 March 2019.

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

The Inquiry will be held at **The Whitworth Centre, Station Road, Darley Dale, Matlock, DE4 2EQ** on **Wednesday 28 August 2019** at 10.00am. **INQUIRY CANCELLED**

The effect of the Order, if confirmed without modifications, will be to modify the definitive map and statement by adding a Byway Open to All Traffic in the Parish of Birchover (Ordnance Survey Grid Reference ("GR") SK 2400 6175 proceeding along Clough Lane in a generally south easterly then southerly then south easterly direction and then in a north easterly then east north easterly direction to the Parish Boundary at Point B (GR SK 2560 6191) for a total distance of 1,759 metres or thereabouts, with a width varying between 3.0 and 13.3 metres, and;

To modify the definitive map and statement by adding a Byway Open to All Traffic in the Parish of South Darley from point B (Ordnance Survey Grid Reference ("GR") SK 2560 6191) and proceeding along Clough Lane and Oldfield Lane in a generally east north easterly direction to Point C (GR SK 2657 6203), for a total distance of 993 metres or thereabouts, with a width varying between 5.3 and 21.0 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 4445722. Email: Bethan.Baldry@planninginspectorate.gov.uk. Please quote reference number ROW/3209328 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 during normal office opening times at 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 22 May 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 3 July 2019]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ 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 31 July 2019]

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);

¹ 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.

- 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.

CANCELLED

DATED 14 APRIL 2016

WILDLIFE AND COUNTRYSIDE ACT 1981

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

**THE DERBYSHIRE COUNTY COUNCIL (BYWAY OPEN TO ALL TRAFFIC
ALONG CLOUGH LANE AND OLDFIELD LANE – PARISHES OF
BIRCHOVER AND SOUTH DARLEY) MODIFICATION ORDER 2016**

**CASE NO: 36060
DMMO NO: x3237**

**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 CLOUGH LANE AND OLDFIELD LANE – PARISHES OF BIRCHOVER AND SOUTH DARLEY) MODIFICATION ORDER 2016

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 Birchover and South Darley 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 13 April 2016.
2. The Definitive Map and Statement for the County Of Derbyshire for the Parishes of Birchover and South Darley 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 Clough Lane and Oldfield Lane– Parishes of Birchover and South Darley) Modification Order 2016.

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 Birchover from Point A (Ordnance Survey Grid Reference ("GR") SK 2400 6175) proceeding along Clough Lane in a generally south easterly then southerly then east south easterly direction and then in a north easterly then east north easterly direction to the Parish Boundary at Point B (GR SK 2560 6191), a total distance of 1,759 metres or thereabouts, with a width varying between 3.0 and 13.3 metres.
B-C	Byway Open to All Traffic in the Parish of South Darley from Point B (Ordnance Survey Grid Reference ("GR") SK 2560 6191) proceeding along Clough Lane and Oldfield Lane in a generally east north easterly direction to Point C (GR SK 2657 6203), a total distance of 993 metres or thereabouts, with a width varying between 5.3 and 21.0 metres.

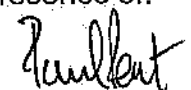
PART II

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	Length metres	Width	Remarks
23 (Parish of Birchover)	SK26SW & SK26SE	Byway Open to All Traffic from Upper Town Lane (GR SK 2400 6175) in a SE then S and then ESE direction along a good stone track bounded on both sides by stone wall and property boundaries associated with buildings at Upper Town. Then continuing firstly in a NE and then generally ENE direction along Clough Lane, a roughly metalled tarmac and stone track, partly enclosed by a mixture of stone wall and hedge boundaries and partly unenclosed to the Parish Boundary (GR SK 2560 6191).	Tar-macadam, stone and natural ground	1,759	Varying between 3.0 and 13.3 metres as shown between the continuous boundary lines on the 2 nd edition 1:2500 Ordnance Survey Plan of 1898	Modification Order 2016 DCC Ref: X3237
46 (Parish of South Darley)	SK26SE	Byway Open to All Traffic from the parish boundary (GR SK 2560 6191) in an ENE direction along Clough Lane, a roughly metalled tarmac and stone track partly enclosed by a mixture of stone wall and hedge boundaries and partly unenclosed, continuing along Oldfield Lane, a tarmac road bounded on both sides by a hedge with fence in places to junction with Oldfield Lane (GR SK 2657 6203).	Tar-macadam, stone and natural ground	993	Varying between 5.3 and 21.0 metres as shown between the continuous boundary lines on the 2 nd edition 1:2500 Ordnance Survey Plan of 1898	Modification Order 2016 DCC Ref: X3237

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


 Director of Legal Services

Number in Seal
 Book

2016/262



Wildlife & Countryside Act 1981
Section 53

The Derbyshire County Council
(Byway Open to All Traffic
along Clough Lane and
Oldfield Lane - Parishes of
Birchover and South Darley)
Modification Order 2016

KEY

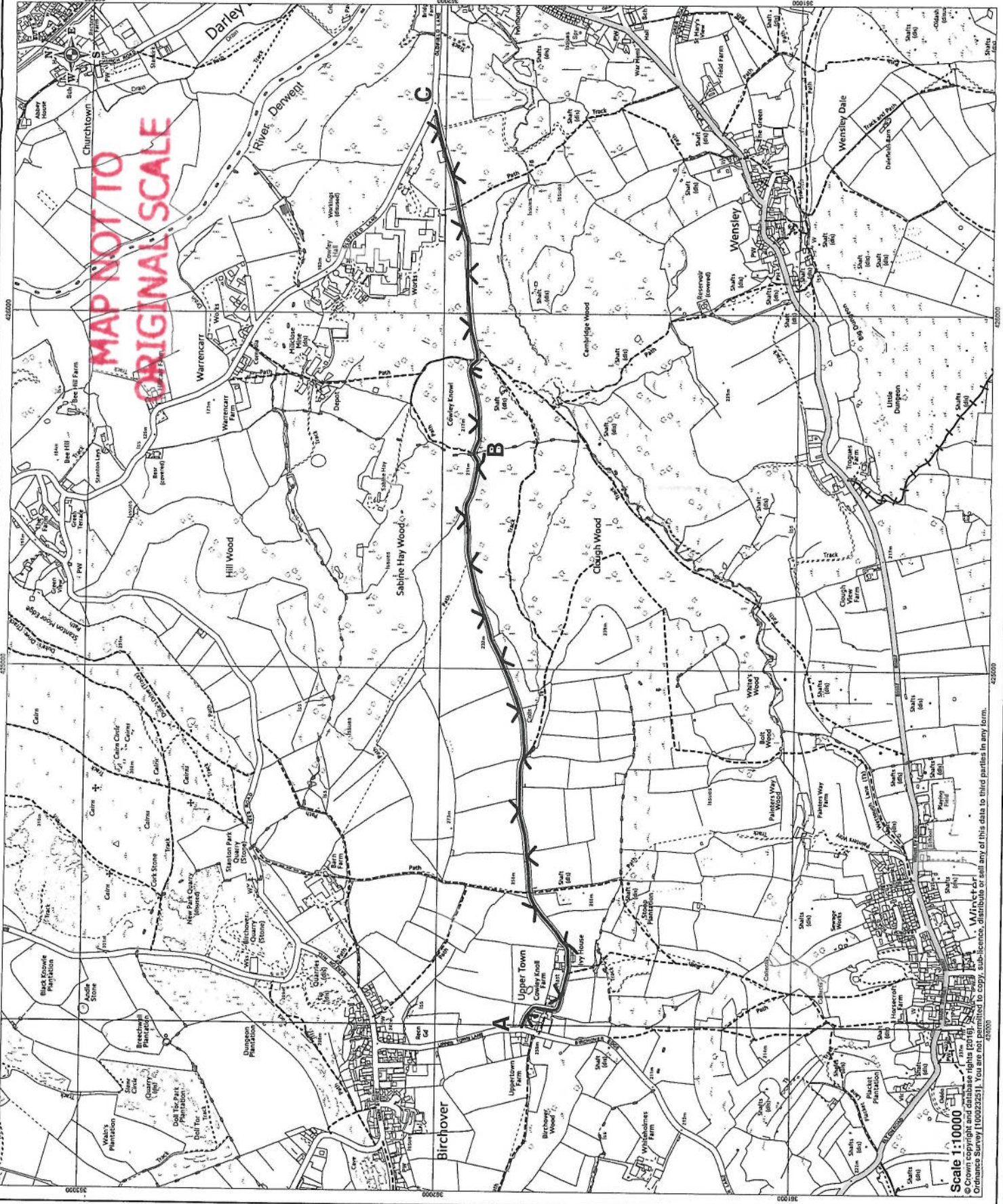
- Proposed byway open to all traffic
- Existing restricted byway
- Existing public bridleway
- Existing public footpath
- Parish boundary

DERBYSHIRE
County Council
Improving life for local people

Mike Ashworth
Mayor, Derbyshire
Shard House
Date Road South
Matlock
Derbyshire
DE4 3FY

Produced by Public Rights of Way on 22 March 2016
REF: 16DDX32370der2016

MAP NOT TO ORIGINAL SCALE



Scale 1:10000
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