

# NOTICE OF ORDER

## Wildlife and Countryside Act 1981 Section 53

Derbyshire County Council

- 1.(Upgrading of Public Footpath No.11 to a Bridleway – Parish of Hodthorpe and Belph) Modification Order 2018
- AND
- 2.(Upgrading of Public Footpath No.12 to a Bridleway - Parish of Hodthorpe and Belph) 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 February 2020.

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

The Inquiry will be held at **Creswell Crags Museum and Heritage Centre, Crags Road, Welbeck, Worksop, Nottinghamshire, S80 3LH** on **Tuesday 4 August 2020** at 10.00am.

The effect of the Orders, if confirmed without modifications, will be to modify the Definitive Map and Statement for the area by

1. upgrading Public Footpath No 11 to a bridleway in the parish of Hodthorpe and Belph; and
2. upgrading Public Footpath No 12 to a Bridleway in the Parish of Hodthorpe and Belph

Any queries relating to this Order should be referred to Spencer Barrowman at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel: 0303 444 5211. Email: [Spencer.Barrowman@planninginspectorate.gov.uk](mailto:Spencer.Barrowman@planninginspectorate.gov.uk) Please quote reference number ROW/3223257 & 3223258 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so at Derbyshire County Council, County Hall, Matlock, Derbyshire DE4 3AG by prior appointment Monday to Friday during normal office opening hours (9.00am to 5pm). Tel: 01629 538241

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

**Within 8 weeks of the start date by [by 14 April 2020]**

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 26 May 2020]**

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 7 July 2020]**

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

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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.

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**

**26 JULY**

**2018**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

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

**THE DERBYSHIRE COUNTY COUNCIL (UPGRADING PUBLIC FOOTPATH NO.  
11 TO A BRIDLEWAY – PARISH OF HODTHORPE AND BELPH) MODIFICATION  
ORDER 2018**

**CASE NO: 63870  
DMMO NO: X3962**

**JANIE BERRY  
MATLOCK**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

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

**THE DERBYSHIRE COUNTY COUNCIL (UPGRADING PUBLIC FOOTPATH NO. 11 TO A BRIDLEWAY – PARISH OF HODTHORPE AND BELPH) MODIFICATION ORDER 2018**

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 Hodthorpe & Belph require modification in consequence of the occurrence of an event specified in section 53(3)(c)(ii) 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 highway referred to in this order and shown on the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.

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:

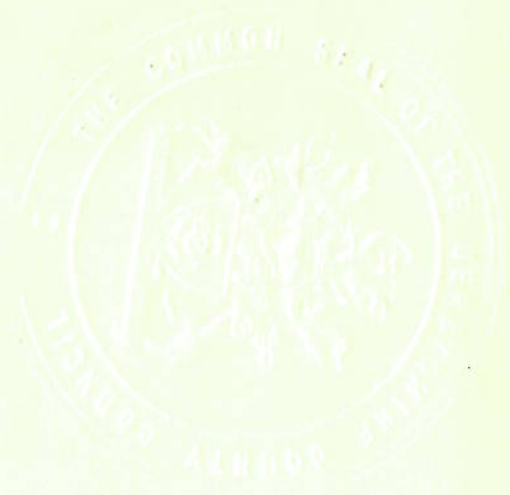
1. For the purpose of this order the relevant date is 25 July 2018.
2. The Definitive Map and Statement for the County of Derbyshire for the Parish of Hodthorpe & Belph shall be modified as described in Part I and Part II of the Schedule and shown on the map to the order.
3. This order shall take effect on the date when it is confirmed and may be cited as the Derbyshire County Council (Upgrading Public Footpath No. 11 to a Bridleway – Parish of Hodthorpe and Belph) Modification Order 2018.

**THE COMMON SEAL** of the Derbyshire )  
County Council was hereunto )  
Affixed the Twenty-sixth day of July )  
Two Thousand and Eighteen )  
in the presence of:- )

  
Asst. Director of Legal Services

Number in Seal  
Book

2018/570



## SCHEDULE

### PART I

#### Modification of Definitive Map

Section as indicated on map      Description of Path or Way to be Upgraded to a Bridleway

**A-B**      Public Footpath No 11 in the Parish of Hodthorpe & Belph from Point A (Ordnance Survey Grid Reference ("GR") SK 5370 7442), proceeding in a generally east south easterly then in a generally east north easterly direction to Point B (GR SK 5404 7446), a distance of 380 metres or thereabouts, with a width varying between 3.5 metres and 6.1 metres.

### PART II

#### Modification of Definitive Statement

##### Variation to upgrade 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
11	SK57SW	Public Bridleway in the Parish of Hodthorpe and Belph from Bridleway No. 17 (SK 5370 7442) proceeding in a ESE then ENE direction to Bridleway No. 10 (SK 5404 7446).	Tarmac, compacted stone, rolled stone.	380 metres	Varies between 3.5 and 6.1 metres, as shown shaded on Order plan.	Gate (SK 5404 7446) Bolsover Reorganisation Order 2011. DCC Ref: X3757 Formerly Whitwell Footpath No. 49  Stopping Up/ Creation Order 1987. DCC Ref: X1548



**Wildlife & Countryside Act 1981 Section.53**  
**The Derbyshire County Council**  
**(Upgrading Public Footpath No. 11**  
**to a Bridleway - Parish of Hodthorpe**  
**and Belper) Modification Order 2018**

**KEY**

Footpath to be upgraded to Bridleway (A-B)

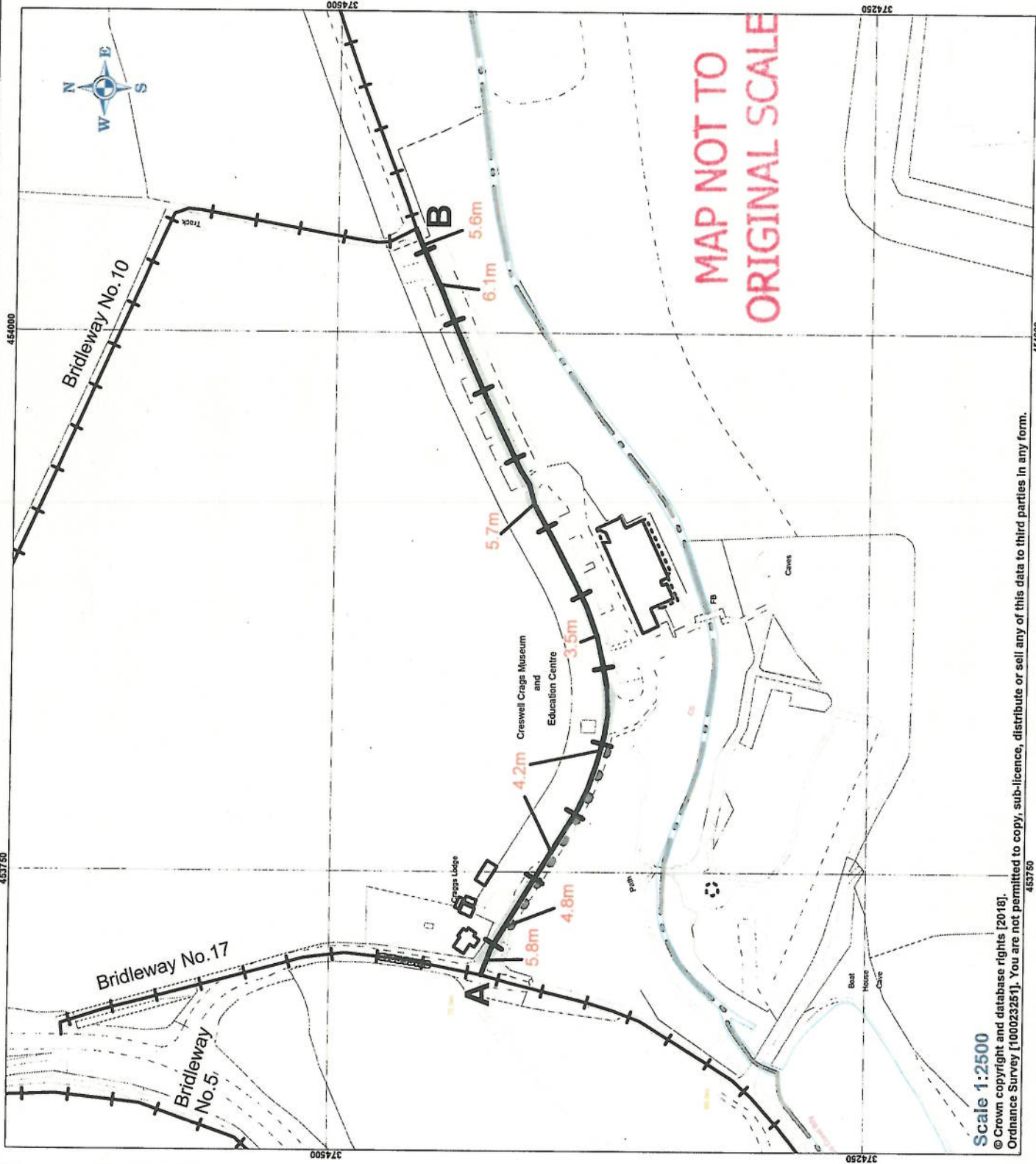
Existing Bridleway



**DERBYSHIRE**  
County Council

Mike Ashworth  
 Strategic Director - Economy, Transport & Environment  
 Shand House  
 Dale Road South  
 Maltlock  
 Derbyshire  
 DE4 3RY

Produced by Public Rights of Way on 29 March 2018  
 Ref: TE/CH/X3962/Order/2018



**Scale 1:2500**

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**DATED**

**26 JULY**

**2018**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

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

**THE DERBYSHIRE COUNTY COUNCIL (UPGRADING OF PUBLIC FOOTPATH  
NO. 12 TO A BRIDLEWAY – PARISH OF HODTHORPE AND BELPH)  
MODIFICATION ORDER 2018**

**CASE NO: 63872  
DMMO NO: X3963**

**JANIE BERRY  
MATLOCK**



**WILDLIFE AND COUNTRYSIDE ACT 1981**

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


**THE DERBYSHIRE COUNTY COUNCIL (UPGRADING OF PUBLIC FOOTPATH  
NO. 12 TO A BRIDLEWAY – PARISH OF HODTHORPE AND BELPH)  
MODIFICATION ORDER 2018**

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 Hodthorpe & Belph require modification in consequence of the occurrence of an event specified in section 53(3)(c)(ii) 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 highway referred to in this order and shown on the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.

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:

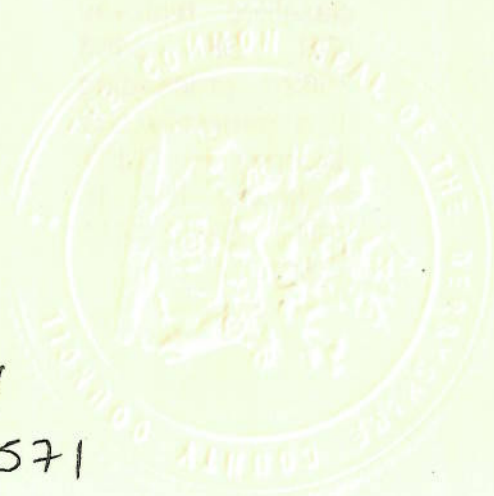
1. For the purpose of this order the relevant date is 25 July 2018.
2. The Definitive Map and Statement for the County of Derbyshire for the Parish of Hodthorpe & Belph shall be modified as described in Part I and Part II of the Schedule and shown on the map to the order.
3. This order shall take effect on the date when it is confirmed and may be cited as the Derbyshire County Council (Upgrading of Public Footpath No. 12 to a Bridleway – Parish of Hodthorpe and Belph) Modification Order 2018.

**THE COMMON SEAL** of the Derbyshire )  
County Council was hereunto )  
Affixed the Twenty-Sixth day of July )  
Two Thousand and Eighteen )  
in the presence of:- )

  
ASB Director of Legal Services

Number in Seal  
Book

2018/571



## SCHEDULE

### PART I

#### Modification of Definitive Map

Section as indicated on map

Description of Path or Way to be Upgraded to a Bridleway

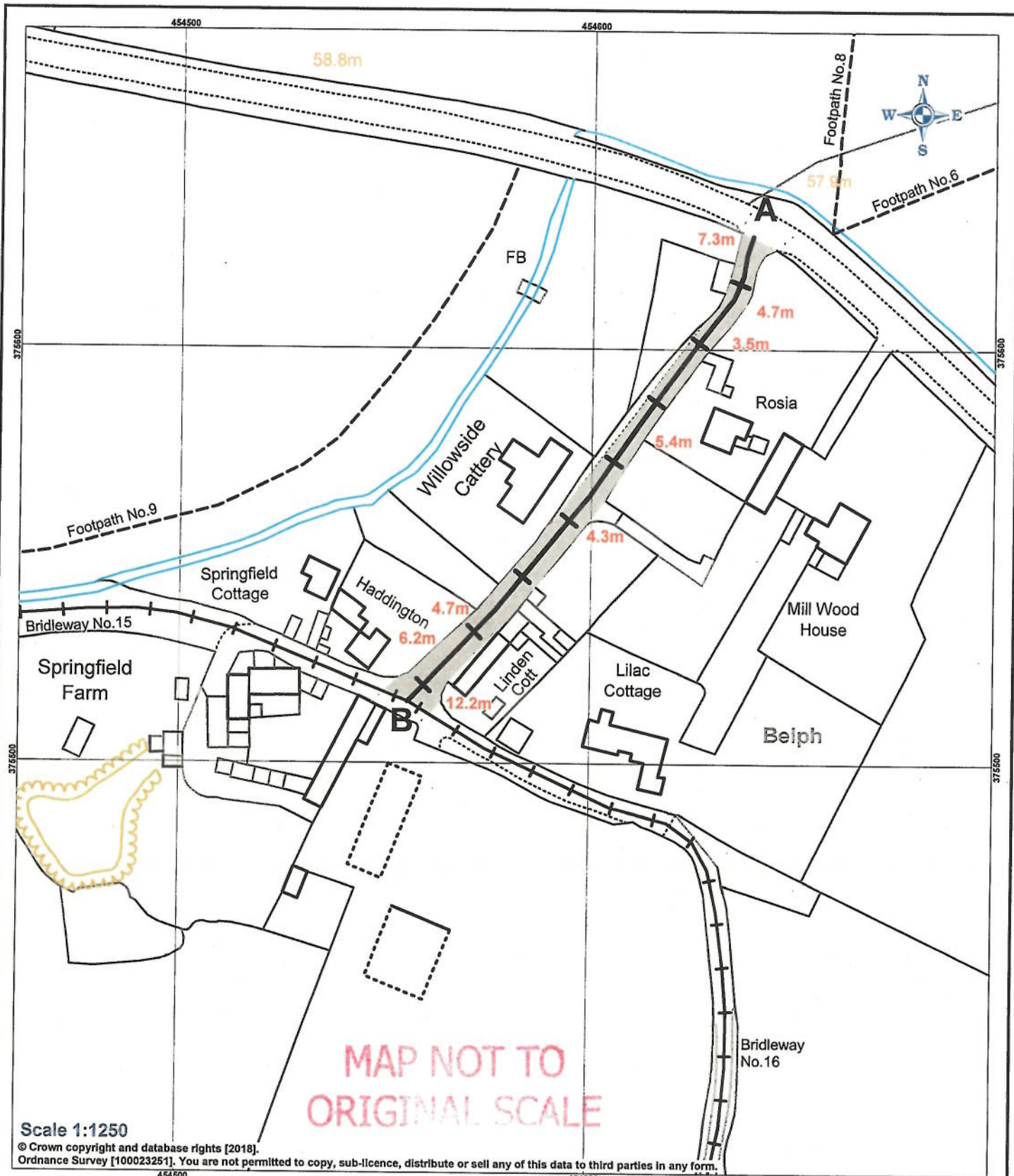
**A-B** Public Footpath No 12 in the Parish of Hodthorpe & Belp from Point A (Ordnance Survey Grid Reference ("GR") SK 5463 7562), proceeding in a generally south westerly direction to Point B (GR SK 5455 7551), a distance of 141 metres or thereabouts, with a width varying between 3.5 and 12.2 metres.

### PART II

#### Modification of Definitive Statement

##### Variation to upgrade 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
12	SK57NW	Public Bridleway in the Parish of Hodthorpe and Belp from non-classified highway (GR SK 5463 7562) proceeding in a generally SW direction to Public Bridleway No. 16 (GR SK 5455 7551).	Tarmacadam Grass	141 metres	Varies between 3.5 and 12.2 metres, as shown shaded on Order plan.	Bolsover Reorganisation Order 2011. DCC Ref: X3757: Path formerly Whitwell path No.50.



Scale 1:1250

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Ref: TE/CH/X3963/Order/2018



**Mike Ashworth**  
 Strategic Director - Economy, Transport & Environment  
 Shand House  
 Dale Road South  
 Matlock  
 Derbyshire  
 DE4 3RY

Produced by Public Rights of Way on 13 June 2018

**Wildlife & Countryside Act 1981 Section.53**

**The Derbyshire County Council (Upgrading  
 Public Footpath No. 12 to a Bridleway -  
 Parish of Hodthorpe and Belph)  
 Modification Order 2018**

- Key:**
- Path to be upgraded
  - Existing Footpath
  - Existing Bridleway

