

NOTICE OF ORDER

Wildlife and Countryside Act 1981 – Section 53

Derbyshire County Council

(Restricted Byway from Sheffield Road to Hazelmere Road - Parish of Elmtun with Creswell) 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 **Tuesday 12 May 2020**.

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 modify the Definitive Map and Statement for the area by adding to them Restricted Byway from Sheffield Road, Point A (GR SK 5126 7537) via Point B (GR SK 5161 7511) to Hazelmere Road, Point C (GR SK 5161 7501) in the Parish of Elmtun with Creswell.

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. Telephone: 0303 444 5211. Email: spencer.barrowman@planninginspectorate.gov.uk. Please quote reference number ROW/3237064 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 County Hall, Matlock, Derbyshire DE4 3AG during normal office hours (9.00am to 5.00 pm). Contact details are Mark Hosker, tel: 01629 539262, Email: mark.hosker@Derbyshire.gov.uk - please quote MH/HR/60253.

Timetable for sending in statements of case and comments

Within 2 weeks of the start date [by 26 May 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, the applicant and any other person who has written to us in respect of the Order.

Within 8 weeks of the start date [by 7 July 2020]

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 18 August 2020]

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.

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.

DATED

22 FEBRUARY

2018

WILDLIFE AND COUNTRYSIDE ACT 1981

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

**THE DERBYSHIRE COUNTY COUNCIL (RESTRICTED BYWAY FROM
SHEFFIELD ROAD TO HAZELMERE ROAD – PARISH OF ELMTON WITH
CRESWELL) MODIFICATION ORDER 2018**

**CASE NO: 60253
DMMO NO: X3941**

**JOHN McELVANEY
MATLOCK**

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF DERBYSHIRE

THE DERBYSHIRE COUNTY COUNCIL (RESTRICTED BYWAY FROM SHEFFIELD ROAD TO HAZELMERE ROAD – PARISH OF ELMTON WITH CRESWELL) 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 Elmtun with Creswell requires modification in consequence of the occurrence of an event specified in section 53(3)(c)(i) & (ii) of the Act, namely, the discovery by that authority of evidence which when considered with all other relevant evidence available to them shows:

1. 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.
2. 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 21 February 2018.
2. The Definitive Map and Statement for the County of Derbyshire for the Parish of Elmtun with Creswell 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 (Restricted Byway from Sheffield Road to Hazelmere Road – Parish of Elmtun with Creswell) Modification Order 2018.

SCHEDULE

PART I

Modification of Definitive Map

Section as indicated on map	Description of Path or Way to be added
A – B	Restricted Byway in the Parish of Elmtun with Creswell from Point A (GR SK 5126 7537) proceeding in a generally south south-westerly direction then south-easterly then east south-easterly then southerly direction to Point B (GR SK 5161 7511), a distance of 490 metres or thereabouts. The width of the way shall be 6 metres, narrowing at points as shown on the Order plan.

Description of Path or Way to be upgraded to Restricted Byway

B – C

Public Footpath Number 4 (part) in the Parish of Elmtun with Creswell from Point B (GR SK 5161 7511) continuing in a generally southerly direction to Point C (GR SK 5161 7501), a distance of 105 metres or thereabouts. The width of the way shall be 6 metres, narrowing at points as shown on the Order plan.

PART II

Modification of Definitive Statement

Variation of particulars of Path or Way

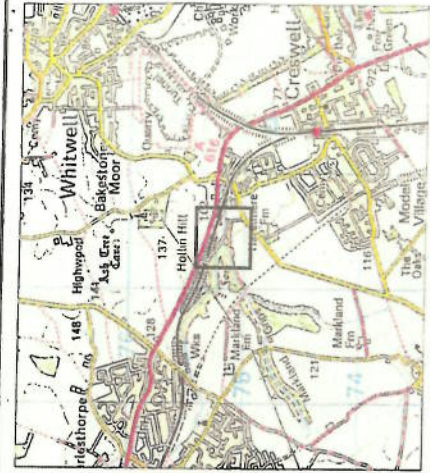
Path No	1/10,000 OS Sheet Ref No	Status and Description of Route	Nature of Surface	Length	Width	Remarks
33	SK57NW	Restricted Byway from Sheffield Road (GR SK 5126 7537) proceeding in a south south-westerly direction then south easterly then east south-easterly then southerly direction to Hazelmere Road (GR SK 5161 7501).	Tarmac	595 metres	6 metres, narrowing as shown on Order plan.	Metal field Gate (GR SK 5126 7536). Bridge (GR SK 5125 7533). Metal field gate with stile adjacent (GR SK 5161 7502). Modification Order 2018 DCC Ref: X3941

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


As Director of Legal Services

Number in Seal
Book

2018/112



Wildlife & Countryside Act 1981 S. 53

The Derbyshire County Council
 (Restricted Byway from Sheffield
 Road to Hazelmer Road
 - Parish of Elmtun with Creswell)
 Modification Order 2018

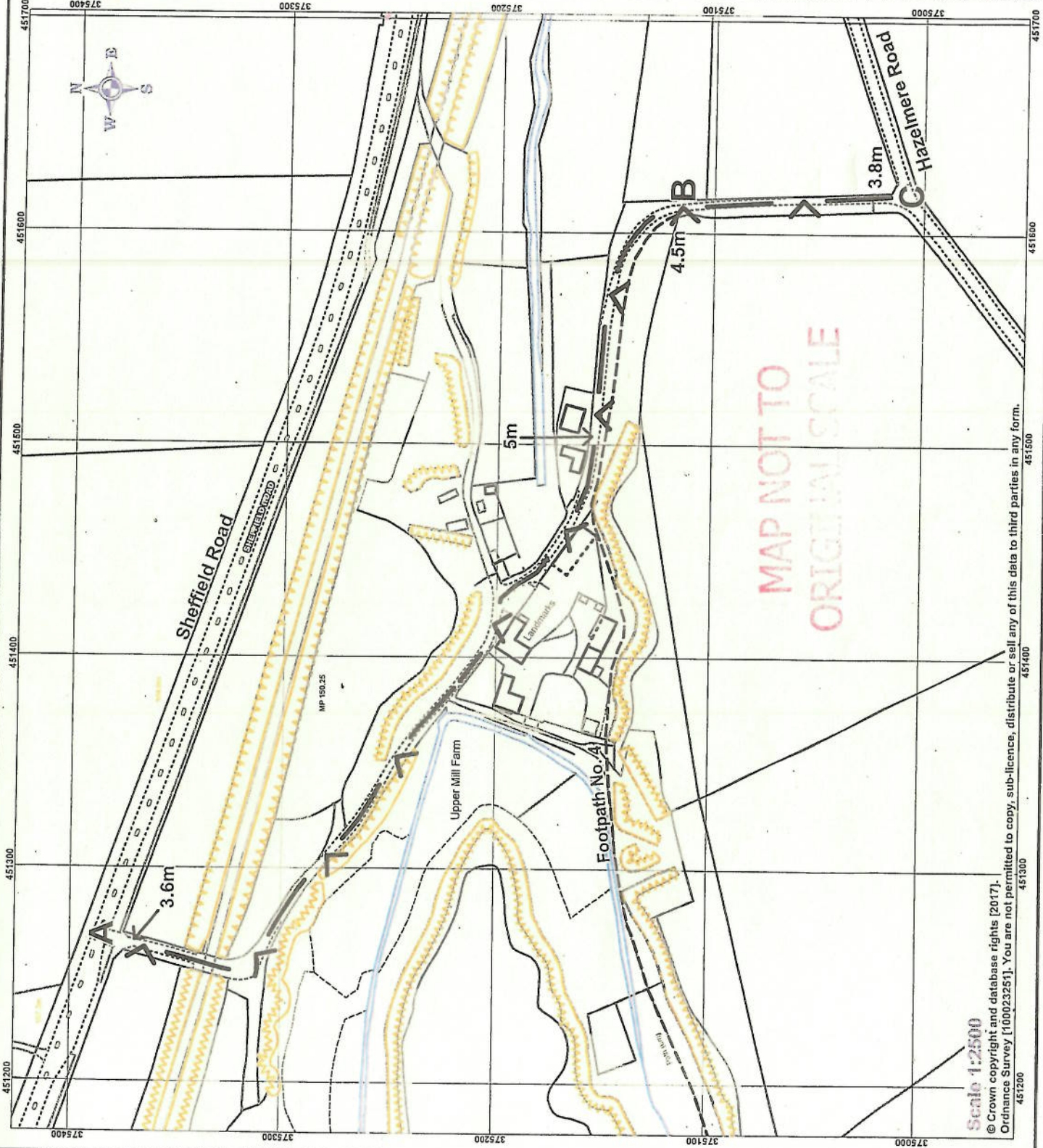
KEY

- Restricted Byway to be added (A-B)
- Path to be upgraded to Restricted Byway (B-C)
- Existing Footpath
- Parish Boundary



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

Date: 25 January 2018
 Ref: TE/CH/X3941/Order/2018



MAP NOT TO
 ORIGINAL SCALE

Scale 1:2500

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