

NOTICE OF ORDER

Wildlife and Countryside Act 1981 – Section 53

Derbyshire County Council
(Footpath from Station Road to Public Footpath No.2 via Calico Lane –
Whaley Bridge) 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 **03rd March 2020**.

THE INQUIRY HAS BEEN CANCELLED

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

~~The Inquiry will be held at **New Mills Town Hall, New Mills Town Council, Town Hall, New Mills, High Peak, SK22 4AT** on **Tuesday 10th November 2020** at 10.00am.~~

CHANGE OF PROCEDURE

Consideration of the Order will now 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 a Footpath from Station Road (Point A, at OSGR SK 0097 8369) to Public Footpath No. 2 (Point E, at OSGR SK 0069 8380) via Calico Lane in Whaley Bridge.

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/3237069 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 Monday to Friday during normal office hours (9:00am to 5:00pm). The contact for the Local Authority is Mr Mark Hosker, Mark.Hosker@derbyshire.gov.uk, 07777 890698.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 28th 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 09th June 2020]

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 Site Visit [by 13th October 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.

~~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:~~

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.

- ~~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 FEBRUARY

2018

WILDLIFE AND COUNTRYSIDE ACT 1981

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

**THE DERBYSHIRE COUNTY COUNCIL (FOOTPATH FROM STATION
ROAD TO PUBLIC FOOTPATH NO. 2 VIA CALICO LANE – WHALEY
BRIDGE) MODIFICATION ORDER 2018**

**CASE NO: 52448
DMMO NO: X3735**

**JOHN McELVANEY
MATLOCK**

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF DERBYSHIRE

THE DERBYSHIRE COUNTY COUNCIL (FOOTPATH FROM STATION ROAD TO PUBLIC FOOTPATH NO. 2 VIA CALICO LANE – WHALEY BRIDGE) 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 Whaley Bridge 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 February 2018.
2. The Definitive Map and Statement for the County of Derbyshire for Whaley Bridge 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 (Footpath from Station Road to Public Footpath No. 2 via Calico Lane – Whaley Bridge) 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-C-D-E	Footpath in Whaley Bridge from Point A (Ordnance Survey Grid Reference ("GR") SK 0097 8369) proceeding in a north north westerly then north westerly direction to Point B (GR SK 0077 8389) and continuing in a generally south westerly direction to Point E (GR SK 0069 8380), a total distance of 415 metres or thereabouts with a width varying between 1.2 and 4.9 metres.

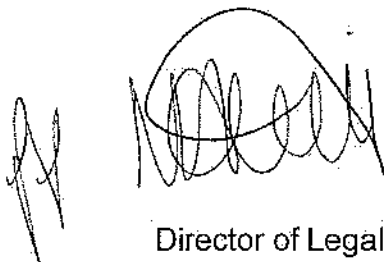
PART II

Modification of Definitive Statement

Particulars of Path or Way to be Added

Path No	1/10,000 OS Sheet Ref No	Status and Description of Route	Nature of Surface	Length	Width	Remarks
115	SK08SW	Footpath in Whaley Bridge from Station Road (GR SK 0097 8369) proceeding along cobbled road known as Calico Lane in a north north westerly then generally north westerly direction to GR SK 0077 8389, then continuing along a metalled road in a generally south westerly direction to a block paved driveway then through a gate to join Whaley Bridge Footpath No. 2 (GR SK 0069 8380).	Cobbled Road / Cobbles, Tarmac and Loose Stone / Tarmac / Block Paving / Concrete.	415 Metres	Point A to B: varies between 3.3 and 4.9 metres. Point B to C: varies between 3.3 and 4.2 metres. Point C to D: 2.9 metres. Point D to E: 1.2 metres. As shown shaded in grey on the plan attached to the Order.	Gate (GR SK 0069 8380). Modification Order 2018 DCC Ref: X3735

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



Director of Legal Services

Number in Seal Book

2018/75



Wildlife & Countryside Act 1981 Section 53

**The Derbyshire County Council
(Footpath from Station Road to
Public Footpath No.2 via Calico
Lane - Whaley Bridge)
Modification Order 2018**

Key:

Footpath to be added

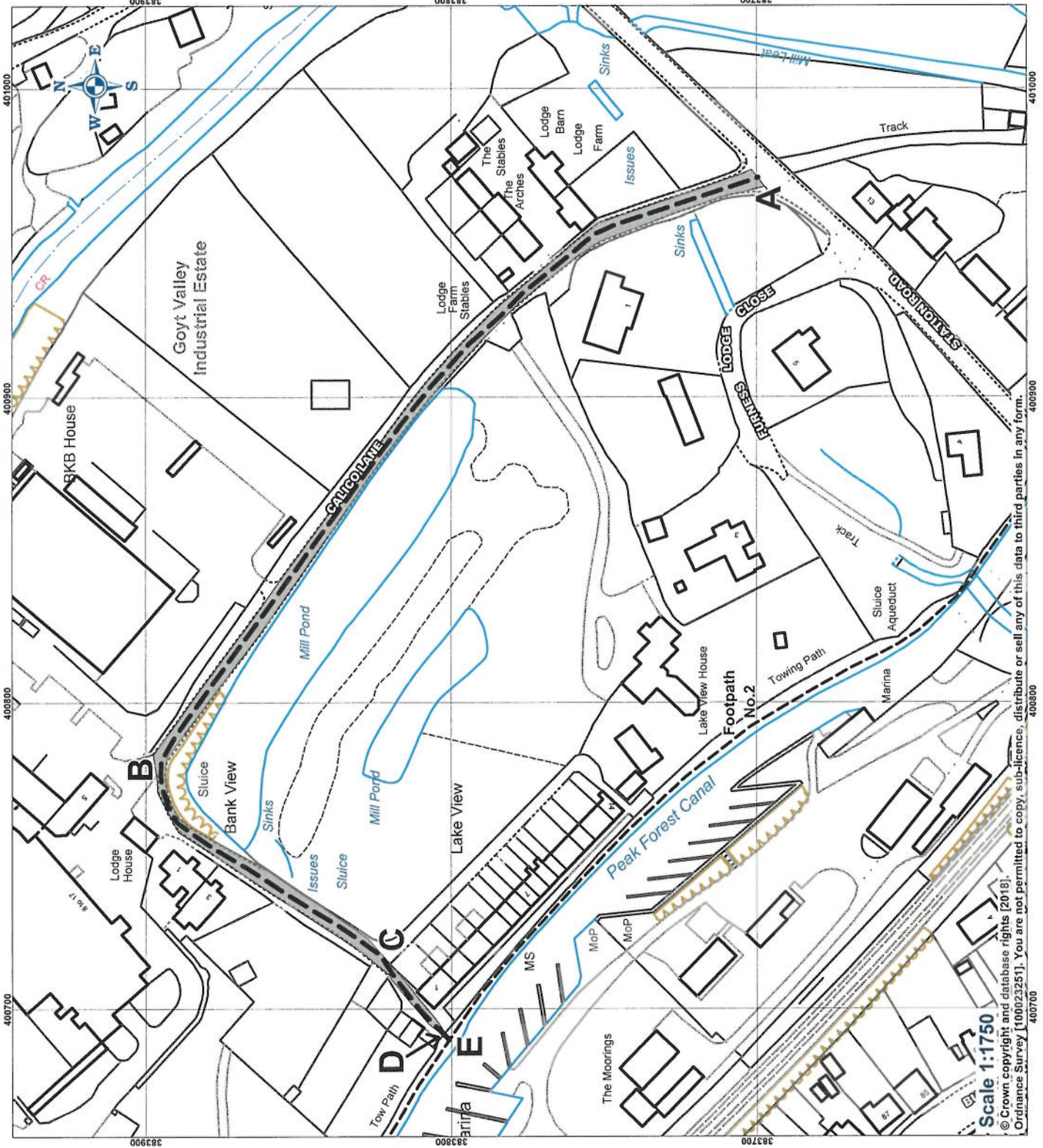


Ref: TE/CH/X3735/Order/2018

Date: 19 January 2018



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



Scale 1:1750

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