

NOTICE OF MAKING AN ORDER

HIGHWAYS ACT 1980

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

PUBLIC PATH DIVERSION ORDER (No. 1) of 2016

PARISH OF KILLAMARSH PUBLIC FOOTPATH No 19 (PART)

THE above Order made on the 28th day of January 2016 under S119 Highways Act 1980 will divert the footpath running between Bridge Street and Quarry Road in the Parish of Killamarsh from the solid line commencing at point A – B – E to a broken line running from point A – C – D – E as shown on the Order Map.

A copy of the Order and the Order Map have been placed at and may be seen free of charge at **Council Offices 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG** from 9:00 am to 4.30 pm on Mondays until Fridays. Copies of the Order and Map may be bought there at the price of £5.00.

Compensation for depreciation or damage for disturbance arising as a result of the coming into force of the Order is payable under Section 28 [as applied by Section 121 (2)] of The Highways Act 1980 (as amended by the Transport and Works Act 1992) which are copied with this Notice.

Any representations about or objections to the Order may be sent in writing to Mr L Flintham Engineers Section at the above address not later than the 4th day of March 2016 Please state the grounds on which they are made. If no such representations or objections are duly made or if any so made are withdrawn North East Derbyshire District Council may confirm the Order as an unopposed Order.

If the Order is sent to the Secretary of State for the Environment Transport and the Regions for confirmation any representations and objections which have not been withdrawn will be sent with the Order.

Dated 28th January 2016



Naomi Smith
Principal solicitor

HIGHWAYS ACT 1980 - SECTION 28

- (1) Subject to the following provisions of this section, if, on a claim made in accordance with this section, it is shown that the value of an interest of a person in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of the land, in consequence of the coming into operation of a public path creation order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage.
- (2) A claim for compensation under this section shall be made within such time and in such manner as may be prescribed by the regulations made by the Secretary of State, and shall be made to the authority by whom the order was made.
- (3) For the purposes of the application of this section to an order made by the Secretary of State under section 26(2) above, references in this section to the authority by whom the order was made are to be construed as references to such one of the authorities referred to in that subsection as may be nominated by the Secretary of State for the purposes of this subsection.
- (4) Nothing in this section confers on any person, in respect of the footpath or bridleway created by a public path creation order, a right of compensation for depreciation of the value of an interest in land, or for disturbance in his enjoyment of land, not being in either case land over which the path or way was created or land held therewith, unless the creation of the path or way would have been actionable at his suit if it had been effected otherwise than in the exercise of statutory powers.
- (5) In this section "interest", in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.

HIGHWAYS ACT 1980 - SECTION 121 (2)

- (1) Section 28 above (compensation for loss caused by public path creation order) applies in relation to public path extinguishment orders, rail crossing extinguishment orders, public path diversion orders and rail crossing diversion orders as it applies in relation to public path creation orders but as if the references in it to section 26(2) above were references to section 120(3) above.

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

HIGHWAYS ACT 1980

FOOTPATH No. 19 (PART) PARISH OF KILLAMARSH

PUBLIC PATH DIVERSION ORDER No. 1 of 2016

This Order is made by North East Derbyshire District Council under S119 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 path be diverted.

Derbyshire County Council has been consulted and has consented to the making of the Order as required by Section 120(2) of the 1980 Act

BY THIS ORDER:

The public footpath over the land situate between Bridge Street and Quarry Road in the Parish of Killamarsh and shown by a bold black continuous line on the map contained in this order and described in Part 1 of the Schedule to this order ("the Schedule") shall be diverted as provided below.

- a) There shall be created to the reasonable satisfaction of the North East Derbyshire District Council, an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by a bold black broken line on the map attached to this order.
- b) The diversion of the footpath shall have effect on the date on which the North East Derbyshire District Council certifies that the terms of Article 1 (a) above have been complied with.
- c) The following works shall be carried out in relation to the highways described in Part 2 of the Schedule:
- d) The new lengths of footpath between Points **A – C - D** shall be constructed in a bituminous surface laid to Derbyshire County Council's adoptable footway standard. The new length of footpath between Points **D** and **E** shall be of a compacted rolled stone surface 2m wide.
- e) Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
- f) In this order, the attached plan means the attached plan named (Public Footpath No. 19 (Part) - Parish of Killamarsh) Diversion, Section 119 - Highways Act 1980).

SCHEDULE

PART 1

Section as
indicated on
map

A - B - E

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

The whole width of that part of Killamarsh Public Footpath No 19 commencing at Point A (Ordnance Survey Grid Reference ("GR") SK 45513 80944) and proceeding in a generally South Westerly direction for approximately 136 metres to Point B (GR SK 45396 80870), then turning in a North Westerly direction for approximately 55 metres to Point E (GR SK 45356 80900), a total distance of 191 metres or thereabouts.

PART 2

Section as
indicated on
map

A - C - D - E

DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY

A 2 metre wide bituminous surfaced footpath in the parish of Killamarsh, commencing from the aforementioned Point A (GR SK 45513 80944) and proceeding in a generally North Westerly direction for approximately 27 metres to Point C (GR SK 45492 80957), then turning in a South Westerly direction for approximately 93 metres to Point D (GR SK 45418 80900). The surfacing hereon changes to a 2 metre wide compacted rolled stone surface and proceeds in a generally Westerly direction for approximately 68 metres to the aforementioned Point E (GR SK 45356 80900), a total distance of 188 metres or thereabouts.

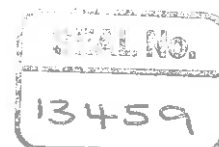
Dated the 28TH day of JANUARY 2016

THE COMMON SEAL of NORTH EAST
DERBYSHIRE DISTRICT COUNCIL

Was hereunto affixed in the presence of:

Chair/Leader *L. Robinson*

[Signature]
Chief Executive/Principal Solicitor





Key

- Footpaths to be Diversified
- Alternative Footpath
- Unrestricted Footpath
- Adopted Highway

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North East Derbyshire District Council

Chief Executive / Principal Solicitor

Neil & Louise

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Contract 36/464009 & FEA
Drawn L. Pinnerham
Date October 2015
Scale 1:1000

PLANNING
 (Public Footpath No. 19 (Part) -
 Parish of Killamarsh) Diversion
 Section 119 - Highways Act 1980

TITLE

