

# NOTICE OF ORDER

## WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Durham County Council  
Public Rights of Way Modification Order No. 3 (Public Footpath No. 128  
Durham City) 2015

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. Following an earlier exchange of written representations, the Inspector appointed to determine the Order issued a letter in which she proposed to make modifications to the Order as drafted. Following advertisement of those proposals objections/representations have been received.

The **start date** for the above Order is **14 February 2017**.

Consideration of the Order will take the form of a public local inquiry. It is being held so that the Inspector can hear evidence in respect of the modified part of the Order **and** evidence in respect of the unmodified part of the Order.

The Inquiry will be held at **Committee Room 1B, County Hall, Durham, DH1 5UL** on **Tuesday 18 July 2017** at 10.00am.

The effect of the Order, if confirmed without modifications will be to modify the Definitive Map and Statement for the area by adding to then Public Footpath No. 128 Durham City from the junction with the A691, Framwellgate Peth at a point to the northwest of Wharton Park's northern entrance, grid reference 426901.543065 (point A on the map) and proceeding, in a southerly direction for a distance of some 186 metres to grid reference 426912.542887 (point B on the map) terminating approximately in the centre of Wharton Park.

The effect of the proposed modifications would be to provide for the following:

### On the Order map

- Add points X (at grid reference 426812.542804), Y (at grid reference 426837.542732) and Z (at grid reference 426951.542845);
- Show as "Footpath to be added" the routes between points B and X, X and Y and X and Z;

### In the Order schedule: Part I: Modification of the Definitive Map

- Delete “terminating approximately in the centre of Wharton Park” and substitute: “continuing southwards for a further 92 metres to grid reference 426812.542804 (point X on the map) where the path divides. The westerly branch proceeds generally south westwards for 228 metres via a zig-zag route to grid reference 426837.542732 (point Y on the map) where it meets North Road. The easterly branch proceeds generally north eastwards for 54 metres to grid reference 426951.542845 (point Z on the map) where it reaches a path leading to Durham Station.

### In the Order schedule: Part II: Modification of the Definitive Statement

- Amend ‘Description of Route’ by deleting “186 metres” and substitute “278 metres, then divides; one branch proceeding south westwards for 228 metres to North Road, and one branch proceeding north eastwards for 54 metres towards Durham Station”;
- Amend ‘Ultimate Destination’ by deleting “A point approximately in the Centre of Wharton Park, grid reference 426912.542887” and substitute “North Road at grid reference 426837.542732 and also Durham Station at grid reference 426951.542845”;
- Amend ‘Length of Path’ by deleting “186 metres” and substitute “560 metres”.

Any queries relating to this Order should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5646. Email: [helen.sparks@pins.gsi.gov.uk](mailto:helen.sparks@pins.gsi.gov.uk) Please quote reference number FPS/X1355/7/4M1 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 the offices of Durham County Council, County Hall, Durham, DH1 5UL. To make an appointment to view, please contact Ms Loraine Holding on Telephone Number 03000 269 724.

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

#### **Within 8 weeks of the start date [by 11 April 2017]**

The Order Making Authority, the applicant and everyone who has made an objection or representation following the proposed modifications 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 receiving it the Secretary of State will send a full copy 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 everyone who has made an objection or representation following the modifications, the applicant and anyone else who has previously written to us in respect of the Order.

#### **4 weeks before the date of the inquiry [by 20 June 2017]**

The Authority, everyone who has made an objection or representation following the proposed modifications, 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 the Secretary of State. As soon as possible after receiving them, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation following the proposed modifications, the applicant, anyone who has submitted a statement of case and anyone else who has previously written to us in respect of the Order;
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation following the proposed modifications, anyone who has submitted a statement of case and anyone else who has previously written to us in respect of the Order; and
- iii) all other proofs of evidence to the Authority, the applicant and anyone else who has either submitted a statement of case or who has previously written to us in respect of the Order .

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.

Notice of order for inquiry mods

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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.