

**Public Path Diversion Order**

**Highways Act 1980, Section 119**

**Derbyshire Dales District Council  
(Public Footpath No. 9, Mercaston)  
Public Path Diversion Order 2020**

This order is made by Derbyshire Dales District Council (“the Authority”) under Section 119 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 line of the path should be diverted.

Mr. W. Smith has agreed to defray any compensation which becomes payable in consequence of the coming into force of this Order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

**BY THIS ORDER:**

1. The public right of way over the land situated at Top House Farm, Mercaston, in the County of Derbyshire and shown by a bold continuous line on the map contained in this Order and described in Part 1 of the Schedule to this order shall be stopped-up after 28 days from the date of confirmation of this order or on such date as the Authority certifies that the work has been carried out to bring the site of the new highway mentioned in Part 2 of the Schedule to this Order into a fit condition for use by the public, (whichever is the later).
2. Notwithstanding this order where immediately before the date on which the path is diverted in pursuance of this order, there is apparatus under, in, on, over, along or across the path belonging to any statutory undertakers for the purpose of carrying out their undertaking then such undertakers shall continue to have the same rights in respect of their apparatus as they had immediately before the date on which the footpath is diverted.
3. There shall at the end of 28 days from the date of confirmation of this order be a public footpath over the land situate at Top House Farm, Mercaston, described in Part 2 of the Schedule and shown as a bold broken line on the map attached to this order.

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That length and the whole width of public footpath no.9, Mercaston, running from point A, Ordnance Survey ("OS") Grid Reference SK 27720 42396, in a north-easterly direction for 91 metres to point B, OS Grid Reference SK 27793 42450, then continuing in an east-north-easterly direction for 66 metres to point C, OS Grid Reference SK 27857 42464.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

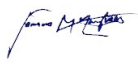
A length of public footpath with a natural surface running from point E, OS Grid Reference SK27707, 42407, in an east-north-easterly direction for 122 metres to point D, grid reference SK 27827 42424, then continuing in a north-easterly direction for 49 metres to point C, OS Grid Reference SK 27857 42464. The width of the footpath is 2 metres.

PART 3

LIMITATIONS AND CONDITIONS

Handgate, to BS5709: 2018 at point E, OS Grid Reference SK27707, 42407

GIVEN under the COMMON SEAL of DERBYSHIRE DALES DISTRICT COUNCIL this day  
of 06<sup>th</sup> 2020

|                                                                                                                                                                      |        |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--|
| Executed as a Deed by affixing<br>The Common Seal of<br><b>DERBYSHIRE DALES DISTRICT COUNCIL</b><br>this 06 <sup>th</sup> Day of November 2020<br>In the presence of |        |  |
|                                                                                   |        |  |
| <b>James McLaughlin</b><br>Director of Corporate & Customer Services<br>and Monitoring Officer                                                                       |        |  |
| Seal Number                                                                                                                                                          | 12,913 |  |
| Officer Delegated Decision                                                                                                                                           |        |  |
| KLF/372                                                                                                                                                              |        |  |

