



**Chesterfield Borough Council
Anti-Social Behaviour, Crime and Policing Act 2014
Part 4 Section 59**

PROPOSED PUBLIC SPACES PROTECTION ORDER (DOG CONTROL) 2021

Chesterfield Borough Council being satisfied on reasonable grounds that:

(a) Activities (namely dog fouling or inadequately controlled dogs) carried on in a public place within its area have had a detrimental effect on the quality of life of those in the locality, or

(b) It is likely that such activities will be carried on in a public place within that area and that they will have such an effect:

AND THAT the effect or likely effect of the activities

(a) Is, or is likely to be, of a persistent or continuing nature

(b) Is, or is likely to be, such as to make the activities unreasonable; and

(c) Justifies the restrictions imposed by the notice

AND pursuant to the requirements of s.72 of the Anti-Social Behaviour Crime & Policing Act 2014 ("the Act") the Council:

(a) having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention on Human Rights; and

(b) having carried out the necessary consultation, notification and publicity

HAS DECIDED TO MAKE the following Public Spaces Protection Order under s.59 of the Act.

This order shall come into effect on _____ and shall have effect for 3 years.

1.0 Definitions

The Authority means Chesterfield Borough Council.

Authorised Officer of the Authority means an employee of Chesterfield Borough Council who is authorised in writing by the Authority for the purposes of this Public Spaces Protection Order.

Offence means an offence made by this Order.

Order means this Public Spaces Protection Order (Dog Control) 2021.

Person in charge means the person who has the dog in his/her possession, care or company at the time the offence is committed, or, the owner or person who habitually has the dog in his/her possession.

Prescribed charity means any of the following: -

- i. Registered charity number 700454 (Dogs for the Disabled);
- ii. Registered charity number 1088281 (Support Dogs);
- iii. Registered charity number 803680 (Canine Partners for Independence).

Removal of faeces means removing the faeces from that land by means of a suitable receptacle and disposing in a designated dog bin, a street litter bin or a domestic black wheelie bin.

Restricted area means the land designated in the Schedules attached to this Order and being within the administrative area of Chesterfield Borough Council.

2.0 Offences

1. Fouling

If within the administrative area of the Authority a dog defecates at any time on land to which any member of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (as detailed in **Schedule 1**) and a person in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an Offence unless

- (a) he/she has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

2. Leads

A person in charge of a dog shall be guilty of an Offence if, at any time, on land (as detailed in **Schedule 2**) he/she does not keep the dog(s) on a lead unless

- (a) he/she has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

3. Leads by direction

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority (as detailed in **Schedule 1**) he/she does not comply with a direction given to him/her by an Authorised Officer of the Authority to put and keep the dog on a lead unless

- (a) he/she has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An Authorised Officer of the Authority may only give a direction under this Order if in his/her judgement such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

4. Exclusion

A person in charge of a dog shall be guilty of an Offence if, at any time, he/she takes the dog into, or permits the dog to enter or to remain on, any land detailed in **Schedule 3** below unless

- (a) he/she has reasonable excuse; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically).

5. Exemptions

This Order shall not apply to a person who: -

- (a) is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948;
- (b) has a disability which affects his/her mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a Prescribed Charity and upon which he/she relies on for assistance;
- (c) has received written permission/exemption from Chesterfield Borough Council.

3.0 Penalties for Non-compliance

A person who is guilty of an Offence under this Order may be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

An Authorised Officer of the Authority may issue a Fixed Penalty Notice not exceeding £80.00 to any person he or she has reason to believe has committed an Offence under the Order. A Fixed Penalty Notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty within 14 days of the date of the notice.

4.0 Appeals

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. "Interested person" means an individual who lives in the Restricted Area or who regularly works in or visits that area.

An interested person may apply to the High Court to question the validity of—

- (a) a public spaces protection order, or
- (b) a variation of a public spaces protection order.

An interested person may challenge the validity of the order on two grounds:

- (a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- (b) that one of the requirements of the legislation has not been complied with.

When an application is made the High Court may suspend the operation of the order or any of the prohibitions or requirements imposed by the order, until the final determination of the proceedings.

If the High Court is satisfied that—

- (a) the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or
- (b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under the legislation,

the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).

Schedule One

Land within the administrative area of the Authority

This Order applies to all land described below:

1. Any land within the administrative area of the Authority which is open to the air and to which any member of the public has access. This includes:
 - (a) Parks and open spaces;
 - (b) Footpaths over which the public have a right of way;
 - (c) Roads;
 - (d) Cycle tracks;
 - (e) Bridleways or any other area which you could reasonably expect to have access;
 - (f) Flower beds, planted or grassed areas maintained by Chesterfield Borough Council which adjoin footpaths, roads and cycle tracks;
 - (g) Communal areas in and around a block of flats/apartments;
 - (h) Any other private land to which the public have a right of way and the written consent of the landowner has been given (such as retail and supermarket car parks).

This Order does not extend to gardens, driveways or yards that form part of private dwellings.

2. Publicly accessible land, forming part of the Authority's Housing stock which, for the avoidance of doubt, includes:
 - (a) grassed areas;
 - (b) flower beds,
 - (c) planted areas,
 - (d) verges,
 - (e) the areas around the base of trees,
 - (f) access roads,
 - (g) access paths,
 - (h) car park areas,
 - (i) garage areas,
 - (j) community garden areas (not including shared gardens at rear of bungalows);

This Order does not include enclosed courtyards, washing/drying areas, bin storage areas; although these areas of land are open to air, they are not publicly accessible.

Schedule Two

Keeping dogs on leads

This Order applies to all land described below:

Map	Location
1	Boythorpe Cemetery, Hunloke Avenue, Chesterfield, Derbyshire, S41 2PD (all year round)
2	Brimington Cemetery, Chesterfield Road, Chesterfield, Derbyshire, S43 1AU (all year round)
3	Brearley Wetlands Local Nature Reserve, off Burnbridge Road, Old Whittington, Chesterfield, Derbyshire, S41 9LP (1 st March to 31 st July inclusive) Proposed change to extend this to 1st February to 31st August)
4	Chesterfield Crematorium, Chesterfield Road, Chesterfield, Derbyshire, S43 1AU (1 st January to 31 st December inclusive)
5	Eastwood Park (lodge, wildlife garden, tennis courts), Hasland Road, Chesterfield, Derbyshire, S41 0AY (1 st January to 31 st December inclusive)
6	Holmebrook Valley Park (path around the lake), Water Meadow Lane, Chesterfield, Derbyshire, S41 8XP (1 st January to 31 st December inclusive)
7	Holmebrook Valley Park (area around the café/pavilion building and car park), Water Meadow Lane, Chesterfield, Derbyshire, S41 8XP (1 st January to 31 st December inclusive)
8	McGregors Pond (path around the lake), McGregors Way, Chesterfield, Derbyshire, S40 2WB (1 st January to 31 st December inclusive)
9	Norbriggs Flash Nature Reserve, Bent Lane, Staveley, Chesterfield, Derbyshire, S43 3UG (1 st March to 31 st July inclusive) Proposed change to extend this to 1st February to 31st August)
10	Poolsbrook Country Park (area around the café/pavilion building and car park), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (1 st January to 31 st December inclusive)
11	Poolsbrook Country Park (path around the lake), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (1 st January to 31 st December inclusive)
12	Poolsbrook Country Park (path around the lakes and car park), Pavilion Drive, Chesterfield, Derbyshire, S43 3LH (1 st January to 31 st December inclusive)

Map	Location
13	Ringwood Park (lake), Inkersall Green Road, Chesterfield, Derbyshire, S40 2WB (1 st January to 31 st December inclusive)
14	Spital Cemetery, Hady Hill, Chesterfield, Derbyshire, S41 0DZ (1 st January to 31 st December inclusive)
15	Staveley Cemetery, Inkersall Road, Chesterfield, Derbyshire, S43 3JL (1 st January to 31 st December inclusive)

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 2 – Map 1



Key

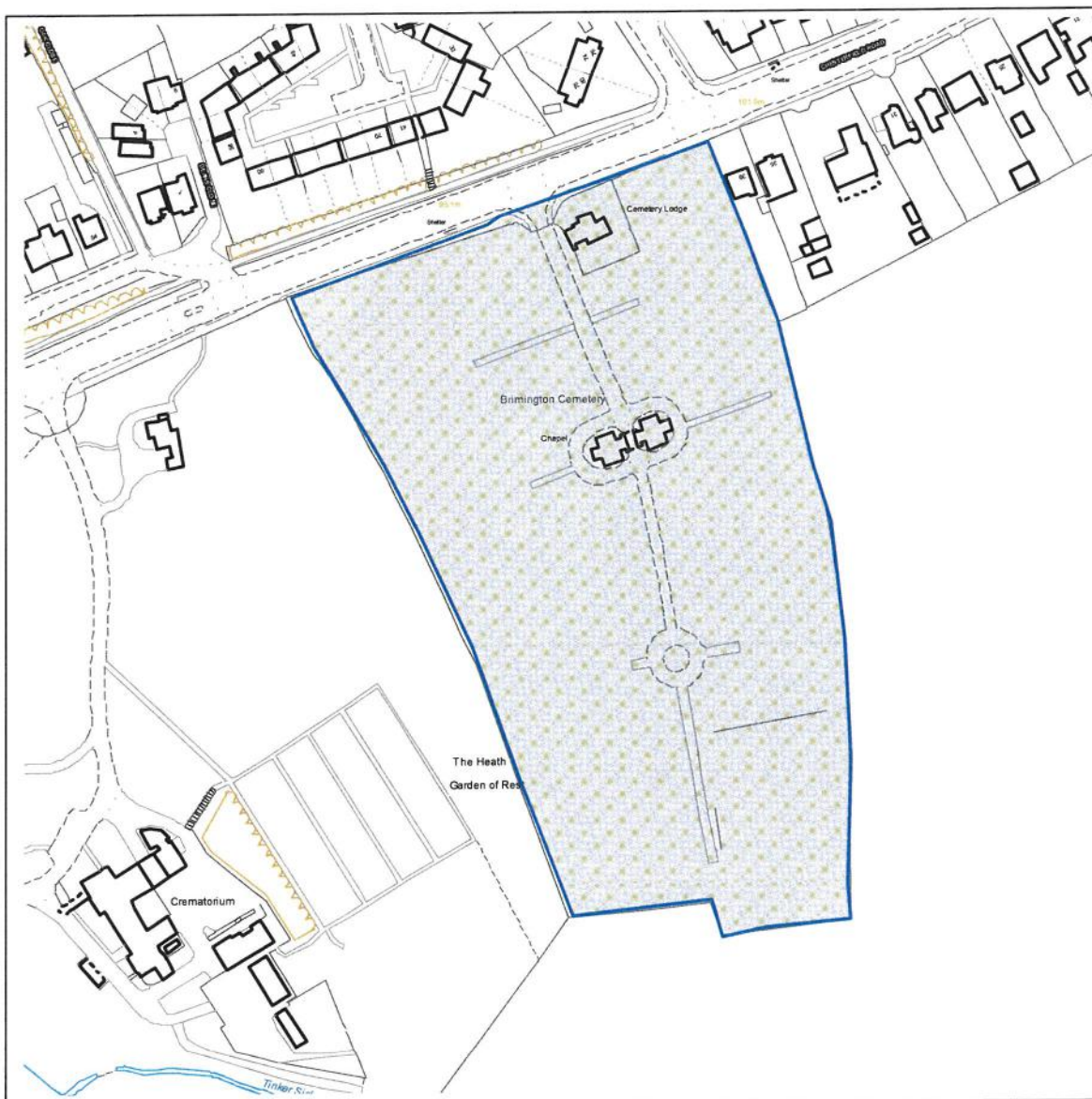
Dogs must be on leads at all times within the highlighted area



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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 2 – Map 2



Key

Dogs must be on leads at all times within the highlighted area




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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 2 – Map 3



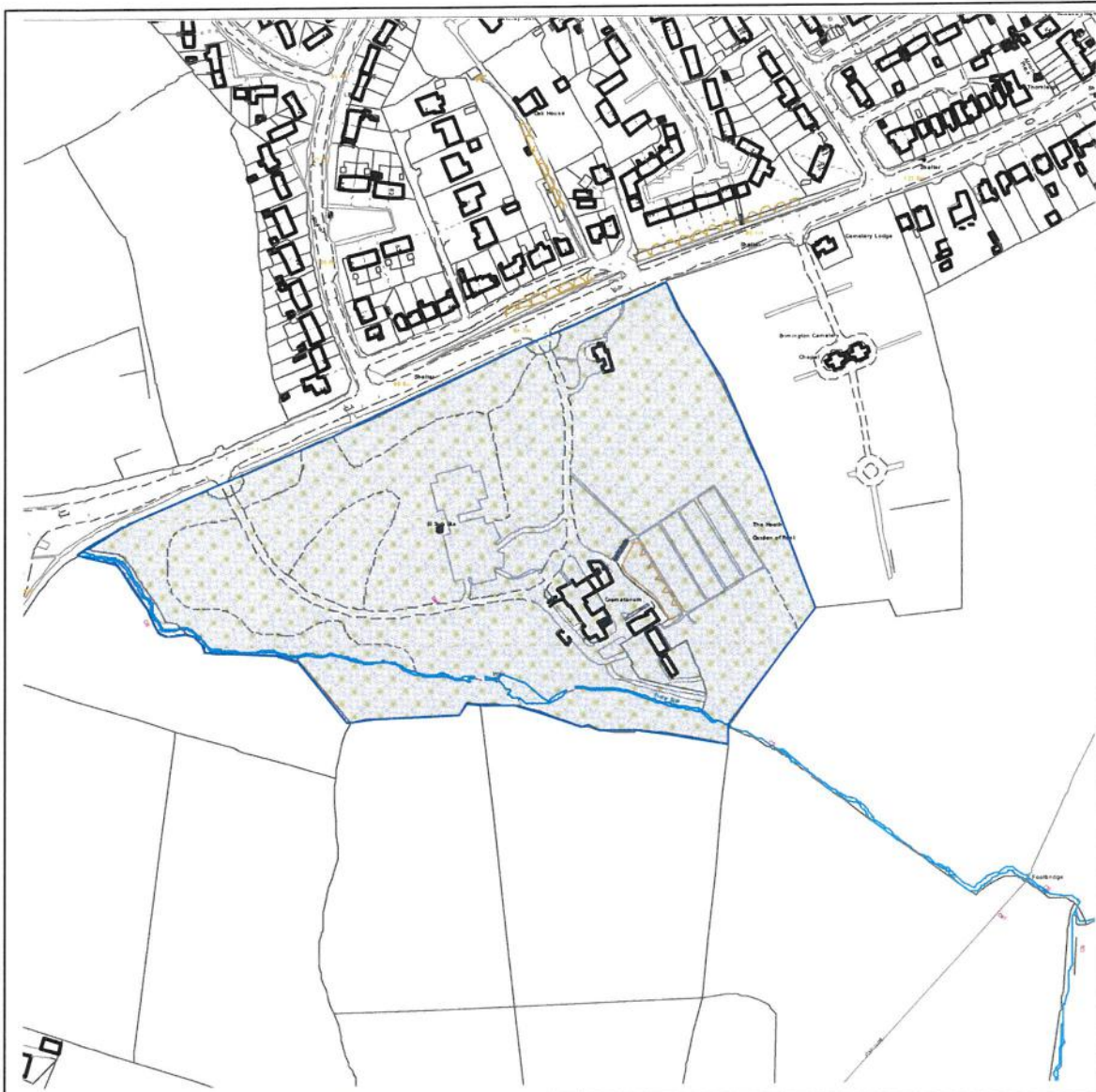
Key

Dogs must be kept on leads at all times within the highlighted area  between March and July (inclusive)

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 2 – Map 4



Key

Dogs must be on leads at all times within the highlighted area



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Schedule 2 – Map 5



Key

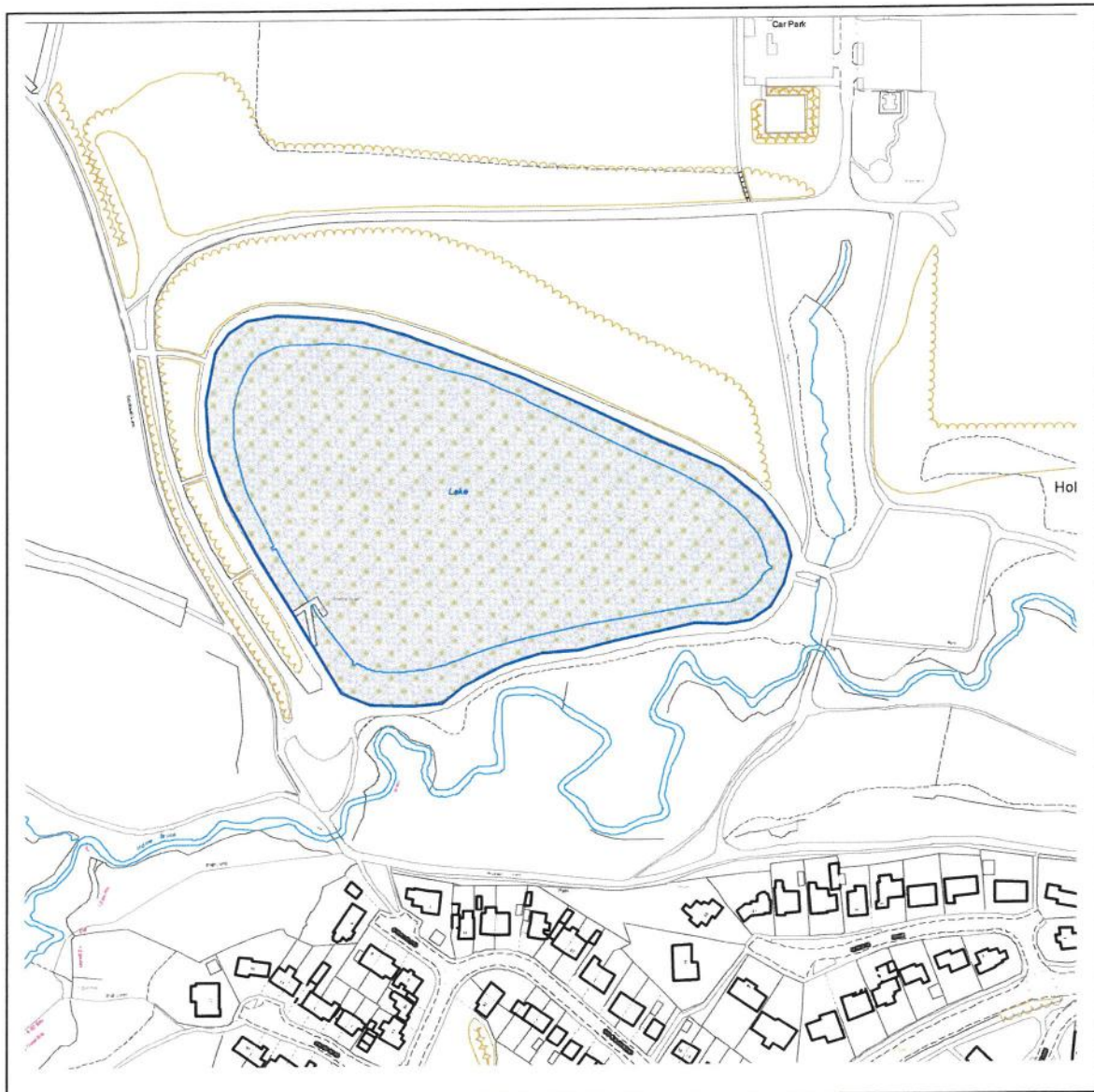
Dogs must be on leads at all times within the highlighted area



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Schedule 2 – Map 6



Key

Dogs must be on leads at all times within the highlighted area



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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 2 – Map 7



Key

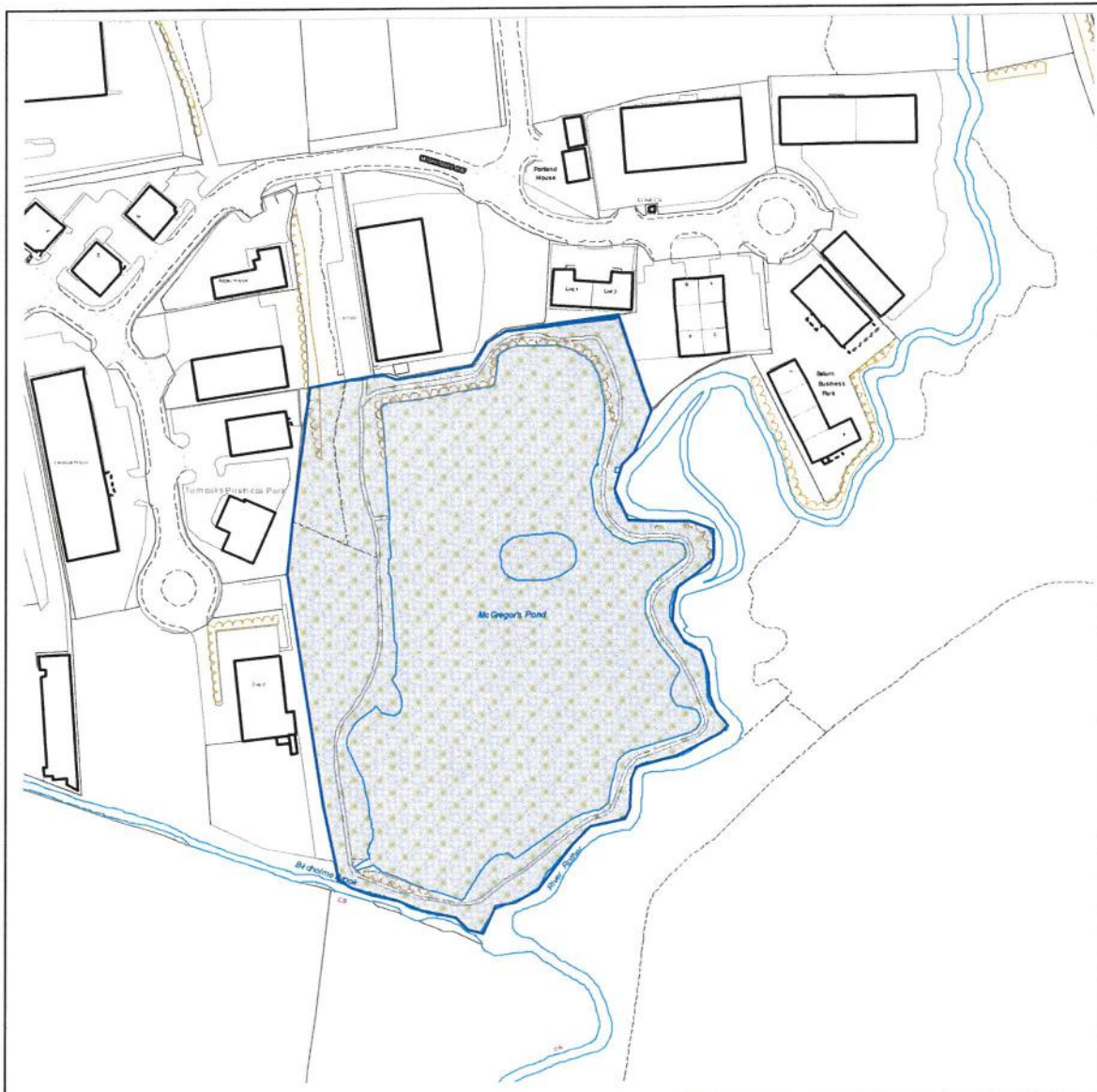
Dogs must be on leads at all times within the highlighted area




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Schedule 2 – Map 8



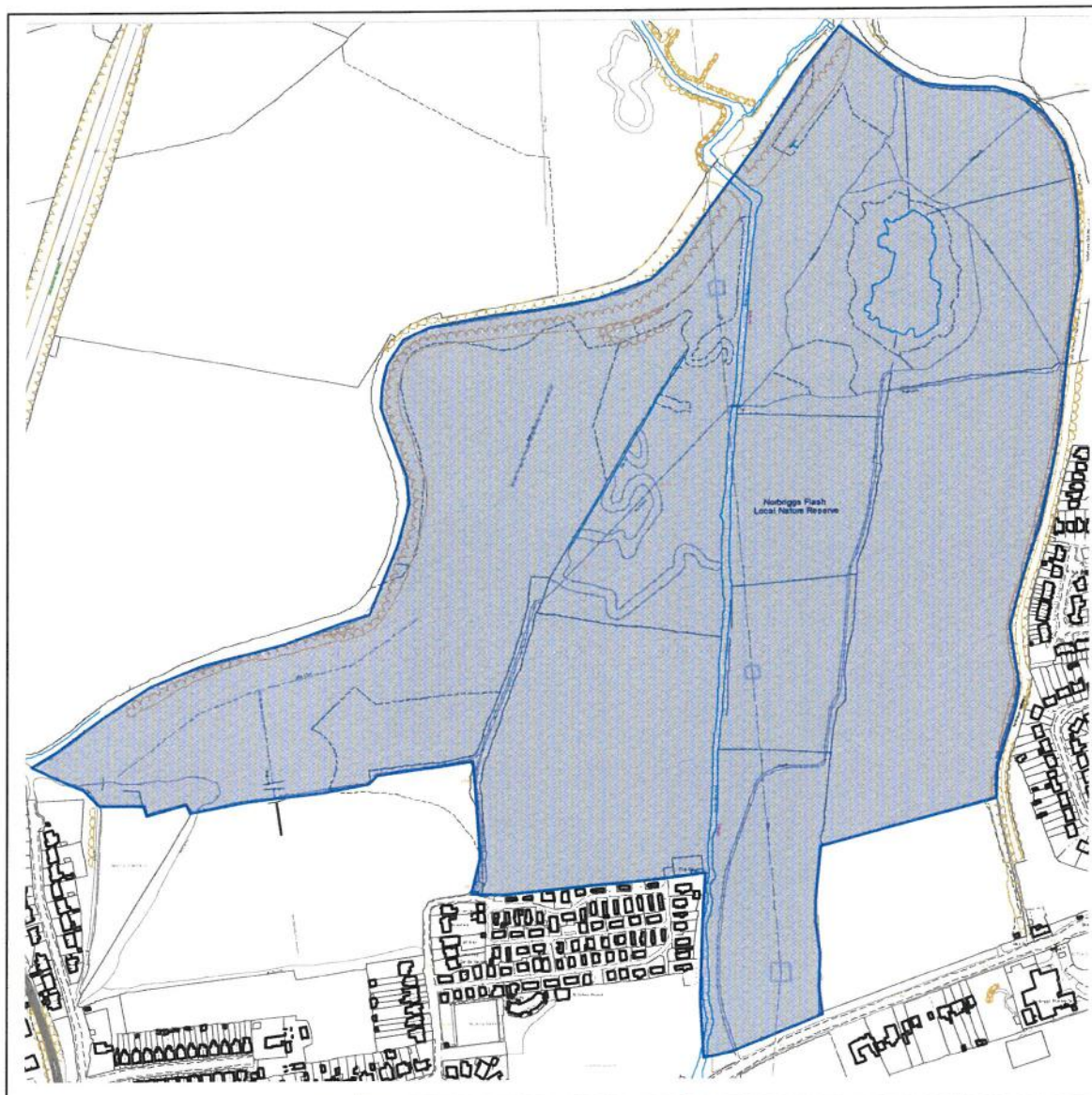
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Dogs must be on leads at all times within the highlighted area 


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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 2 – Map 9



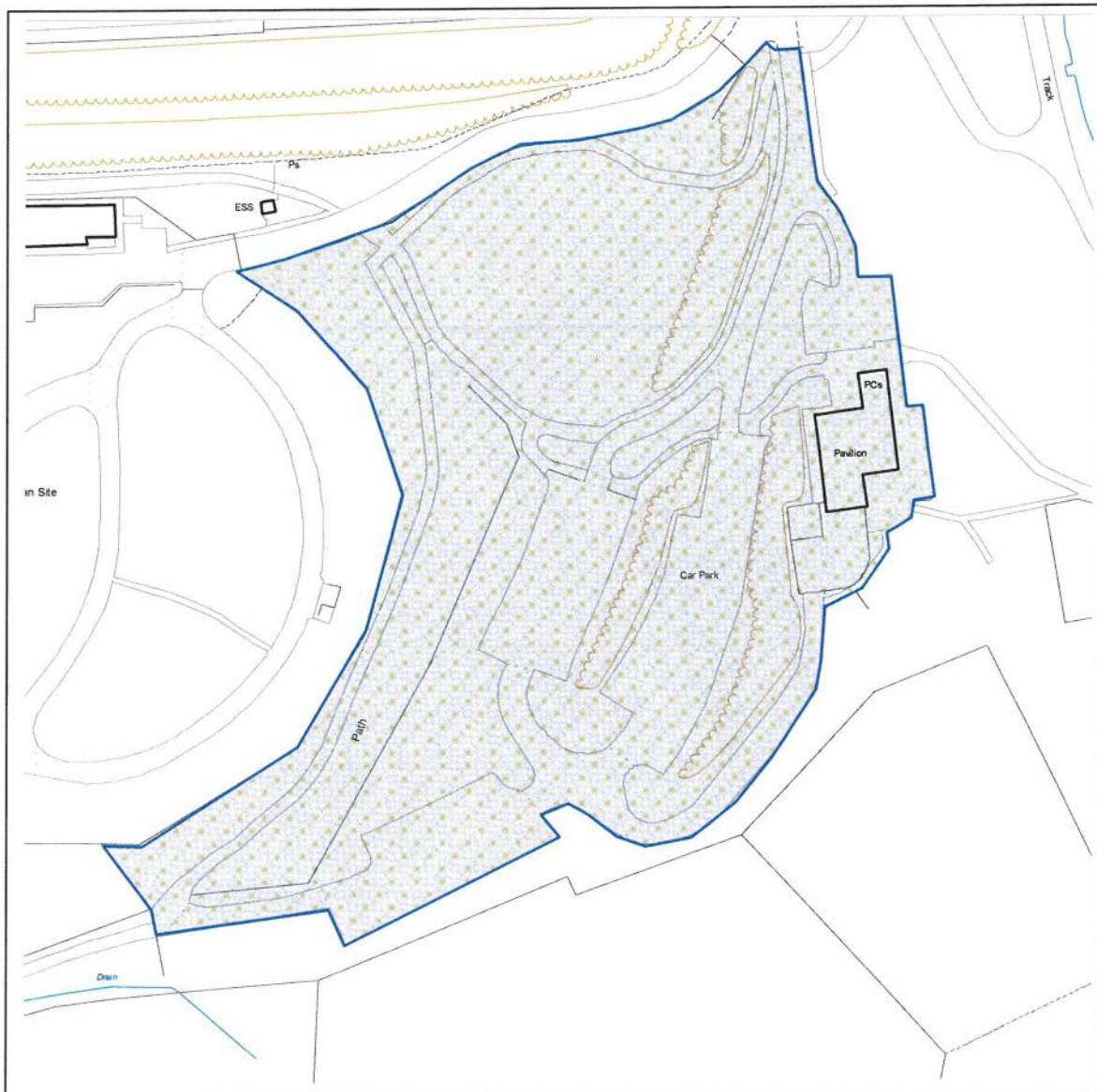
Key

Dogs must be on leads at all times within the highlighted area  between March and July (inclusive)

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Schedule 2 – Map 10



Key

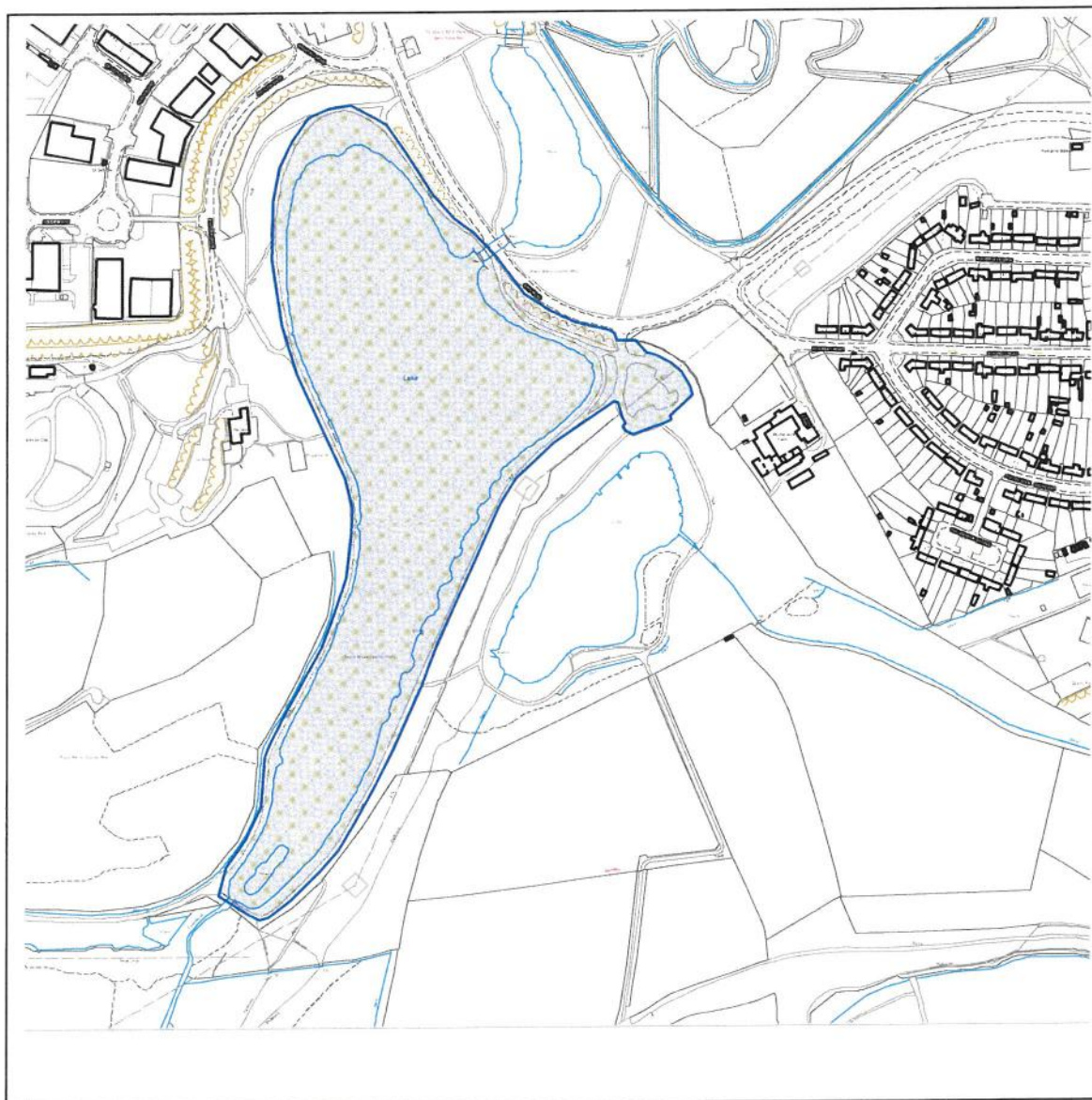
Dogs must be on leads at all times within the highlighted area



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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 2 – Map 11



Key

Dogs must be on leads at all times within the highlighted area



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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 2 – Map 12



Key

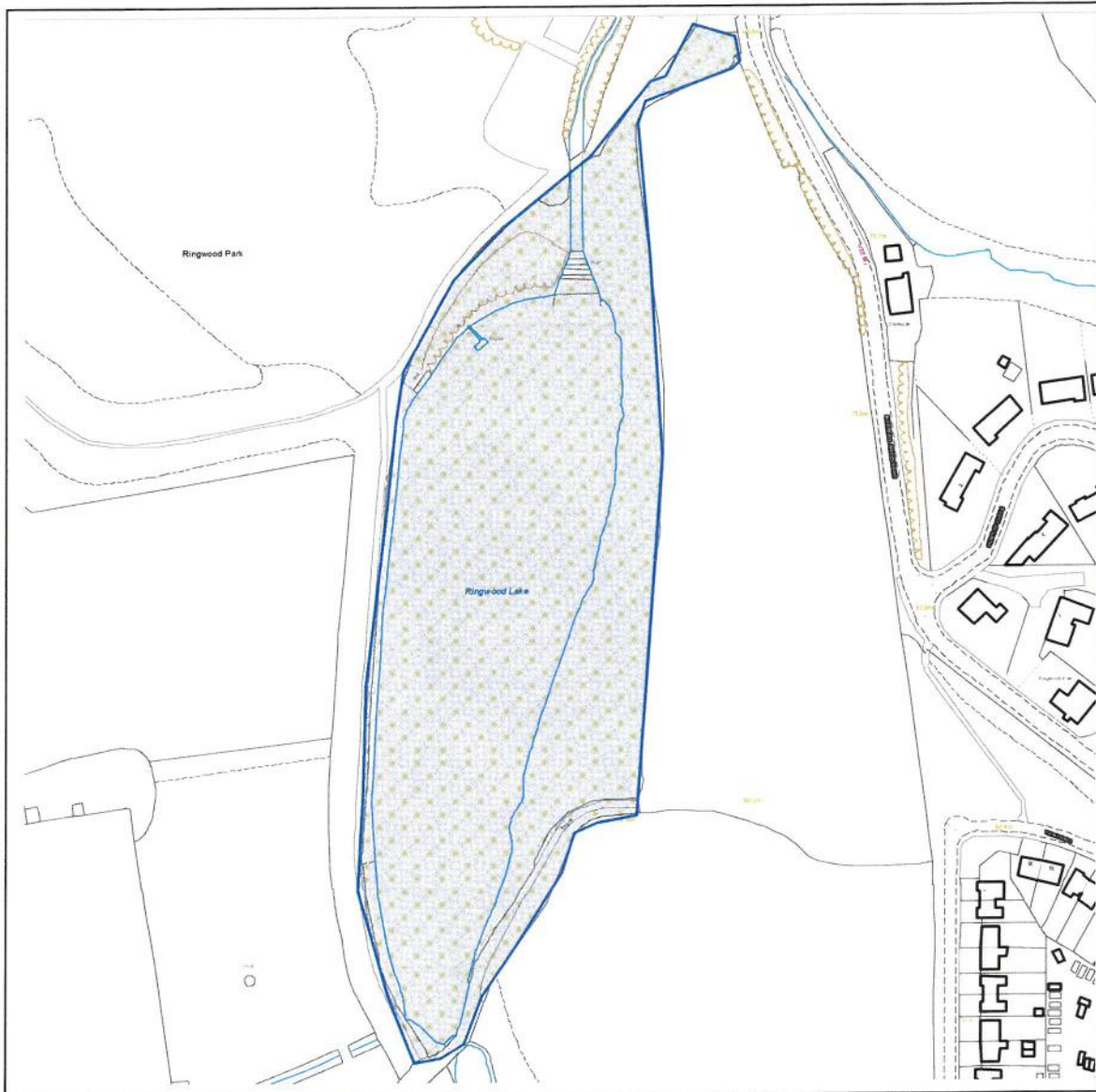
Dogs must be on leads at all times within the highlighted area



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Schedule 2 – Map 13



Key

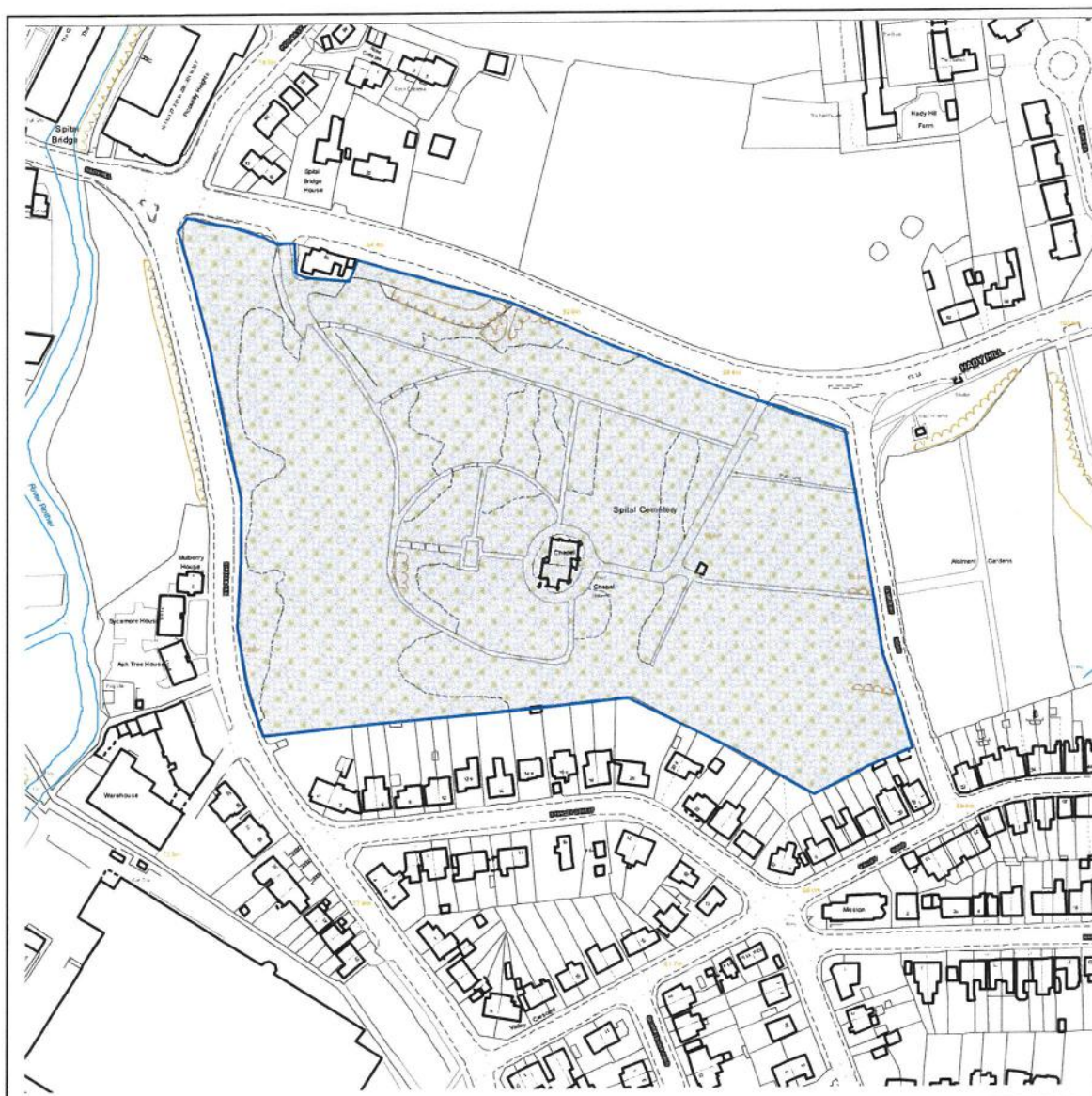
Dogs must be on leads at all times within the highlighted area



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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 2 – Map 14



Key

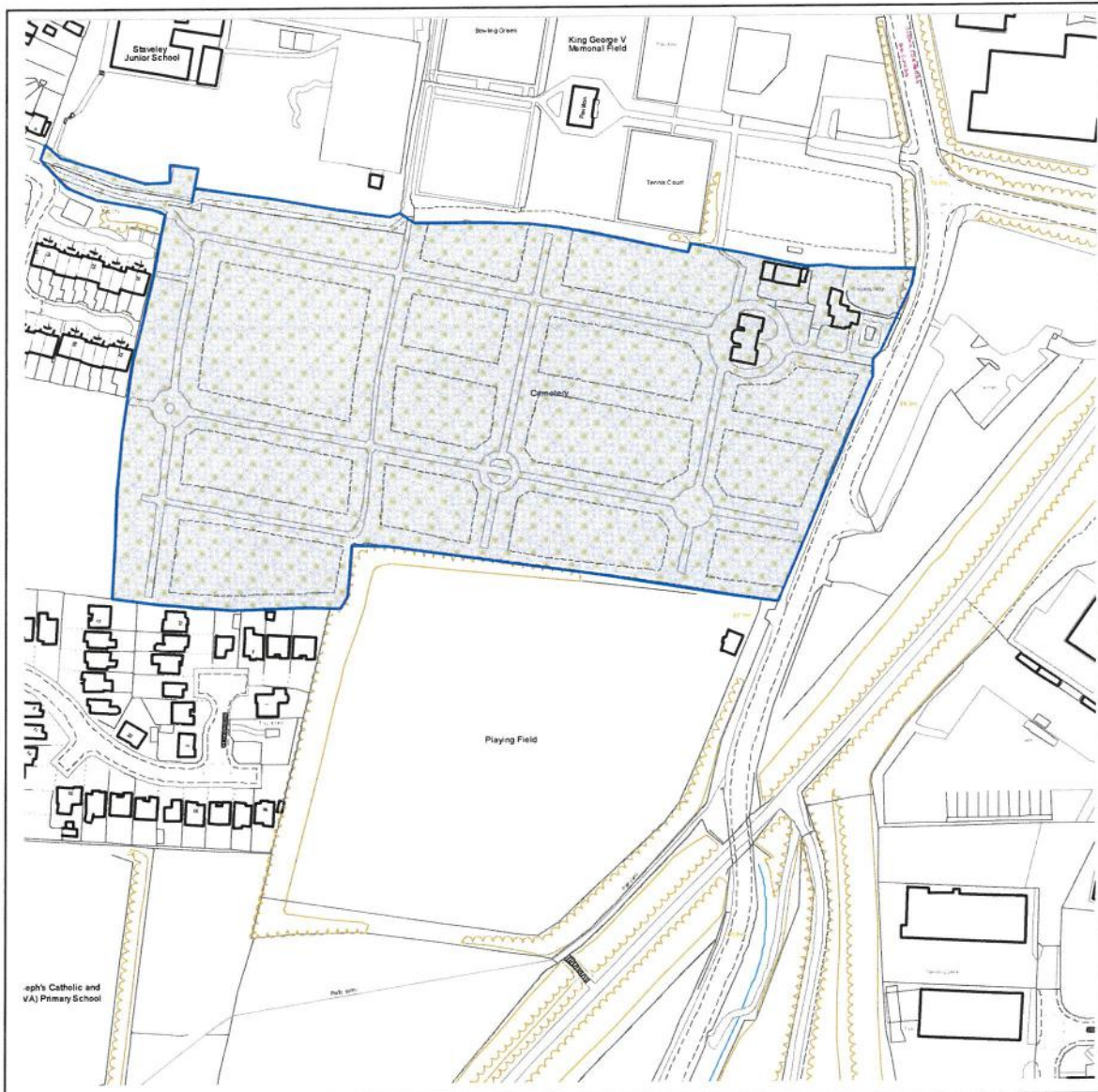
Dogs must be on leads at all times within the highlighted area



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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 2 – Map 15



Key

Dogs must be on leads at all times within the highlighted area



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Schedule Three

Dogs are excluded

This Order applies to all land described below:

Map	Location
16	Badger Recreation Ground, Brockwell Lane, Chesterfield, Derbyshire (children's play area) (1 st January to 31 st December inclusive) Park temporarily removed, propose to include the new park when finished.
17	Brearley Park, High Street, Old Whittington, Chesterfield, Derbyshire, S41 9LN (children's play area, 1 st January to 31 st December inclusive) (cricket area, 1 st April to 30 th September inclusive)
18	Eastwood Park, Hasland Road, Chesterfield, Derbyshire, S41 0AY (children's play area, 1 st January to 31 st December inclusive) (football pitches, 1 st September to 31 st May inclusive)
19	Eastwood Recreation Ground (Thistle Park), Station Road, Brimington, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive) (football pitch between 1 st September to 31 st May inclusive)
20	Hady Playing Field, Hady Lane, Chesterfield, Derbyshire (football pitch between the months of September to May inclusive)
21	Highfield Park, Highfield Lane, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive) (football pitches, 1 st September to 31 st May inclusive)
22	Hilltop Recreation Ground, Hilltop Road, Old Whittington, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive)
23	Holmebrook Valley Park, Water Meadow Lane, Newbold, Chesterfield, S41 8XP (children's play area, 1 st January to 31 st December inclusive) (football pitches 1 st September to 31 st May inclusive)
24	Inkerman Recreation (Wasps Nest), Ashgate Road, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive)
25	Inkersall Green Recreation Ground, Inkersall Green Road, Chesterfield, Derbyshire (children's play area, all year) (football pitches 1 st September to 31 st May inclusive)
26	King George's Field, Inkersall Road, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive)
27	Kirkstone Road Recreation Ground, Kirkstone Road, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive)

Map	Location
28	Langer Field, Langer Lane, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive) (football pitch 1 st September to 31 st May inclusive)
29	Loundsley Green Playing Field, Pennine Way, Chesterfield, Derbyshire (children's play areas, 1 st January to 31 st December inclusive)
30	Brimington Common, Recreation Road, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive)
31	Markham Way, (near B&Q) Chesterfield, Derbyshire (skateboard park, 1 st January to 31 st December inclusive)
32	Pearson Recreation, Old Hall Road, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive)
33	Poolsbrook Country Park, Pavilion Drive, Staveley, Chesterfield, S43 3LH (children's play area, 1 st January to 31 st December inclusive)
34	Poolsbrook Playing Field, Cottage Close, Poolsbrook, Chesterfield, Derbyshire (children's play areas, 1 st January to 31 st December inclusive) (football pitch, 1 st September to 31 st May inclusive)
35	Poolsbrook Road Recreation Ground, Poolsbrook Road, Duckmanton, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive)
36	Queen's Park, Park Road, Chesterfield, Derbyshire, S40 2ND (children's play areas, 1 st January to 31 st December inclusive) (cricket pitch, 1 st January to 31 st December inclusive)
37	Spital Recreation Ground, Spital Lane, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive)
38	Somersall Park, Somersall Lane, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive) Proposed change at location of new children's play area
39	Stand Road Park, Stand Road, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive) (skate park, 1 st January to 31 st December inclusive) (football pitches, 1 st September to 31 st May inclusive)
40	Station Road Recreation Ground, Station Road, Barrow Hill, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive)
41	Stone Lane 'kick about', Stone Lane, New Whittington, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive)

Map	Location
42	Tapton Park, Brimington Road, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive)
43	Wain Avenue, Chesterfield, Derbyshire (games court, 1 st January to 31 st December inclusive)
44	Valley Road Recreation, Valley Road, Chesterfield, Derbyshire (children's play area, 1 st January to 31 st December inclusive)

Chesterfield Borough Council Public Spaces Protection Order showing old location, propose to include the new location
Schedule 3 – Map 16



Key

Dogs are excluded all year within the highlighted area 

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Schedule 3 – Map 17



Key

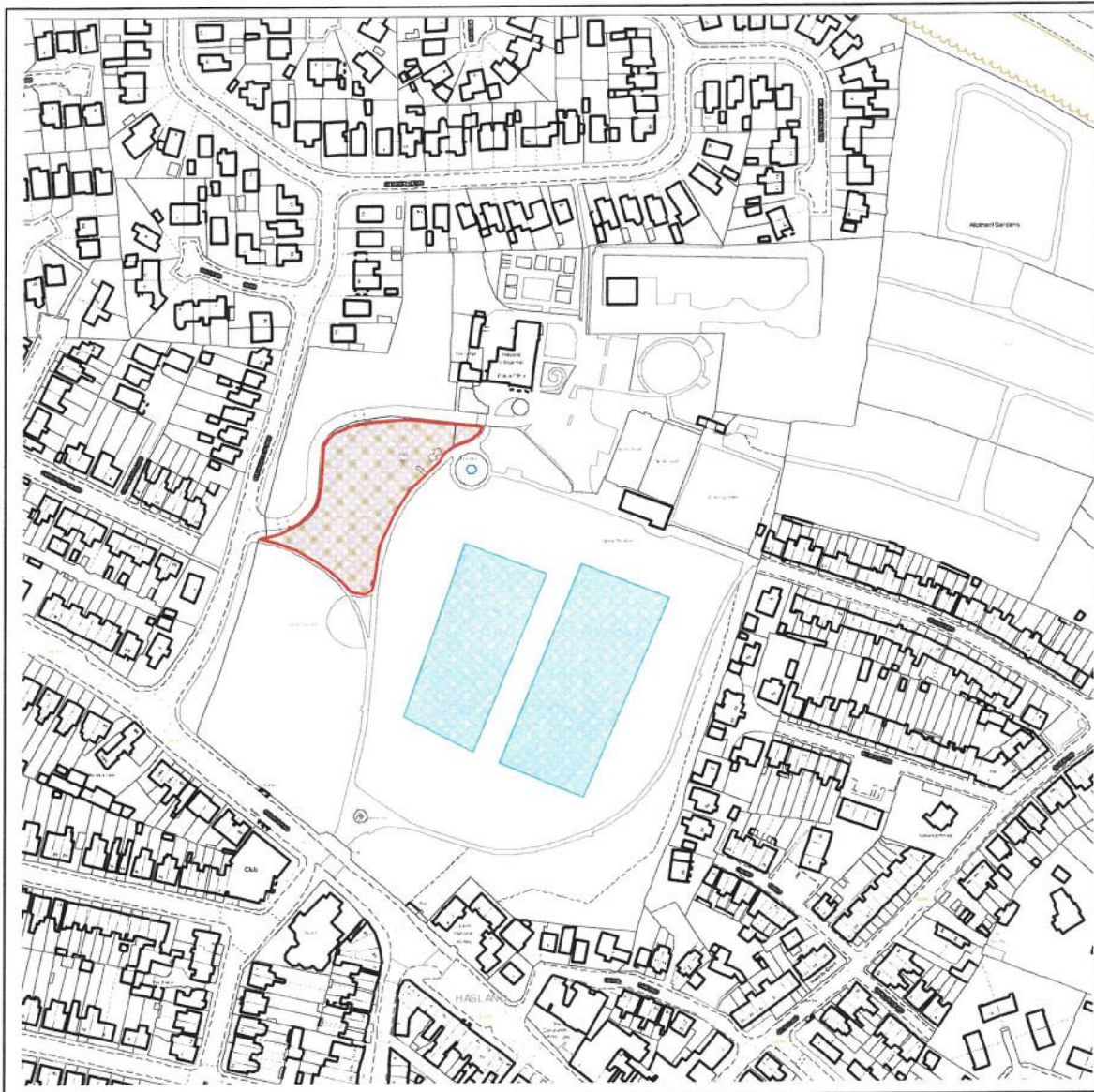
Dogs are excluded all year within the highlighted area 

Dogs are excluded during the months of April to September (inclusive) in the area highlighted 


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Schedule 3 – Map 18



Key

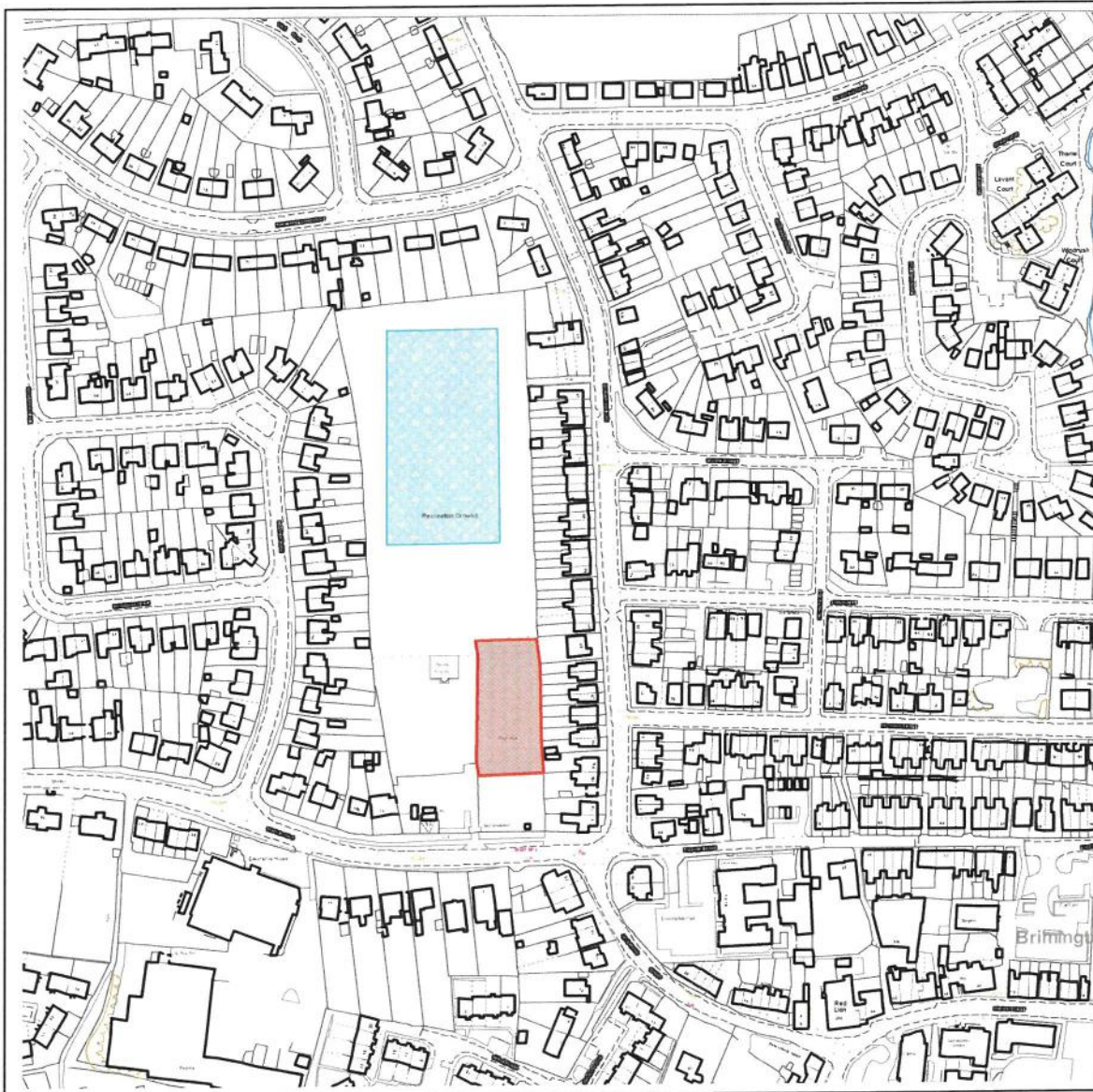
Dogs are excluded all year within the highlighted area 

Dogs are excluded during the months of September to May (inclusive) 

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Schedule 3 – Map 19



Key

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Dogs are excluded during the months of September to May (inclusive) 

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 20



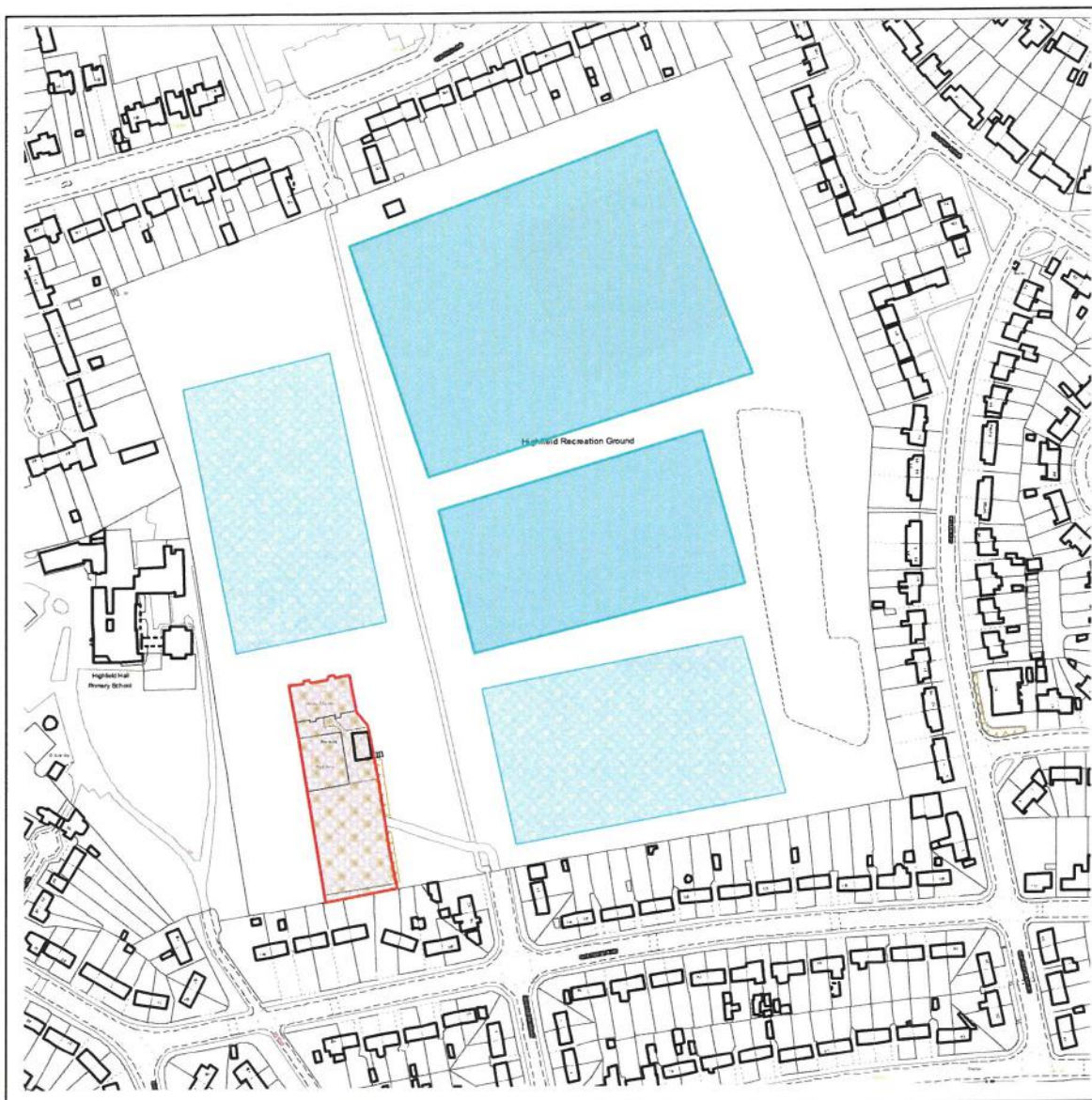
Key

Dogs are excluded during the months of September to May (inclusive) 

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 21



Key

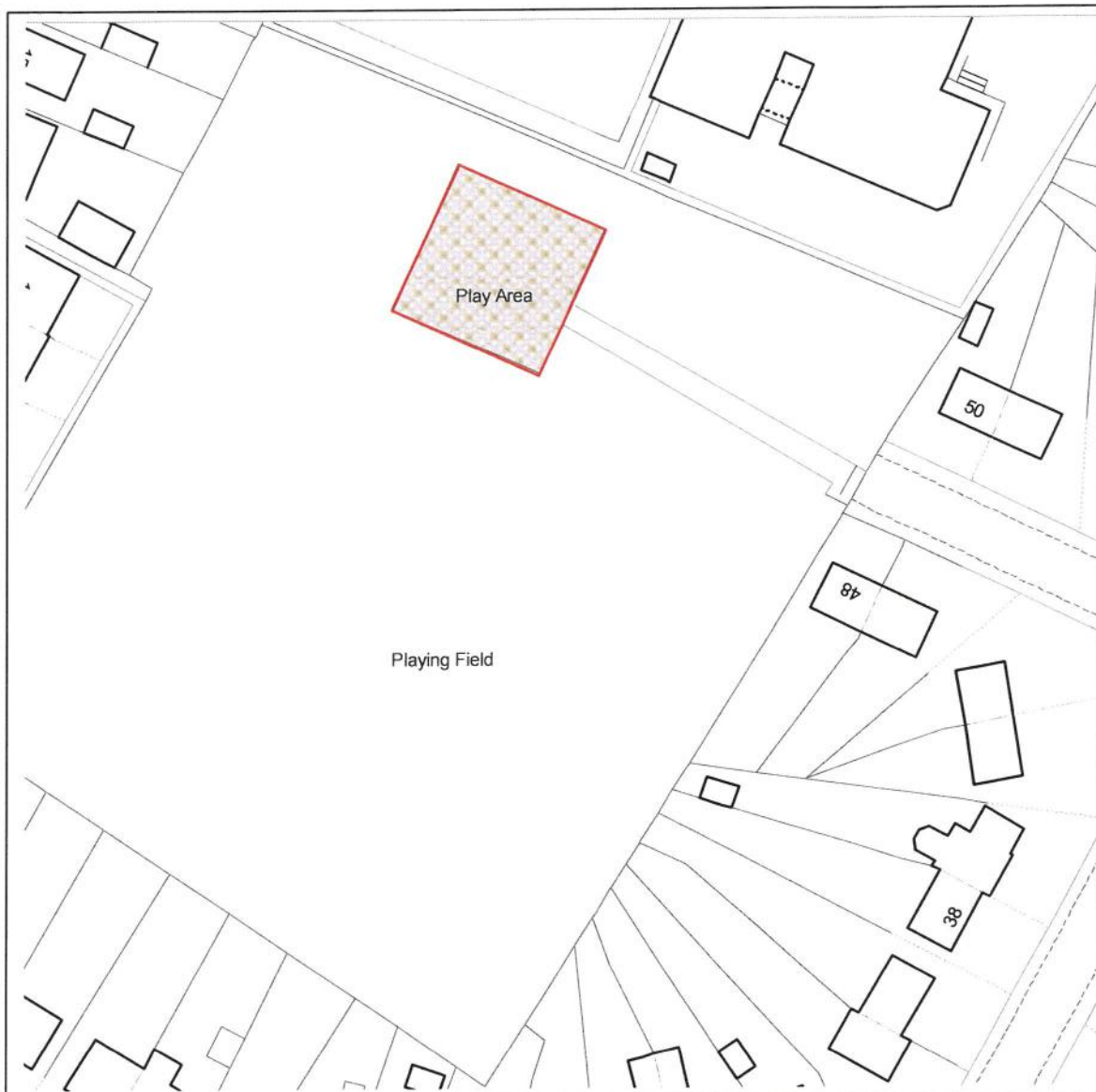
Dogs are excluded all year within the highlighted area 

Dogs are excluded during the months of September to May (inclusive) 

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Schedule 3 – Map 22



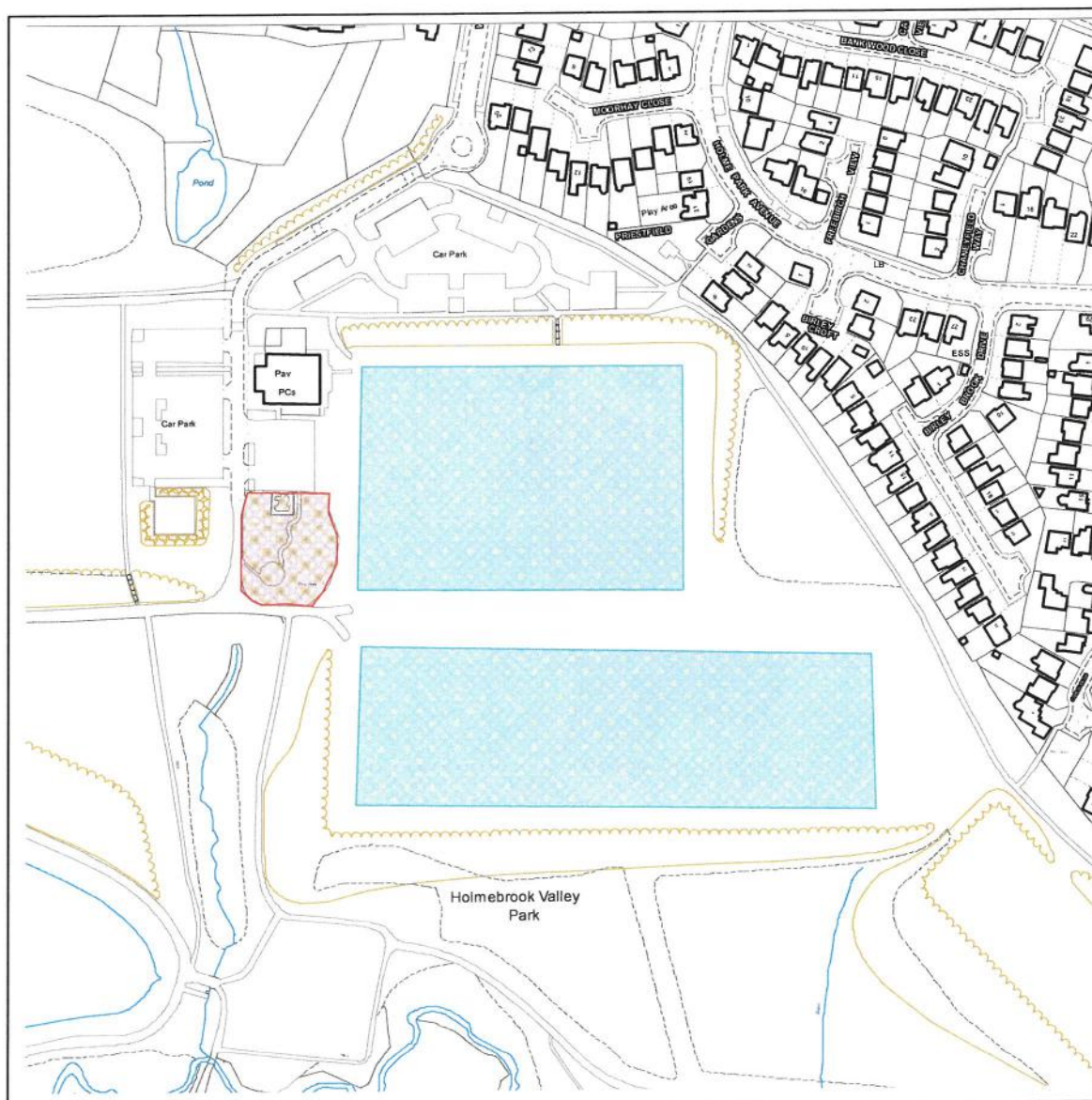
Key

Dogs are excluded all year within the highlighted area 

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 23



Key

Dogs are excluded all year within the highlighted area

Dogs are excluded during the months of September to May (inclusive)

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 25



Key

Dogs are excluded all year within the highlighted area 

Dogs are excluded during the months of September to May (inclusive) 

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 26



Key

Dogs are excluded all year within the highlighted area 


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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 27



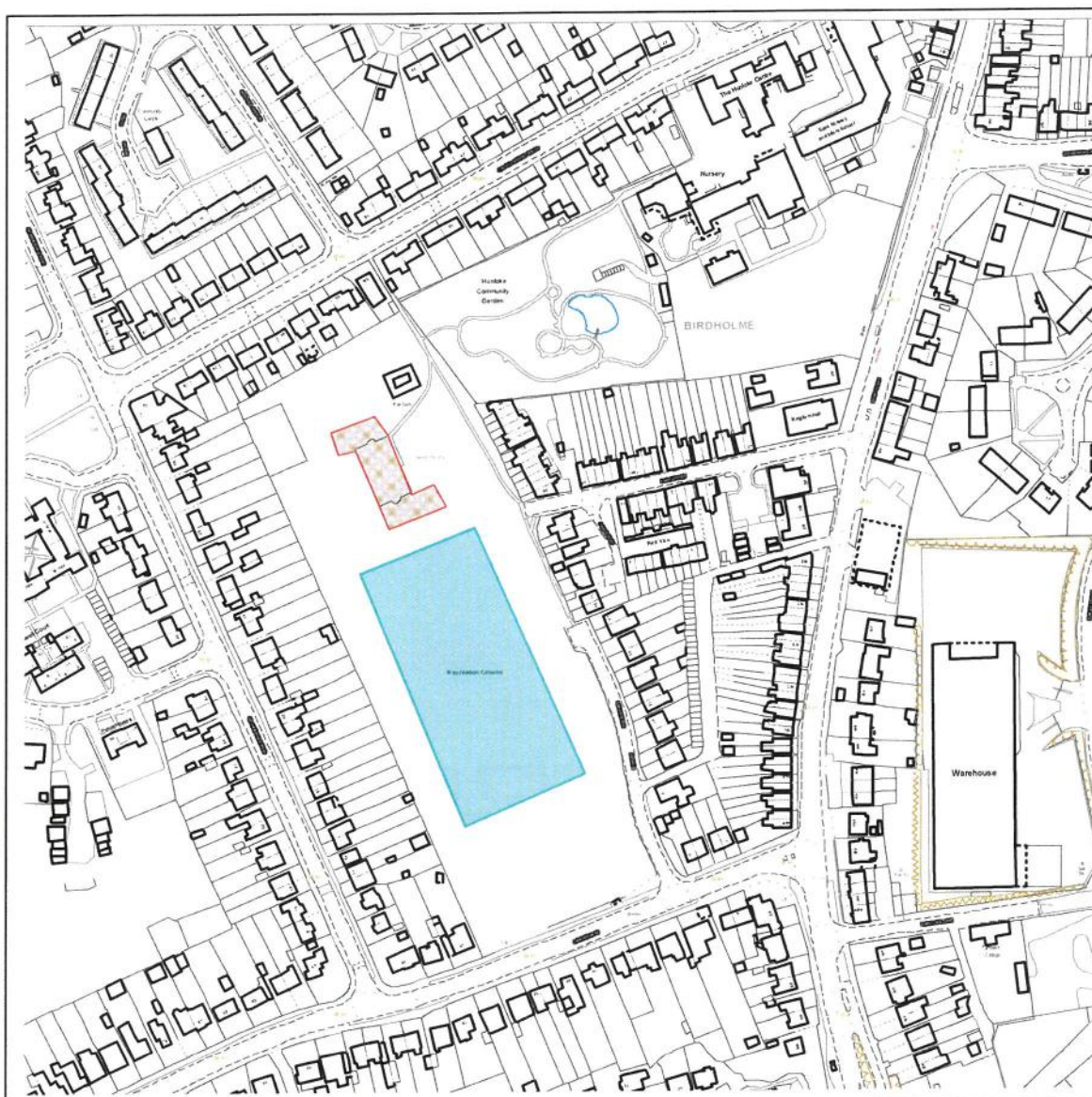
Key

Dogs are excluded all year within the highlighted area 

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 28



Key

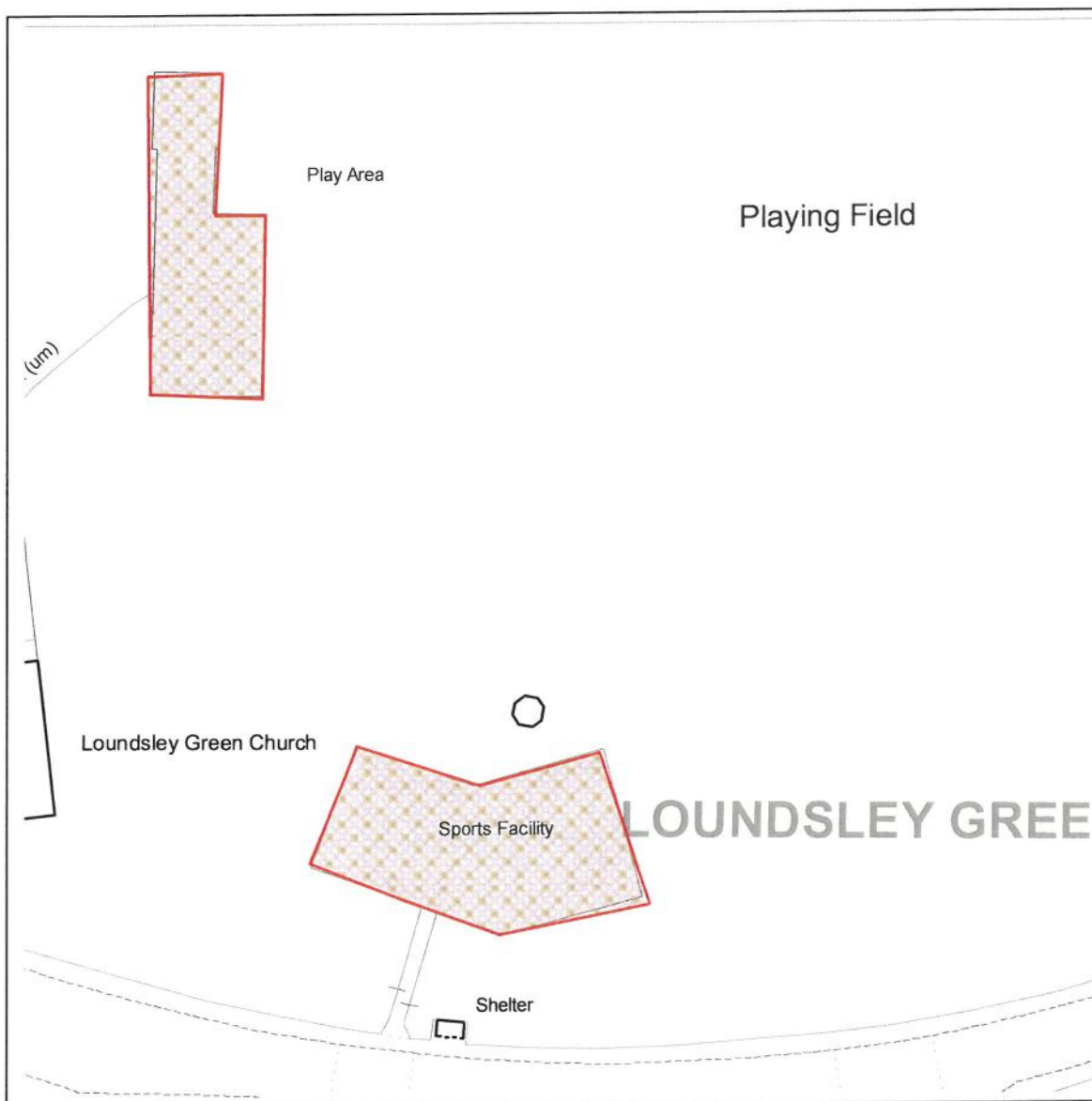
Dogs are excluded all year within the highlighted area 

Dogs are excluded during the months of September to May (inclusive) 

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 29



Key

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 30



Key

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 31



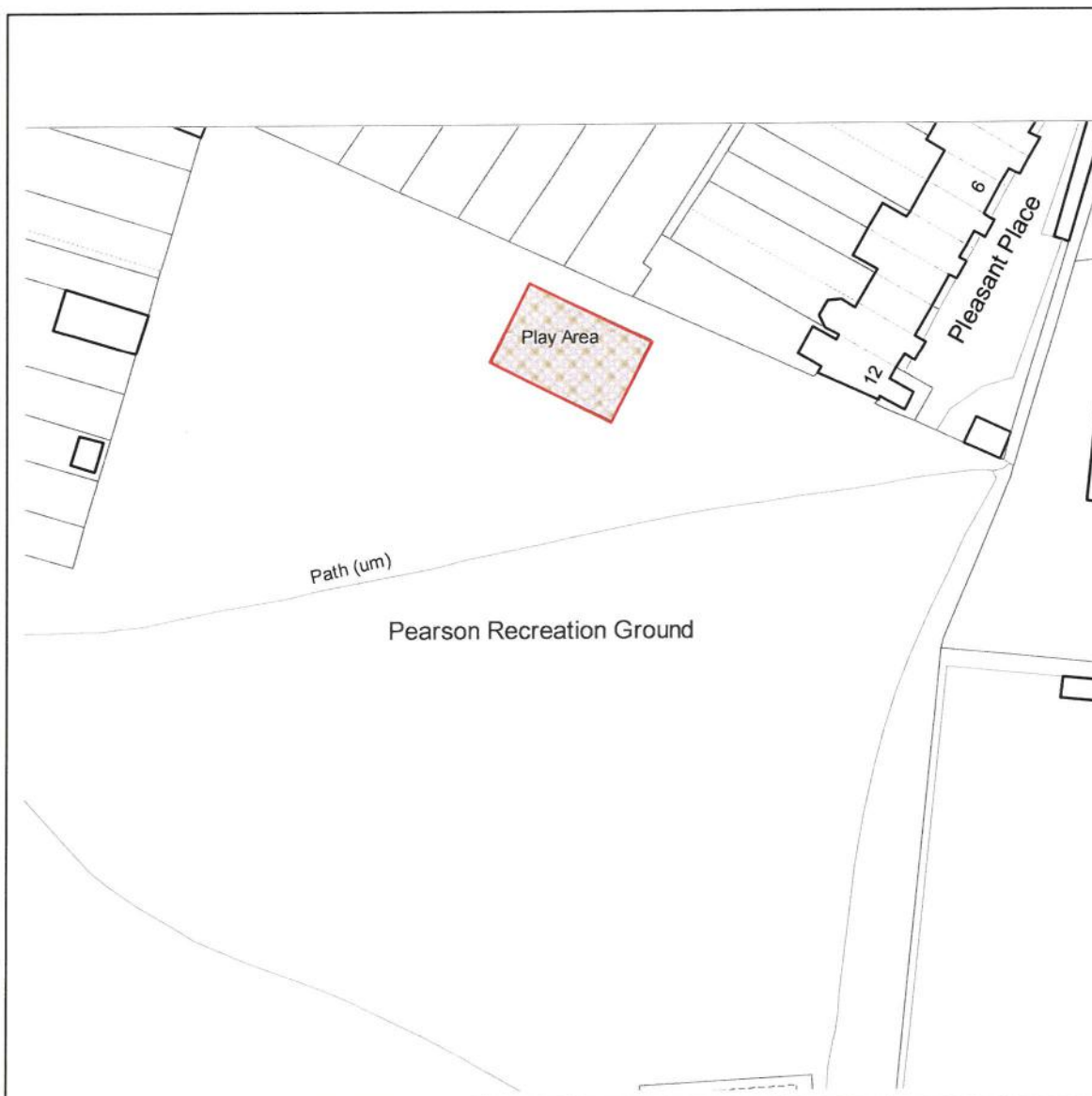
Key

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 32



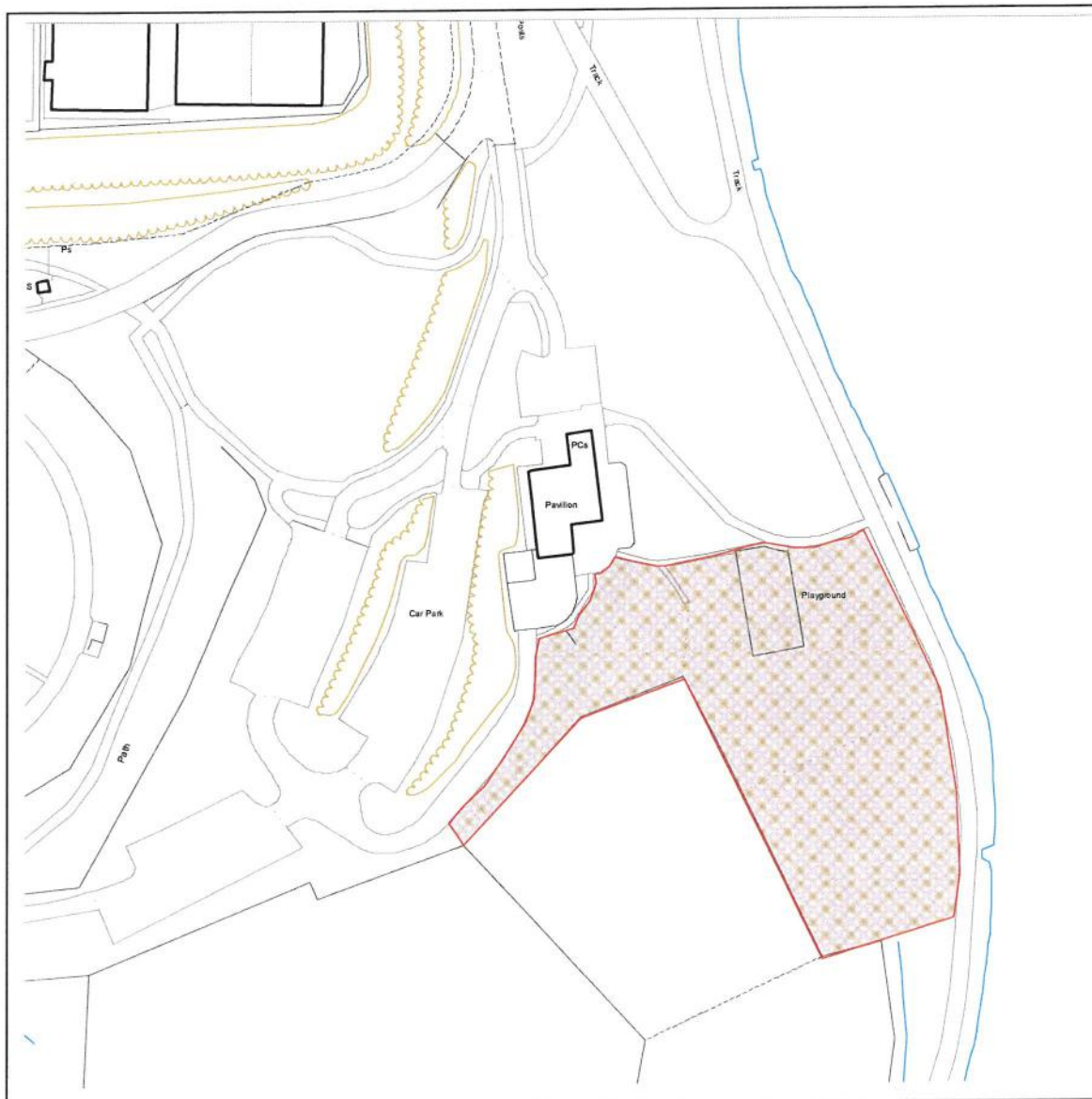
Key

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 33



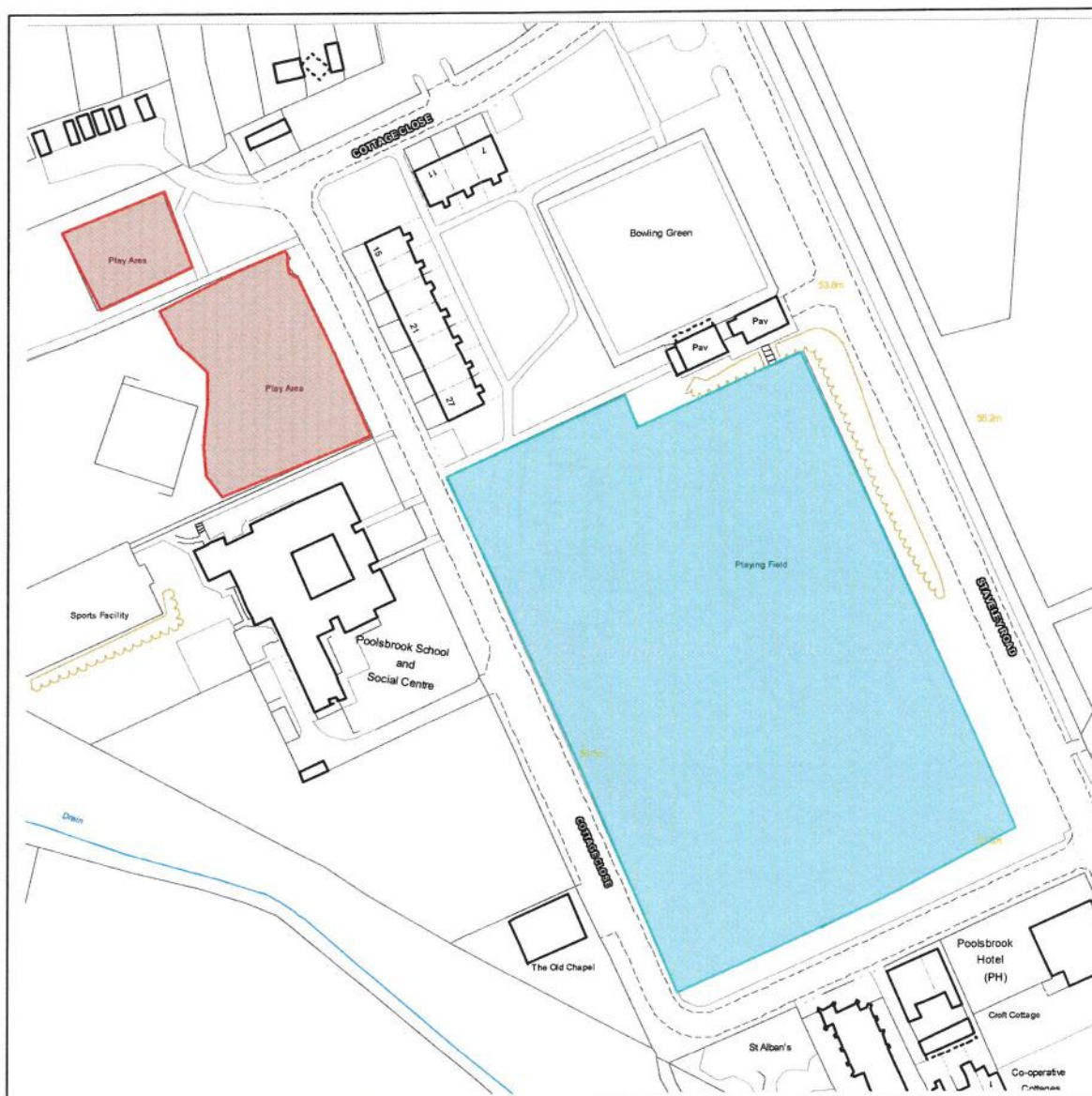
Key

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 34



Key

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 35



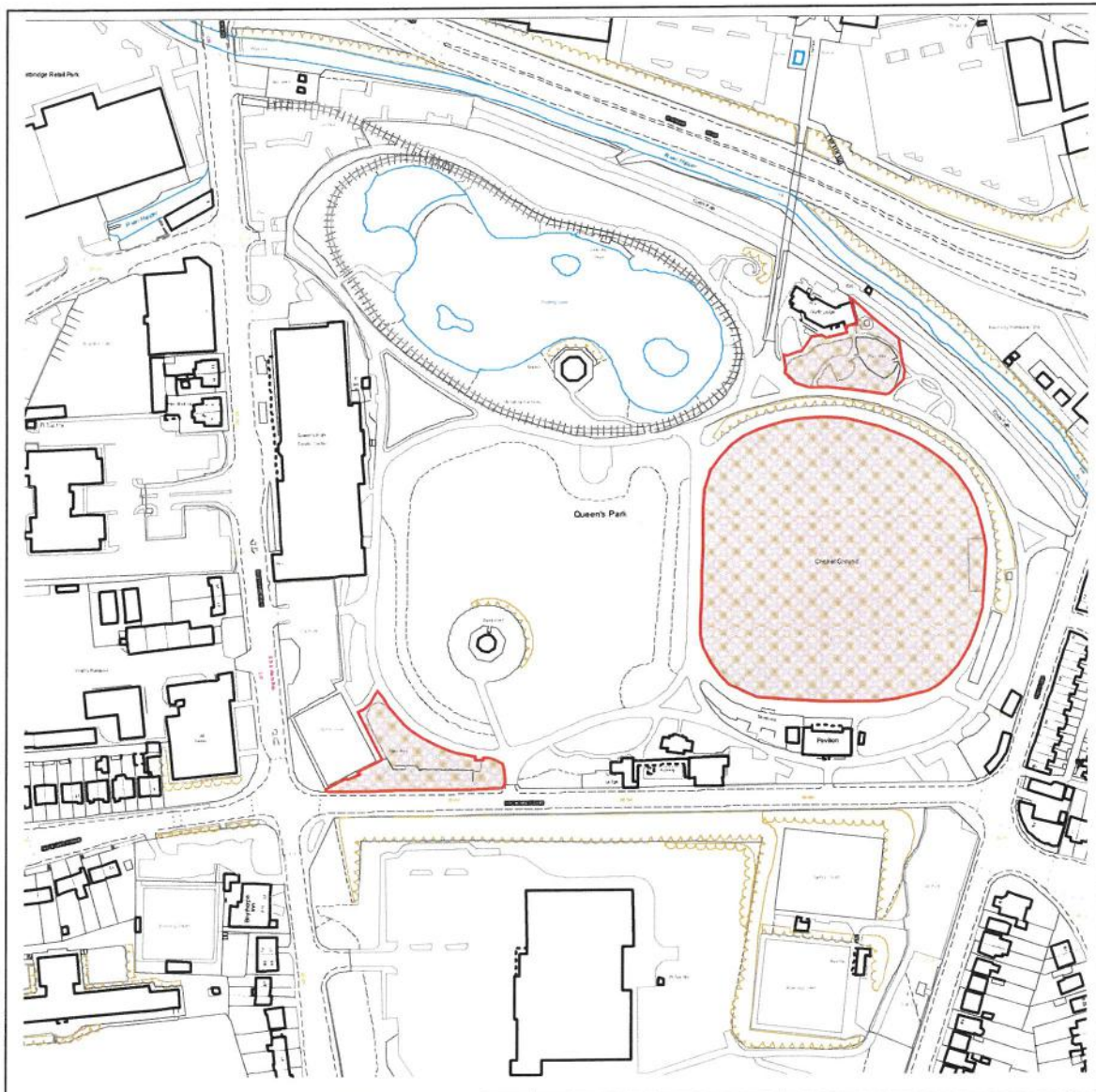
Key

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 36



Key

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 37



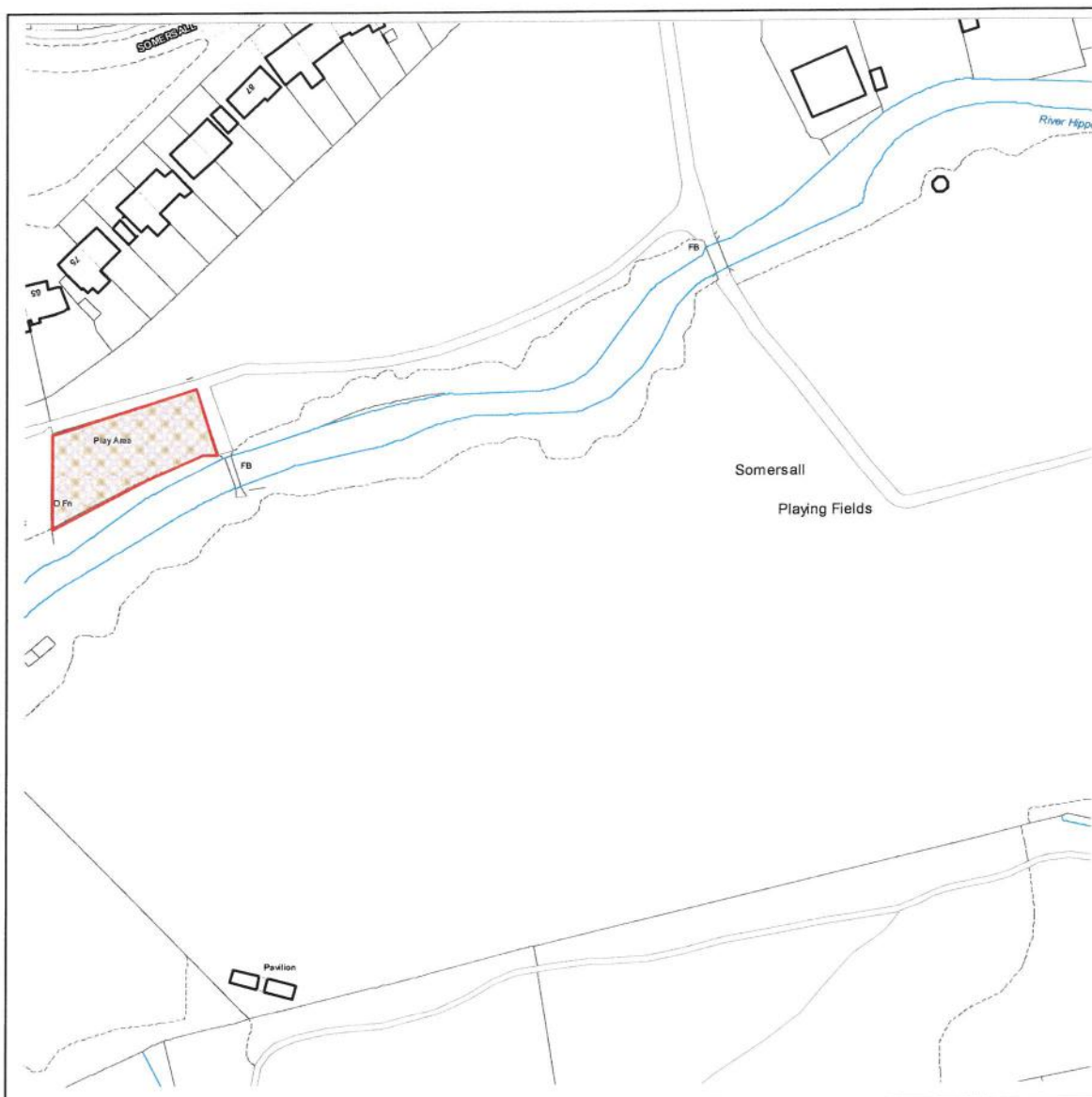
Key

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Chesterfield Borough Council Public Spaces Protection Order 2018 (showing old location), proposed to move to new location

Schedule 3 – Map 38



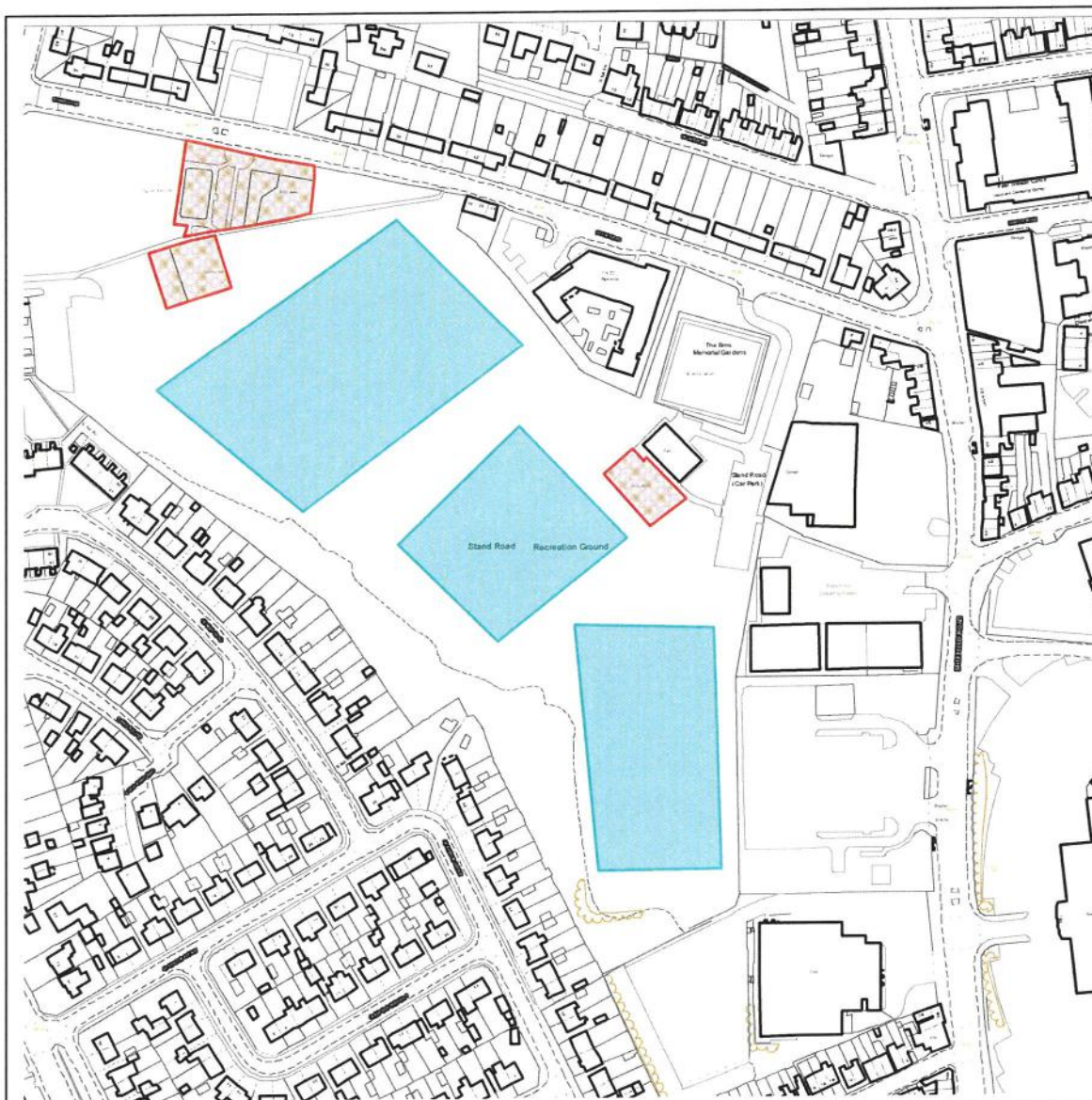
Key

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 39



Key

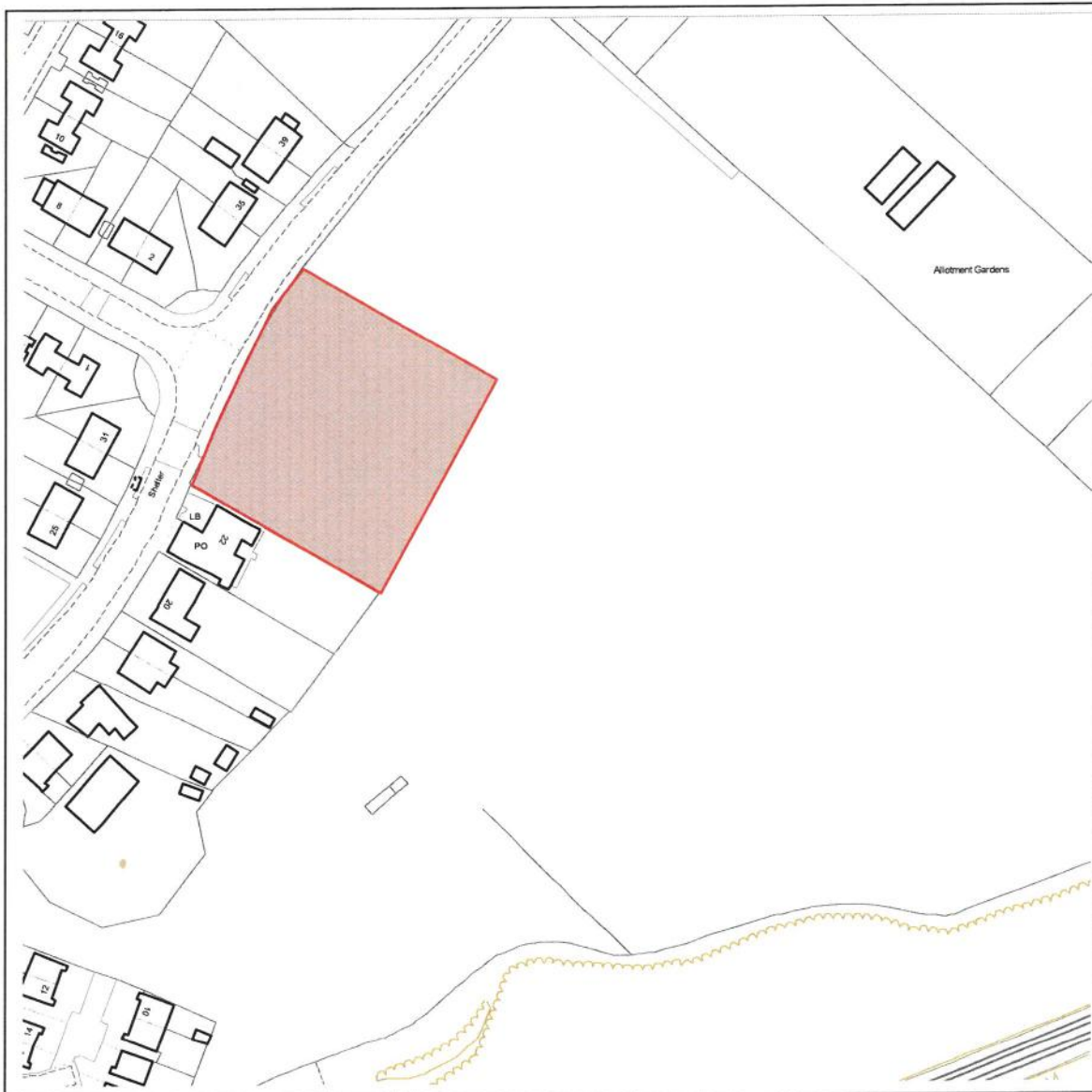
Dogs are excluded all year within the highlighted area 

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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 40



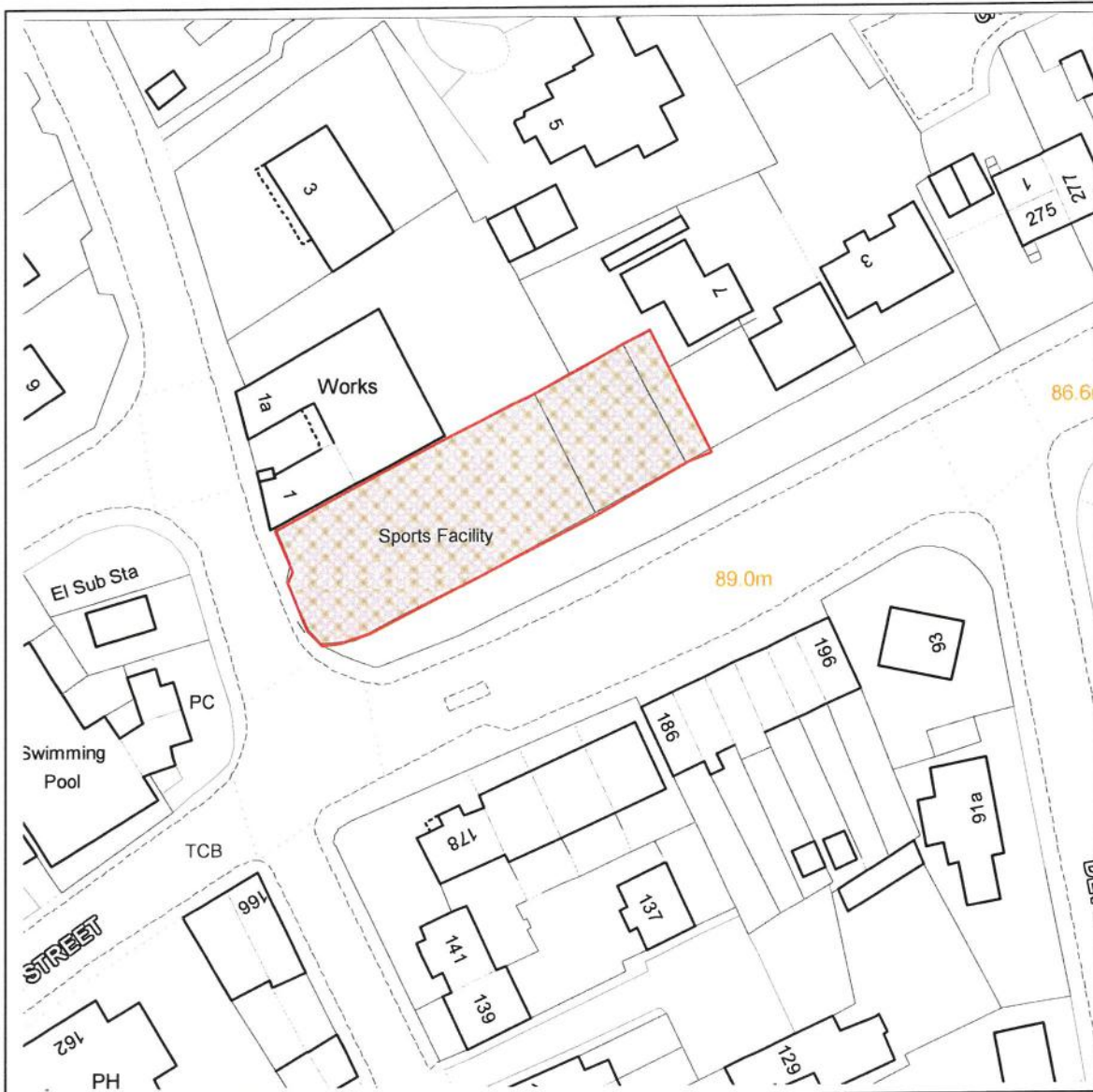
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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 41



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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 42



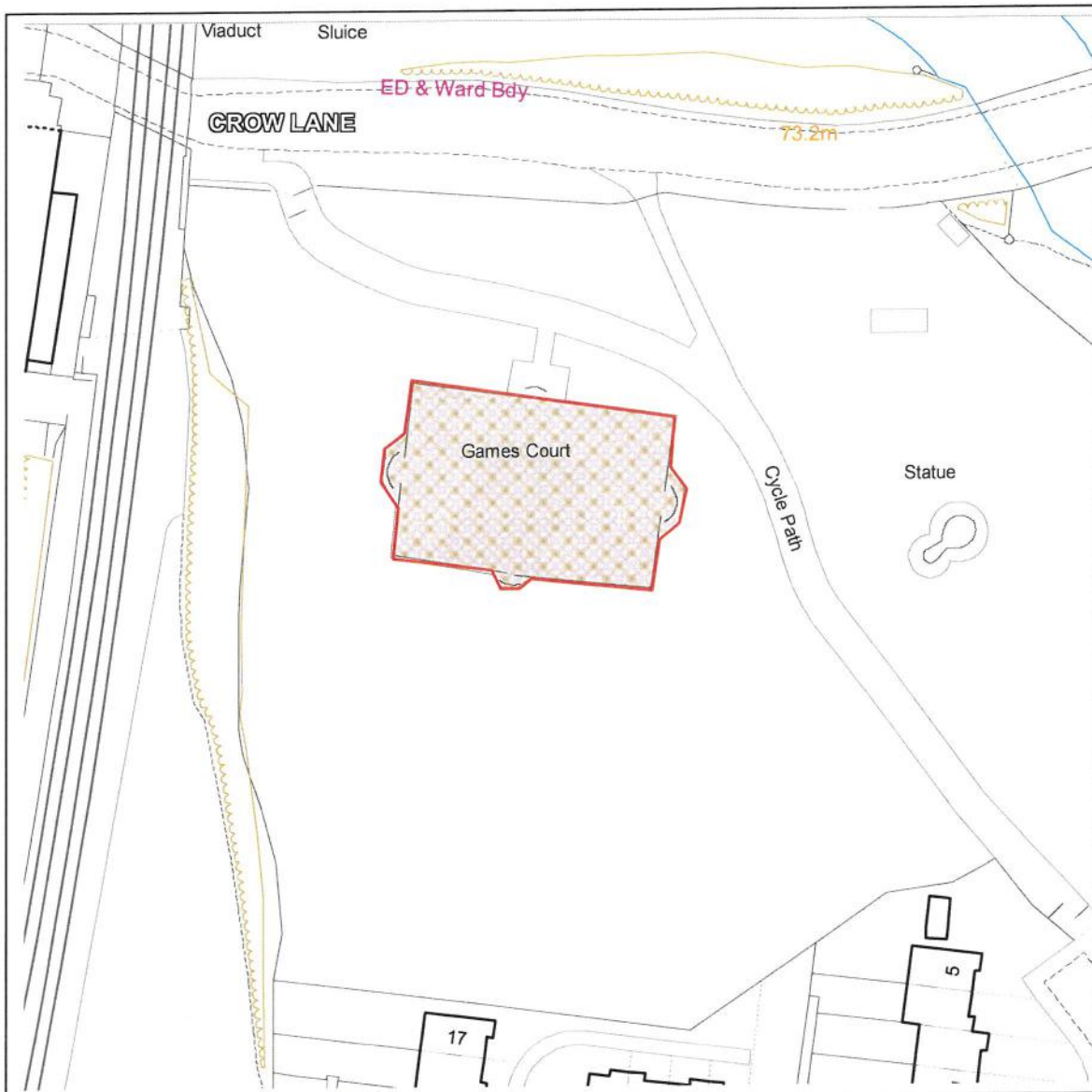
Key

Dogs are excluded all year within the highlighted area 


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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 43



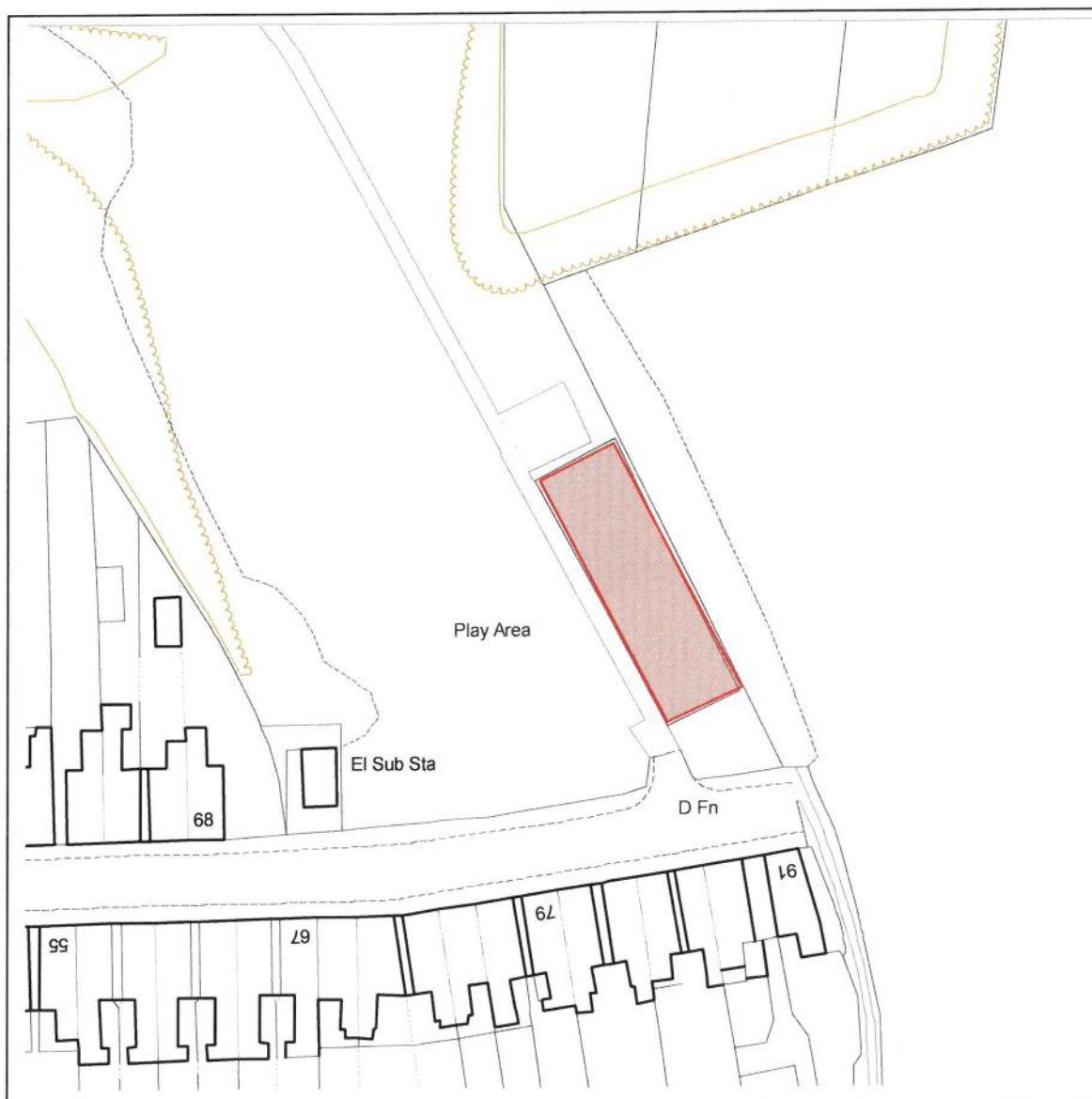
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Chesterfield Borough Council Public Spaces Protection Order proposed 2021

Schedule 3 – Map 44



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