



Order Decision

by **Michael R Lowe** BSc (Hons)

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 23 October 2017

Order Ref: ROW/3182165

Derbyshire County Council (U1050)

- This Order is made under section 53(2)(b) of the Wildlife and Countryside Act 1981 and is known as the Derbyshire County Council (Public Footpath No. 1 - Parish of Willington) Modification Order 2017.
 - The Order is dated 8 June 2017 and proposes to modify the Definitive Map and Statement for the area by both adding and deleting a footpath in Willington, Derbyshire, as shown on the Order plan and described in the Order Schedule.
 - There was 1 representation outstanding when Derbyshire County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs.
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Decision

1. I confirm the Order subject to the modification:

In Part II of the Schedule (Modification of Definitive Statement) in the description of the route delete the words 'Green Man' and insert 'The Dragon'.

Preliminary Matters

2. After the County Council published the Order one representation was received. The representation was from Mrs Justina Nurse, the Clerk to Willington Parish Council, who pointed out that the Order was in error in its reference to the Green Man public house; the correct description being The Dragon public house. The County Council has acknowledged its error and seeks the correction of the Order¹.
3. I have, therefore, considered this case on the basis of the County Council's Statement of Reasons for confirming the Order and the representation from the Parish Council. I have not visited the site and I am satisfied that I can make a decision without the need to do so.

Background and Reasons

4. Footpath No. 1 in Willington Parish is some 86m in length and passes between various buildings in the centre of Willington village. Inevitably its depiction on the 1953 definitive map, produced at a scale of 1:25,000, was obscure. The revised definitive map produced in 1987, at a scale of 1:10,000, was little better and misrepresented the route by showing part of the path on a more easterly alignment. This combination of ambiguity and error led the County Council to propose the Modification Order. The Order contains a plan, at a scale of 1:500, and a revised and detailed description that defines the route of

¹ Paragraph 6(1) of Schedule 15 to the Wildlife and Countryside Act 1981 makes provision for an authority to submit an Order to the Secretary of State if they require any modification to be made.

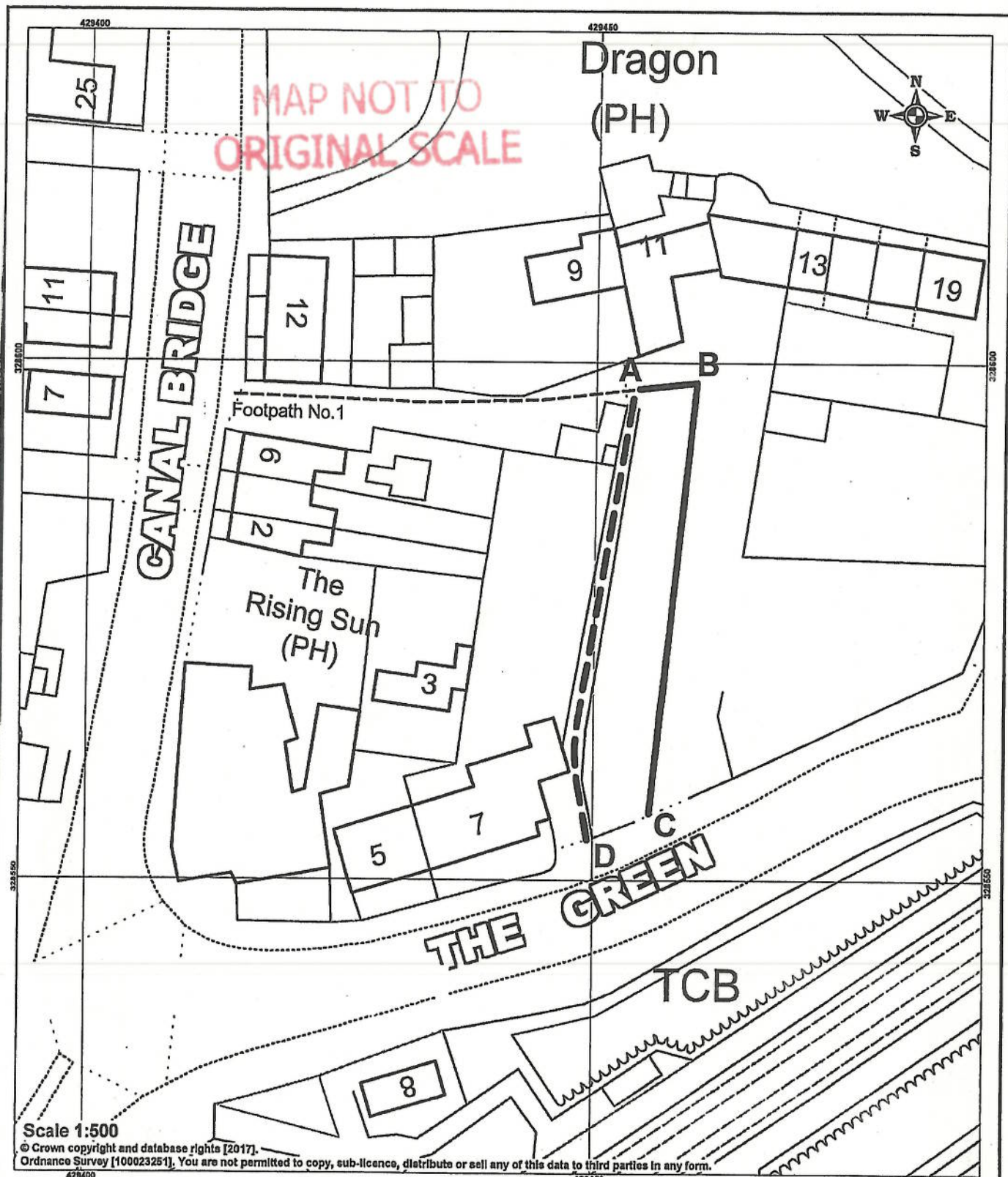
the footpath without the previous ambiguities and errors. The Order contains a minor drafting error that I have corrected.

Conclusion

5. Having regard to these and all other matters raised in the representation, I conclude that the Order should be confirmed with a modification.

Michael R Lowe

INSPECTOR



Ref: TE/DM/X3836/Order/2017



Mike Ashworth
Strategic Director - Economy, Transport & Communities

Shand House
Dale Road South
Matlock
Derbyshire
DE4 3RY

Produced by Public Rights of Way on 8 June 2017

Wildlife & Countryside Act 1981, Section 53

The Derbyshire County Council
(Public Footpath No.1 -
Parish of Willington)
Modification Order 2017

Key:

Footpath to be
deleted

Footpath to be added

Existing Footpath

