



The Planning Inspectorate

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Mr J McElvaney
Derbyshire County Council
Director of Legal Services
County Hall
Matlock
Derbyshire
DE4 3AG

Your Ref: PJ/MH/36874
Our Ref: ROW/3191239
Date: 7 March 2018

Dear Mr McElvaney

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Derbyshire County Council

(Byway Open to all Traffic along non-classified Highway between Garner House and Highlow Hall – Parishes of Offerton and Higlow and Restricted Byway – Parish of Highlow
Modification Order 2014

I am directed by the Secretary of State for Environment, Food and Rural Affairs to refer to the above named Order, which was submitted for confirmation on 7 December 2017.

Examination of the Order and map has revealed that the Order has been incorrectly drafted. Regulation 3 of the Wildlife and Countryside (Definitive Maps and Statement) Regulations 1993 requires that the notation to be used on definitive maps should be as indicated in Schedule 1 of the Regulations. The route claimed in the Order between C and E is a Restricted Byway, therefore, the correct notation would be that shown in Schedule 1 section (c) of the Regulations; that being either a broken green line or by a broken line and small arrowheads, as thus: - v_v_v, however it has been indicated on the Order map as a continuous black line with short intervals alternating both on top and bottom the line which is considered significantly incorrect and misleading.

The Secretary of State takes the view that this constitutes a fundamental error which is fatal to the validity of the Order. As she cannot purport to use her power of modification to correct such an error, she has decided not to exercise her power of confirmation

The sealed Orders are returned herewith. A copy of this letter has been sent for information to those interested parties identified to us in your Order submission.

Yours sincerely

Yvonne Oddy (Mrs)
Rights of Way Section