

cc
MS
J.B. Kirkett
J.P.
CIVIL RIGHTS + FILE



Gerald Tommy
Director of Corporate Resources

David Tysoe
Solicitor
County Secretary
County Hall
Matlock
Derbyshire DE4 3AG

Telephone (01629) 580000

Extension 7370

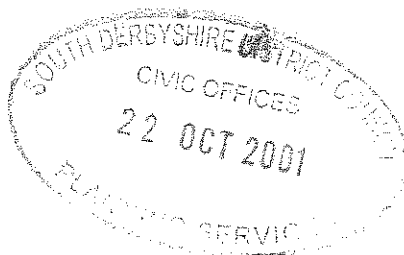
Ask for Stephen Brent

Our ref SPB/LL/8819/11992

Your ref

Date 10 October 2001

Mr F McArdle
Head of Legal and Administrative
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
Derbyshire
DE11 0AH



Dear Sir

Consultation on matters Relating to Public Rights of Way at Willington and their Depiction on Derbyshire County Council's Definitive Map and Statement for Rights of Way in South Derbyshire:

- (1) Application by Willington Parish Council for addition of footpath following bank of River Trent.**
- (2) Application by Bridleways and Byeways Group for variation to particulars relating to Bridleway 11 Willington**
- (3) Extent of Bridleway 11**

I am writing to invite you to provide any information or comments that you (or any relevant organisation that you might represent) wish to refer me to as relevant to either or both these applications that have been submitted to the Council under Part III of the Wildlife and Countryside Act 1981, or an associated matter. Both applications are for orders to modify the Definitive Map and Statement that is maintained by the Council to record public rights of way under Section 53 of the 1981 Act. The associated matter that arises in relation to them is the extent of the area comprising Bridleway 11.

The first plan on the attached sheet illustrates the current line of Bridleway 11 on the Definitive Map, and the line of the footpath that is claimed by the Parish Council (excluding the section understood to generally coincide with Bridleway 11). The second of the attached plans illustrates the route that the Bridleways and Byeways Group claim should be shown in the Definitive Map for the way.

The 1981 Act requires the Council in determining these applications to take into consideration all relevant evidence that is available. This would include maps and documents with information about history of the relevant land, and submissions by anyone with relevant direct knowledge, but not issues of need or amenity.

Further information about these applications and the associated matter is provided on a separate enclosed sheet. If you require further details, or would like view any evidence that has been submitted to the Council to date, please contact James Dunicliffe (telephone extension 7241) or Ruth Platts (7352).

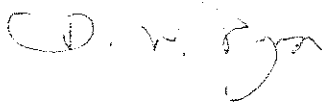


I envisage that whatever officer recommendations concerning these applications are made to the relevant committee following this consultation, they will also address what changes, if any, should be made to the area to be treated as the extent of Bridleway 11, and whether any other modifications should be made to the Definitive Map and Statement in respect of Bridleway 11.

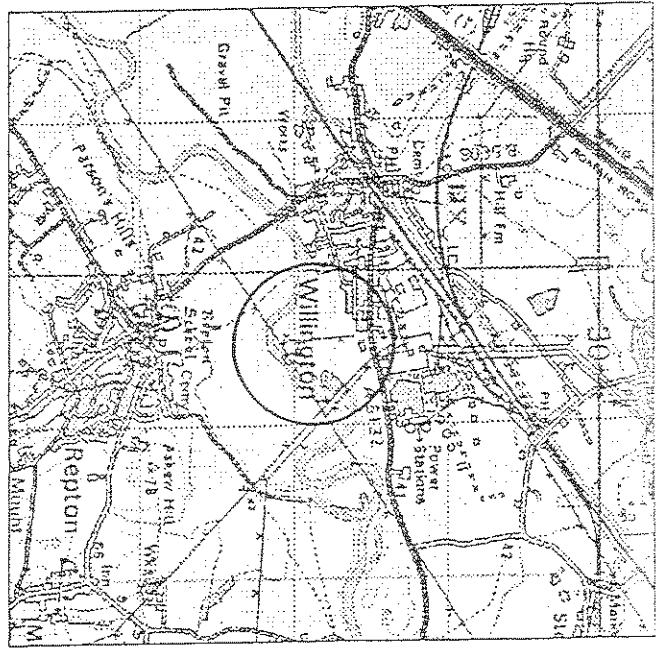
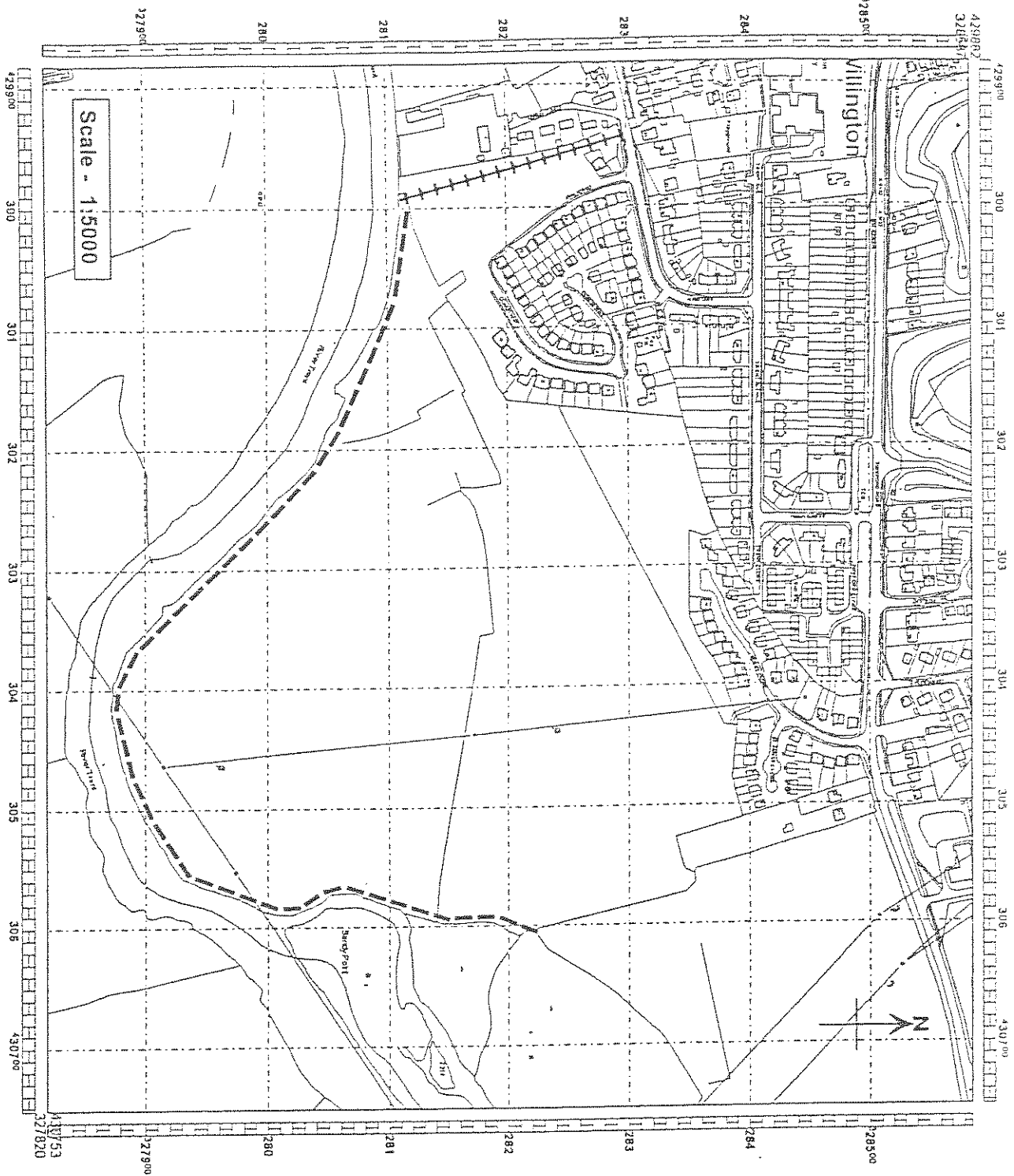
I look forward to receiving any comments or information from you in writing by no later than Friday 23 November 2001.

If you have already written to me on any of these matters, there is no need for you to resubmit any information that you have already provided.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D. W. Tysoe', written in a cursive style.

D W Tysoe
County Secretary



K E Y

Footpath to be added

Bridleway 11

The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office. (C) Crown Copyright.
 UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT
 AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS.
 LOCAL AUTHORITY LICENCE NUMBER LA 076554

Plan Ref: PE/PWb/LO239/Cons2001

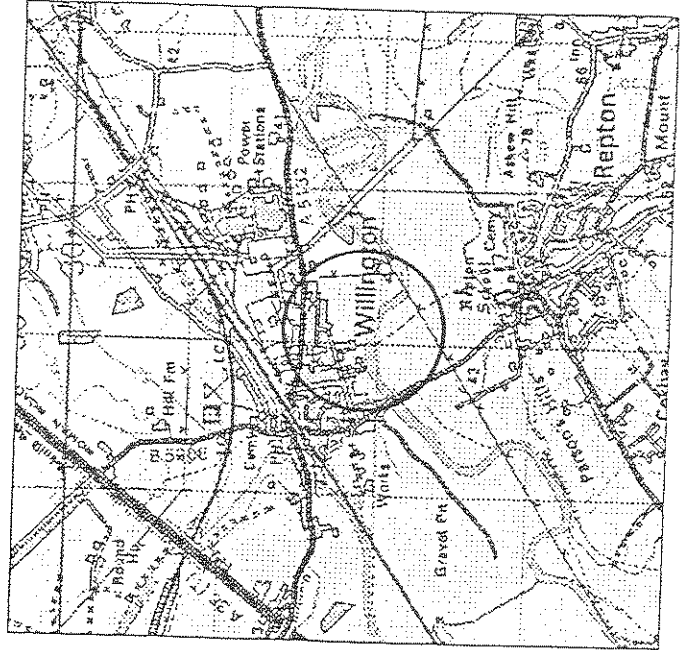
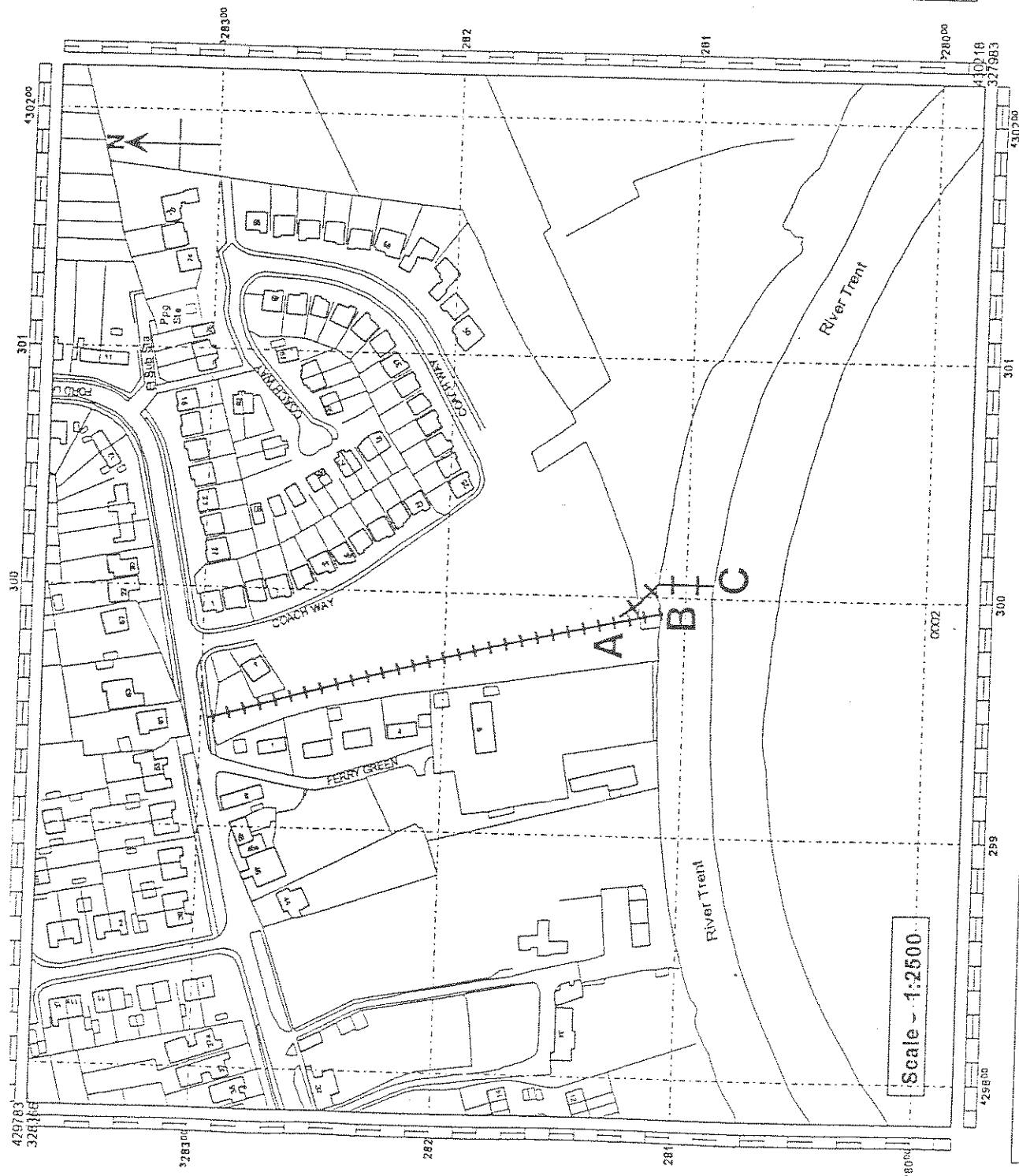
Wildlife and Countryside Act 1981 Section 53

**Modification Order Application to Add a Footpath
 from Bridleway 11 along the bank of the River Trent,
 Parish of Willington**

DERBYSHIRE
 County Council
 We're proud of Derbyshire.

David Harvey
 Director of Environmental Services
 County Hall
 MATLOCK
 Derbyshire
 DE4 3AG

Produced by Public Rights of Way
 Environmental Services Department
 Telephone (01629) 580000
 Fax (01629) 585143



KEY

Bridleway to be deleted A +++++ B

Bridleway to be added A +++++ C

The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office. (C) Crown Copyright.
 UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS
 LOCAL AUTHORITY LICENCE NUMBER LA 076554

Plan PE/PWb/LO193/Cons2001
 Ref:

Wildlife and Countryside Act 1981 Section 53
Modification Order Application to Vary Particulars
 relating to Bridleway 11, Parish of Willington

David Harvey
 Director of Environmental Services
 County Hall
 MATLOCK
 Derbyshire
 DE4 3AG

DERBYSHIRE
 County Council
 We're proud of Derbyshire.

Produced by Public Rights of Way
 Environmental Services Department
 Telephone (01629) 580000
 Fax (01629) 585143

Further information sheet to accompany consultation letter reference SB/8819&11992 of 10/10/2001

Parish Council Application

The Parish Council describe their application as for an Order modifying the Definitive Map and Statement by "adding the footpath from Hall Lane, Willington, following the hedge adjacent to the boundary wall with Ferry Green to the river, turning left, following the riverbank for some metres, crossing the legal right of way "thirty foot carriageway" (LRW) and then following close to the riverbank to link with the footpaths on the adjacent National Power land".

This application is accompanied by forty-five completed public way evidence forms in support of the application. Further items have already been received by the Council from others as evidence both in support of and in objection to the application, including aerial photographs and completed evidence forms.

The Bridleways and Byeways Group Application

The Bridleways and Byeways Group describe their application as an application for an Order modifying the Definitive Map and Statement by varying and adding to the particulars relating to the way shown on the Definitive Map and Statement as Bridleway 11 for the Parish of Willington by providing that the description in the statement should be amended to read "bridleroad from Hall Lane east of Willington Hall (299283) in south easterly direction to the parish boundary on the ford (300280)", and for the Definitive Map particulars to be amended accordingly.

This application is accompanied by copies of Ordnance Survey Maps of 1991 and circa 1904 with further details superimposed, topographical survey drawing numbers 2859L/RD1 and RD2 (produced by Derbyshire County Council in preparation for a public inquiry held in 1997, concerning a previous modification order of 1995, as referred to below), a colour photograph taken from the Repton side of the River Trent dated 24 June 2001 to show the alleged position of a ford access, a schedule of rights of way form completed by Willington Parish Council in September 1950, and a site layout plan by Henry Boot Homes dated March 1992 with added annotations.

Interrelationship of Applications

The first part route of the route that the Parish have described in their application, from Hall Lane to the river, is understood to be generally co-incidental with the way referred to in the Definitive Map and Statement as Bridleway 11 Willington.

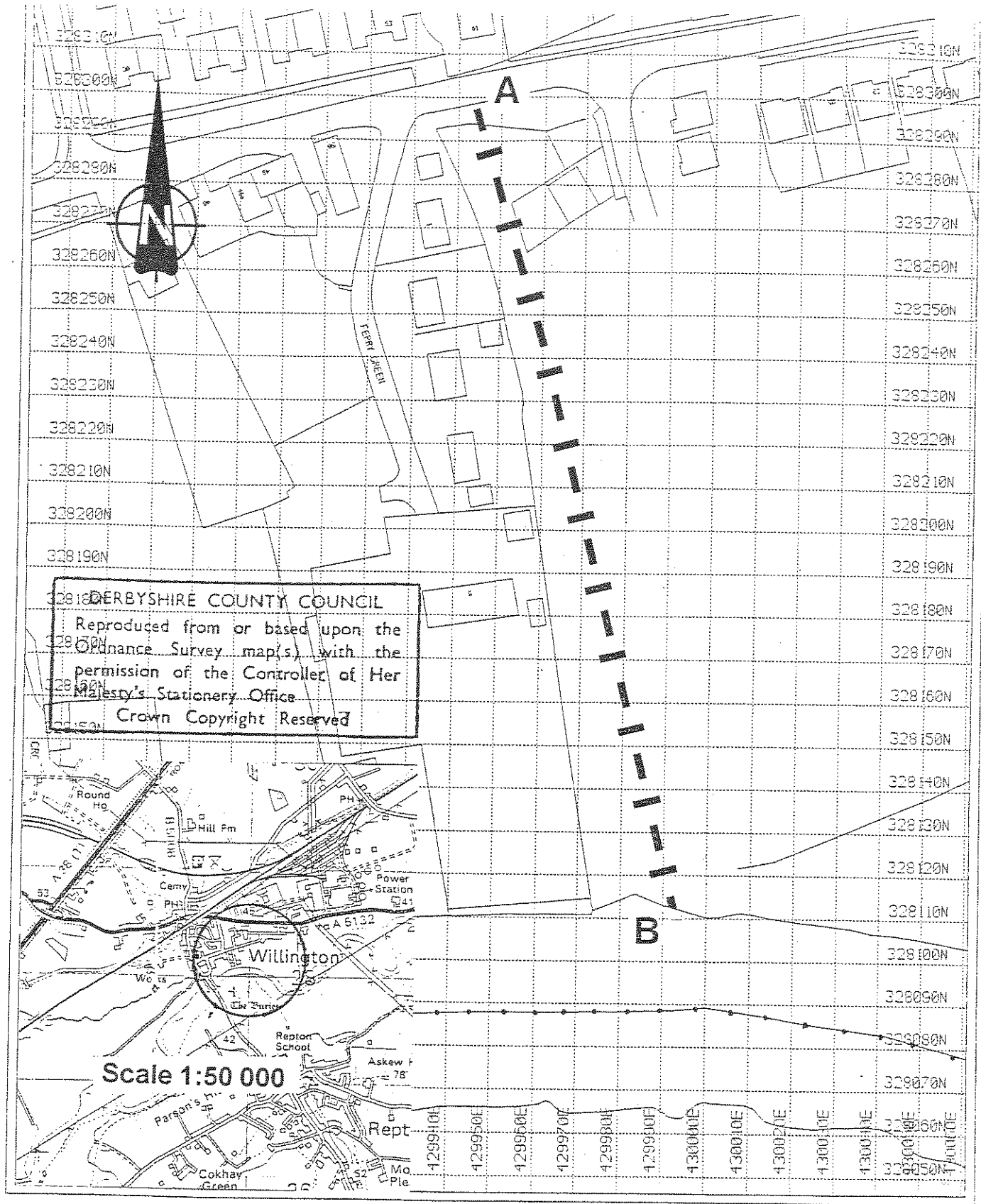
The position, extent and legal status of this way was previously in issue in connection with a modification order that was made by the County Council in 1995 but never confirmed. the effect of which would have been to have moved the centre line of the way as shown on the definitive map (from the line A to B to the line C to D, as depicted on the copies of the two order plans marked "PE/RP/SD50", reproduced on the attached sheets) and to change the depiction of the way from a bridleway to a byway open to all traffic.

An inspector appointed on behalf of the Secretary of State declined to confirm this 1995 modification order following a public inquiry held at Willington in May 1997 at which historic documentary evidence and other relevant evidence was presented. The inspector's findings and his conclusion are set out in a decision letter from him dated 11 September 1997.

The associated matter of the extent of Bridleway 11

The area that the Council as highway authority currently treats as the extent of Bridleway 11 for enforcement and monitoring purposes is the corridor of land of thirty-six feet in width that is centred on the current definitive line. This width reflects information contained in an Inclosure Award of 27 October 1768 (this inclosure award was one of the items of documentary evidence that was before the inspector at the 1997 public inquiry).

D W Tysoe
County Secretary

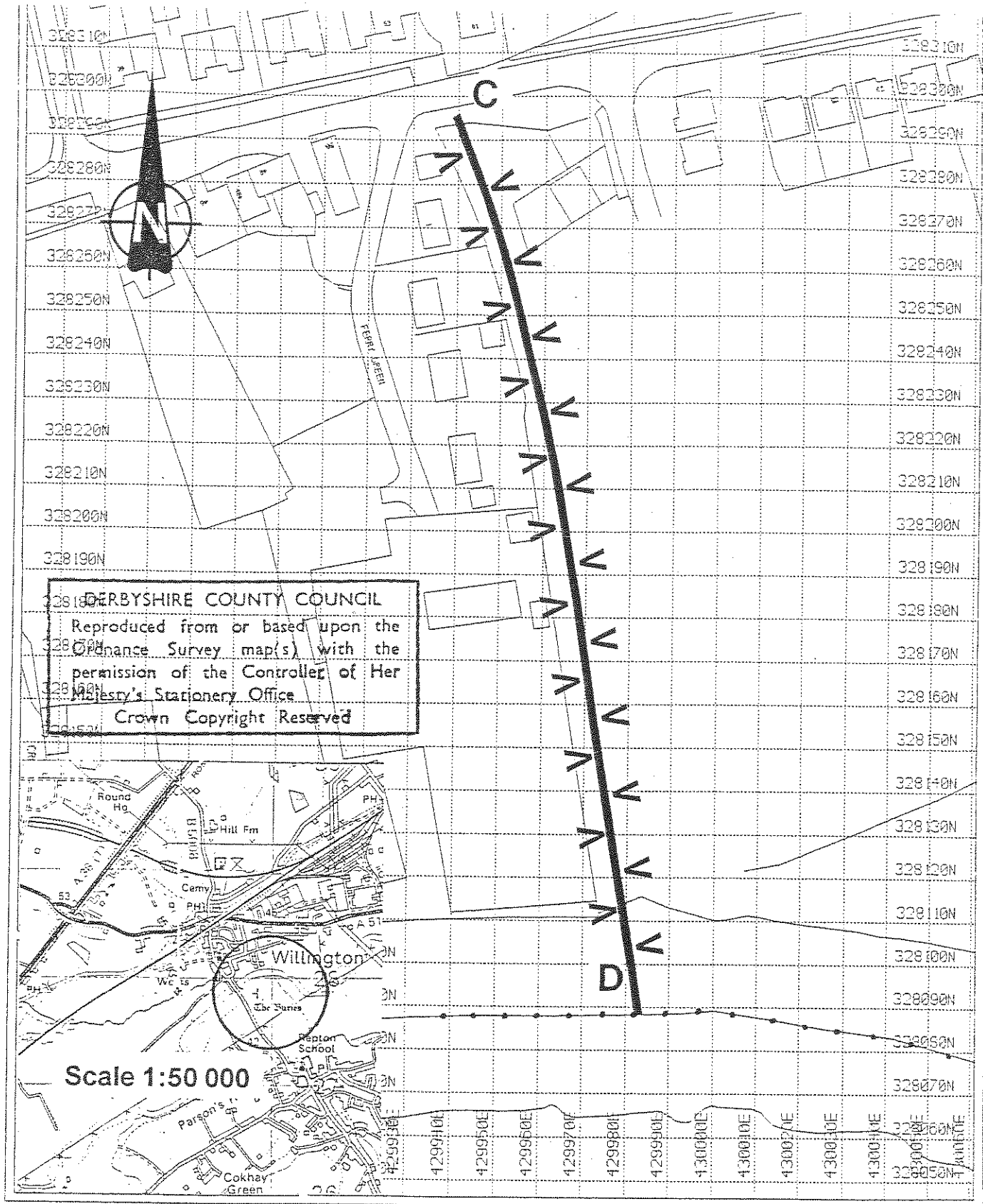


— | — Bridleway to be Deleted

DERBYSHIRE
County Council
We're proud of Derbyshire.

Wildlife & Countryside Act 1981 s.53
The Derbyshire County Council
(Bridleway No 11 - Parish of Willington)
Modification Order 1995

Peter Clark
Chief Planning and Highways Officer
County Offices
Matlock
Derbyshire DE4 3AG



Byway Open to All Traffic to be Added

Scale 1:1250

PE/RP/SD50/ORDER/A

D DERBYSHIRE
County Council
We're proud of Derbyshire.

Wildlife & Countryside Act 1981 s.53
The Derbyshire County Council
(Bridleway No 11 - Parish of Willington)
Modification Order 1995

Peter Clark
Chief Planning and Highways Officer
County Offices
Matlock
Derbyshire DE4 3AG