

from Alan Kind
45 The Fairway
Gosforth
Newcastle upon Tyne
NE3 5AQ

tel 0191 2364086
e-mail mondard@mac.com

County Secretary
Lancashire County Council
Christ Church Precinct
County Hall
Preston
PR1 8XJ

ref: LSG4/MB3/5.32267/MB3

12 October 2013

fao Megan Brindle, paralegal.

Dear Miss Brindle,

Proposed deletion of part of footpath 129 Chipping.

Thank you for your letter of 7 October 2013, in response to mine of 15 May 2012. You say that you "have now been able to speak to the rights of way officer dealing with this matter ..." Seventy-three weeks to 'have a word with a colleague'? That must be some sort of record, surely?

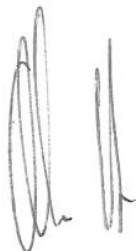
In my letter of 30 April 2012 I said: "From what you tell me, this case is actually a 'positional correction', rather than a deletion. That being so, the deletion and addition elements should have been combined within one modification order: R_oao Leicestershire County Council v. SoS for EFRA, 20 January 2003, [2003] EWHC 171 deals with this."

In my letter of 15 May 2012 I said, "Can you please explain to me why this is not a 'straightforward case of positional correction' and how and why, if you made such an order, 'evidence brought to light' would prevent you from keeping the existing and adding the proposed paths. Do please explain."

You still have not told me why this is not a straightforward case of positional correction, and I really would like to know.

Yours sincerely,

Alan Kind



George Diprose
Recreation & Access Policy
Room 1/02, Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6EB
London SW1P 3JR

Mr A Kind
Byways and Bridleways Trust
PO Box 117
Newcastle upon Tyne
NE3 5YT


Department for Environment
Food and Rural Affairs

Tel: 0117 372 8585
Fax: 0117 372 8587
Email: Recreation.Access@defra.gsi.gov.uk
Website: www.defra.gov.uk

24th March 2009

Dear Mr Kind,

Re : The need for guidance on "positional correction orders"

Thank you for your letter of the 27th January re the above. I apologise for the delay in replying. Mr Waterman has asked me to provide an interim response while we carry out some detailed consultation with our legal department.

We believe that you are correct in the general point that you make. Where a right of way is believed to be incorrectly marked on the Definitive Map it is implicit that if it does not lie in the one position then it must lie in another, and the matter should therefore be comprehensively handled in a single process. Any fragmentation (by means of the making of independent orders) will not help in determining the true state of affairs. Placing appropriate guidance in Circular 1/09 at an opportune moment seems a sensible approach and we will advise the Planning Inspectorate at the time so that they can consider any changes to the consistency guidelines that they may want to make.

Unfortunately, due to other pressures within the section, I am not currently able to give you a definitive timescale for the production of any guidance.

I should also apologise for the delay in replying to your letter regarding cattle grids. The initial response that we have received from our lawyers, while no doubt correct, does not offer much assistance in trying to produce a practical solution to the problem that you raise. We proposed an alternative line of logic and asked our lawyers to consider whether it can legally be sustained. Again, because of other pressures, this has taken longer than we would have wanted, but we anticipate a response in the near future.

Yours sincerely,



GEORGE DIPROSE