

1. Consistency Guidelines – Section 5
2. Consent order – *Northumberland County Council v Secretary of State for Environment Food and Rural Affairs(2)*
3. Consent order – *Graham Plumbe v Secretary of State for Environment, Food and Rural Affairs*
4. Staff changes

1. Further to ROW Note 5/2010, please now find attached the 6<sup>th</sup> revision of Section 5 of the Consistency Guidelines. Whilst these have been approved by Defra, there are still amendments to be made in respect of the 'the public' and 'sufficiency of user'. These issues will be looked at in due course but not until the outcome of the appeal against the judgment in *Whitworth v Secretary of State for Environment, Food and Rural Affairs* which may be relevant. [REDACTED]

2. Please find attached the Consent Order for the *Northumberland* case. We consented on the basis that the Inspector misapplied the law as set out in *R (oao Warden & Fellows of Winchester College) v Hampshire County Council [2008]*.
3. Please also find attached the Consent Order for the *Plumbe* case. We consented to judgment on ground 6 of the claim letter in that we breached the claimant's legitimate expectation and acted unfairly by failing to copy documents. This is covered in paragraphs 41-46 of the claim letter (copy also attached).

It is worth noting that there were 8 others grounds on which we did not concede. Further details of those grounds can be found in the claim letter.

4. Further to ROW Note 12/2010, please note that [REDACTED] has taken on responsibility for Cheshire and Worcestershire from [REDACTED]. As of Monday 18 October, [REDACTED] will take on Derbyshire (also from [REDACTED]). A new list is attached.

If you have any questions with regard to this RoW Note please contact me in the first instance.

[REDACTED]

Rights of Way  
Enforcement and Specialist Casework

Date: 14 October 2010

## Distribution