



# The Planning Inspectorate

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Debbie Prismall  
Surrey County Council  
Countryside Access  
Merrow Depot, Merrow Lane  
Guildford, Surrey  
GU4 7BQ

Your Ref: SM/DP/3/1/77  
Our Ref: FPS/B3600/4/82  
Date: 26 January 2016

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Dear Debbie Prismall

HIGHWAYS ACT 1980 SECTION 119  
Surrey County Council  
Public Bridleway No. 74 & Public Footpath No. 76 (Esher)  
Public Path Diversion Order 2015

I am directed by the Secretary of State for Environment, Food and Rural Affairs to refer to the above named Order, which was submitted to him for confirmation on 13 January 2016.

Examination of the Order and map has revealed that the Order has been incorrectly drafted in that the map attached to the Order is not substantially in the format laid down within the Public Path Order Regulations 1993 (SI 1993 No. 11), in that the incorrect notation has been used to depict the diverted bridleway.

Whilst I acknowledge that your Council used the notation for Bridleway normally used in Definitive Map Modification Orders (namely a broken line with cross bars in the intervals) to differentiate between the bridleway and Footpath on the Order map the model Order at Form 2 in Schedule 1 of the Regulations (Regulation 2(1)) requires that the diverted right of way be shown as a bold broken line on the map contained in the Order. I have also noted that point C to A is a combination of Footpath and Bridleway.

Our *Advice Note 22- Use of Correct Notation on Definitive Map Modification Orders and Public Path Orders* (copy enclosed, and also available from the GOV.UK website at <https://www.gov.uk/government/organisations/planning-inspectorate> (Rights of Way, 7. Further information, advice notes, Rights of way advice note 22) explains that we consider public path Orders to be fatally flawed if the wrong notation or non-standard notation is used to depict the routes affected by the Order. We will therefore reject any Order containing incorrect notation.

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

Orders are returned herewith could you please send a copy of this letter to all interested parties.

Yours sincerely

*Yvonne Oddy (Mrs)*  
Rights of Way Section