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Laurence Page  
Essex County Council  
Definitive Map Officer  
A2 Seax House  
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Your Ref: PRow/LHP/11/135/12

Our Ref: FPS/Z1585/4/34

Date: 12 September 2016

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## By Post and Email

Dear Mr Page

HIGHWAYS ACT 1980 SECTION 119  
Essex County Council  
Public Path Diversion Order 2016  
Bridleway 24 Elmdon in the District of Uttlesford

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 her for confirmation on 1 September 2016.

Examination of the Order and map has revealed that the Order has been incorrectly drafted in that the incorrect notation has been used to depict the diverted bridleway. The Public Path Order Regulations 1993 (SI 1993 No. 11) make clear in Schedule 1, Form 2, that the route to be stopped up should be shown by a bold continuous line and that the new route should be depicted by a bold broken line.

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 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 Ordinarily I would return the sealed orders to you, but as they have not yet been submitted I do not need to do so.

Please send a copy of this letter to all interested parties.

Yours sincerely

*Caroline Baylis*

PP *R Sayers*

Rights of Way Section