



The Planning Inspectorate

3G Hawk Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Direct Line: 0303 444 5226
Customer Services: 0303 444 5000
e-mail: caroline.baylis@pins.gsi.gov.uk

Laurence Page
Essex County Council
Definitive Map Officer
A2 Seax House, County Hall
Market Road, Chelmsford
CM1 1QH

Your Ref: PRow/LHP/23/135/10
Our Ref: FPS/Z1585/4/30
Date: 18 October 2016

Dear Sir

HIGHWAYS ACT 1980 SECTION 119

Essex County Council

Public Path Diversion Order 2015 Footpaths 16 and 26 Barnston Footpaths 2 and 97 Great Waltham in the City of Chelmsford

I refer to the above named Order, which you have submitted to the Secretary of State for confirmation.

On examination of the Order and the map the inspector has noted that the map has been incorrectly drafted. The map attached to this Order is of an incorrect scale. Regulation 2(3) of the Public Path Orders Regulations 1993 (SI 1993 No.11) requires that the map contained in an order shall be on a scale of not less than 1:2500 or, if no such map is available, on the largest scale readily available. Circular 1/09, paragraph 5.14 also refers. It is therefore expected that the scale of the map will be 1:2500 or larger unless that scale map is not readily available.

The legend on the Order map states 1:2000 scale, however, it is not. The line (A-C) on the plan measures 6.1 cm. At 1:2000 that would represent a line of $6.1 \times 2000 = 16800$ cm or 122 metres. The Order schedule states that this section of path is 180 metres long. So if 6.1 cm on the plan represents 180 metres on the ground, the plan is actually at a scale of $18000/6.1 = 1:2951$. The map/plan is therefore at a scale significantly smaller than 1:2500.

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. No further action will be taken by the Planning Inspectorate on this Order. The sealed Orders will be returned by recorded delivery.

The inspector was to have made a site visit on Wednesday 9 November 2016. This has been cancelled.

A copy of this letter is being sent to the statutory parties for information.

Yours sincerely

Caroline Baylis

Rights of Way Section