



The Planning Inspectorate

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Your Ref: PRow/LHP/11/134/301
Our Ref: FPS/Z1585/4/32
Date: 17 October 2016

Dear Sir

HIGHWAYS ACT 1980 SECTION 119

Essex County Council

Public Path Diversion Order 2015 Footpaths 5, 7, and 18 Clavering in the District of Uttlesford

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 1:2500 scale, however, it is not. The inspector looked at a straight line on the plan. It measures 15.4 cm, at 1:2500 that would represent a line of $15.4 \times 2500 = 38500$ cm or 385 metres. The order schedule states that this path (between C and D on the plan) is 554 metres long. So if 15.4 cm on the plan represents 554 metres on the ground, then the plan is at a scale of $55400/15.4 = 1:3597$. The sealed Order plan is at a scale of approximately 1:3597. 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