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Ms Charlotte Nash
Legal Assistant, Environment
Legal Services
West Sussex County Council
County Hall
CHICHESTER
West Sussex
PO19 1RQ

Your Ref: CC803.12106/AD
Our Ref: ROW/3204532

7 December 2018

Dear Ms Nash

Wildlife and Countryside Act 1981 – Section 53

Order Making Authority: West Sussex County Council

Title of Order: (Horsham No. 1/15) (Horsham Addition of A Footpath) Definitive Map Modification Order 2017

I write further to your letter via e-mail of 18 September 2018, and in hard copy enclosing the plans for the sealed copies of the above-mentioned Order for determination by the Secretary of State for Environment, Food and Rural Affairs. I must apologise for the delay in sending this further response, as consideration of this matter has taken longer than I would initially have expected, and has been further delayed by staff absences in the interim.

Your letter via e-mail indicated that the Order plans were not sealed on the date that the Order was made, although the plans were produced at the same time as the Order was made. I also note that you indicated the plans were not attached to the sealed Orders, although you have confirmed that the plans were copied to those parties notified of the making of the Order.

While the sealed copies of the Order themselves refer to an attached plan, as the Order plans were not sealed and have no indication of your County Council's sealing record (identified as 21477/8/18 on the sealed Orders themselves) and were not attached to the sealed copies of the Orders when they were made, it is considered that it would not be appropriate for an Inspector to positively accept them as the correct plans in making a determination as to whether the Order should be confirmed. As such this would appear to be contrary to the requirements of Regulation 4 and Schedule 2 [to the Wildlife and Countryside \(Definitive Maps and Statements\) Regulations 1993](#).

The Secretary of State therefore takes the view that these constitute fundamental errors which are 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 copies of the Orders and the Order plans are being returned to you under a hard copy of this letter, and a copy of this letter is being sent to the applicant, objectors and all other interested parties.

Yours sincerely

David Bourton

(Rights of Way Section)

WILDLIFE AND COUNTRYSIDE ACT 1981

THE WEST SUSSEX COUNTY COUNCIL
(HORSHAM - No. 1/15 (HORSHAM:
ADDITION OF A FOOTPATH))
DEFINITIVE MAP MODIFICATION ORDER, 2017

This Order is made by the County Council of West Sussex under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ('the Act') because it appears to the authority that the Horsham Definitive Map and Statement require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i), namely, that a right of way which is not shown in the Map and Statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way to which this Part applies.

The West Sussex County Council has consulted every local authority whose area includes the land to which the order relates. The West Sussex County Council hereby orders that:

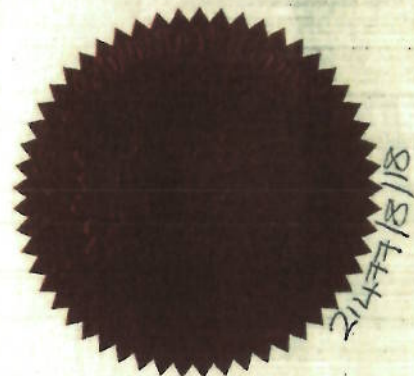
1. For the purposes of this order the relevant date is 29th December 2017.
2. The Definitive Map and Statement for Horsham shall be modified as described in Part I and II of the Schedule as shown on the Map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the (Horsham - No. 1 (Horsham: Addition of a Footpath)) Definitive Map Modification Order, 2017.

Dated this *19th* day of *January* 2018

THE COMMON SEAL of the COUNTY COUNCIL
of WEST SUSSEX was hereunto affixed in
the presence of:

D. Rowland

Authorised Signatory



Dated this 19th day of January 2018

WILDLIFE AND COUNTRYSIDE ACT 1981

WEST SUSSEX COUNTY COUNCIL
DEFINITIVE MAP AND STATEMENT FOR HORSHAM

THE WEST SUSSEX COUNTY COUNCIL
(HORSHAM No.1 - (HORSHAM;
ADDITION OF A PUBLIC FOOTPATH))
DEFINITIVE MAP MODIFICATION ORDER, 2017

Ref: DMMO/12106/15

SCHEDULE

PART I

Modification of the Horsham Definitive Map

A footpath in the Parish of Slinfold in Horsham commencing on a field to the east of Hayes Lane, from the Downslink BW 3569, grid reference TQ 1187 3078, heading in a south westerly direction along a visible grass path with an approximate width of 2 metres running through and continuing for approximately 345 metres before narrowing to approximately 1.5 metres wide over a grass and earth surface for 11 metres, and then connecting perpendicularly to Footpath 1467 at grid reference TQ 1172 3054 in the Parish of Slinfold, as shown between points A and B on the attached plan.

PART II

Modification of the Horsham Statement

Particulars of Path or Way to be added

Status

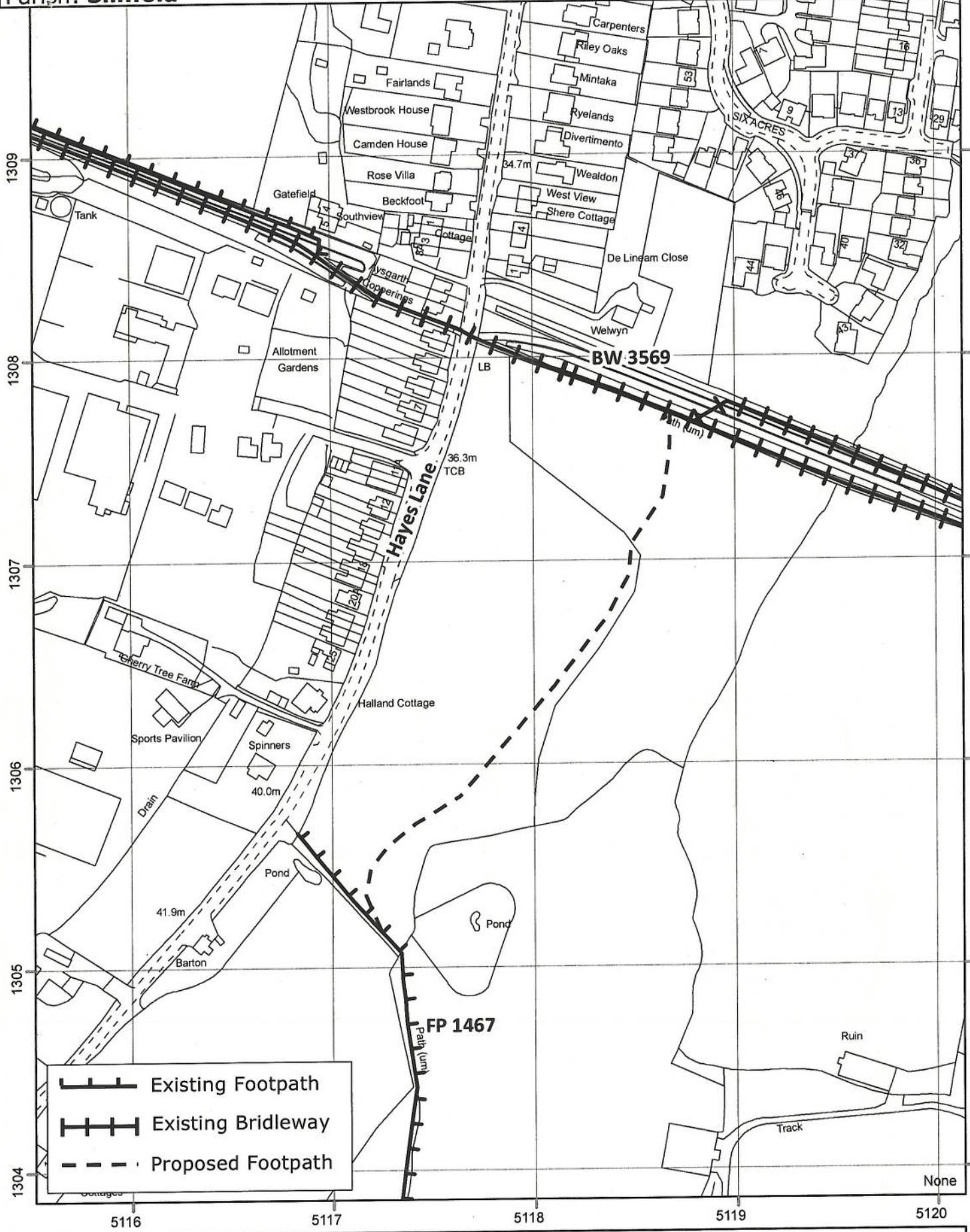
Determined

Footpath

A footpath in the Parish of Slinfold in Horsham commencing on a field to the east of Hayes Lane, from the Downslink BW 3569, grid reference TQ 1187 3078, heading in a south westerly direction along a visible grass path with an approximate width of 2 metres running through and continuing for approximately 345 metres before narrowing to approximately 1.5 metres wide over a grass and earth surface for 11 metres, and then connecting perpendicularly to Footpath 1467 at grid reference TQ 1172 3054 in the Parish of Slinfold, as shown between points A and B on the attached plan.

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[Faint, illegible text block]



<p>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office (c) Crown copyright and may lead to prosecution or civil proceedings. West Sussex County Council, 100023447, 2016.</p>		<p>Slinfold: Proposed addition of a footpath between BW 3569 and FP 1467 - Site Plan</p>				
Plan: 01719	1:2,500	OS Sheet: TQ 13 SW		<p>Photocopy liable to distortion</p>	<p>Matt Davey Director of Highways and Transport</p>	
Date: 12.12.2017		Grid Ref: 5115 1305				