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Ms Jodie Holroyd  
Definitive Map Review Officer  
Public Rights of Way  
Rotherham MBC  
Riverside House  
Main Street  
Rotherham  
S60 1AE

Your Ref: JH/NM/PROW  
Our Ref: FPS/P4415/6/1  
Date: 15 November 2016

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## By Email and Post

Dear Madam

Highways Act 1980 Section 26  
Rotherham Metropolitan Borough Council  
Parish of Anston (Bridleway No. 47)

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 25 October 2016.

Examination of the Order and map has revealed that the Order has been incorrectly drafted in that the wrong notation has been used to depict the way to be created. The Public Path Order Regulations 1993 (SI 1993 No. 11) make clear in Schedule 1, Form 1, that the route to be created shall be shown by a bold broken line. Whilst you refer to the correct notation in the Order Schedule, the line you have used on the order map is a non-standard variation of the notation for a bridleway normally associated with Definitive Map Modification Orders.

The title of the Order is also incorrectly quoted on the map in that it refers to the Wildlife and Countryside Act 1981 instead of the Highways Act 1980.

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 sealed Orders would normally be returned to you at this point however, as they have not been submitted, I am unable to do so. Please note for future reference that both original sealed orders should be enclosed with your submission documents – we cannot proceed without them.

A copy of this letter has been sent to the objector and all other interested parties.

Yours faithfully

*R. Sayers*

Mrs Rachael Sayers

Rights of Way Section