



The Planning Inspectorate

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Emily Fellows
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Your Ref: EF/EP05-00-001983
Our Ref: FPS/D1780/5/7
Date: 22 March 2016

Dear Madam

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257
Southampton City Council
(Footpath at Bitterne Park Primary School)
Public Path Diversion Order of Southampton No: 2/ 2015

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 him for confirmation on 08 February 2016.

Examination of the Order and map has revealed that the Order has been incorrectly drafted. Regulation 2(2) of the Town and Country Planning (Public Path Orders) Regulations 1993 (SI 1993 No.10) 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. It has been noted that whilst the map scale is given as 1:1250 @ A3, the map has been printed at A4 size and therefore it is considered that the map attached to this Order is of an incorrect scale.

On a separate issue, it has been noted that your Council also drafted the Order in line with The Public Rights of Way (Combined Orders)(England) (Amendment) Regulations 2010. A comparison of the Order against section 9 of the regulations has shown that your Council has omitted reference to the Wildlife and Countryside Act 1981, Section 53A(2) in the title.

The Secretary of State takes the view that this constitutes a fundamental error which is 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 Orders are returned herewith and a copy of this letter has been sent to the objectors and all other interested parties.

Yours sincerely

Yvonne Oddy (Mrs)
Rights of Way Section