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Your Ref: CAT/SJD/WCA 505  
Our Ref: FPS/D0840/7/22  
Date: 27 June 2016

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Dear Sir

## WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Cornwall Council

(Addition of Restricted Byway from Road U6036 to Bridleway 62 Camborne) (Penponds)  
Modification Order 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 her for confirmation on 27 May 2016.

Examination of the Order and map has revealed that the Order has been incorrectly drafted. It is noted that the relevant date is the day after the order was sealed. Section 56(3) of the Act states

'Every order under the foregoing provisions of this Part shall specify, as the relevant date for the purposes of the order, such date, not being earlier than six months before the making of the order, as the authority may determine.'

The relevant date is the day on which the authority finds it has conclusive evidence to make an order.

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 are returned herewith and a copy of this letter has been sent to the objectors.

Yours faithfully

*Caroline Baylis*

Rights of Way Section