



The Planning Inspectorate

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Stuart Lloyd
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Rights Of Way Group
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Department
County Hall, Taunton
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Your Ref: RW/329L/SL
Our Ref: FPS/G3300/7/95
Date: 7 March 2016

Dear Sir

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53
Somerset County Council
No. 7 Modification Order, 2013 Parish of Wellington Without

I am directed by the Secretary of State for Environment, Food and Rural Affairs to refer to the above named Order, which was submitted for confirmation on 22 February 2016.

Examination of the Order and map has revealed that the Order has been incorrectly drafted. Regulation 3 of the Wildlife and Countryside (Definitive Maps and Statement) Regulations 1993 requires that the notation to be used on definitive maps should be as indicated in Schedule 1 of the Regulations. The route claimed in the Order is a public footpath, therefore, the correct notation would be that shown in Schedule 1 section (a) of the Regulations; that being either a continuous purple line, a continuous line with short bars at intervals or by a broken line with short intervals, however it has been indicated on the Order map as a continuous blue line, which is considered significantly incorrect and misleading.

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. A copy of this letter has been sent for information to those interested parties identified to us in your Order submission.

Yours faithfully

Caroline Baylis

Rights of Way Section