



# The Planning Inspectorate

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Mrs Christine Luff  
West Sussex County Council  
Law and Governance  
County Hall  
Chichester  
PO19 1RQ

Your Ref: CL/FP2382, 2384  
Our Ref: FPS/P3800/4/55 & 3/7  
Date: 2 November 2015

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Dear Mrs Luff

HIGHWAYS ACT 1980 SECTION 119  
West Sussex County Council  
(Shermanbury) Public Path (No. 2382) (No 2) Diversion Order 2014  
&  
HIGHWAYS ACT 1980 SECTION 118  
West Sussex County Council  
(Shermanbury) Public Path (No. 2384) Extinguishment Order 2014

I am directed by the Secretary of State for Environment, Food and Rural Affairs to refer to the above named Orders, which were submitted to him for confirmation on 02 July 2015.

Examination of the Orders and map has revealed that the Orders have been incorrectly drafted. Within the text of each Order it states "*This Order shall not be confirmed until such time as the [Title of other Order] is confirmed*". Whilst Authorities are able to make concurrent Orders that can be considered together, each must be capable of standing on their own and cannot contain conditions stating that one is wholly dependant on the confirmation of the other.

The Secretary of State takes the view that this constitutes fundamental errors which are fatal to the validity of the Orders. As he cannot purport to use his power of modification to correct such errors, 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*  
Yvonne Oddy (Mrs)  
(Rights of Way Section)