



The Planning Inspectorate

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Mrs Helen Blundell
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Your Ref:
Our Ref: FPS/P1615/5/6
Date: 20 June 2016

Dear Madam

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257
Forest of Dean District Council
(Footpath DLH37) Public Footpath Diversion Order 2016

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 19 May 2016.

Examination of the Order and map has revealed that the Order has been incorrectly drafted. Paragraph 2(1) of The Town and Country Planning (Public Path Orders) Regulations 1993 state

"A public path order shall be in the relevant form set out in Schedule 1 to these Regulations or in a form substantially to the like effect, with such modifications as may be required, and shall at the end be sealed and dated."

The sealed orders are not dated.

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 and all other interested parties.

It has also been noted that the copies of the order, as required by the Planning Inspectorate, are not identical. Those submitted have a map which is dated earlier than the map attached to the sealed order and the legend is different.

Yours faithfully

Caroline Baylis
Rights of Way Section