



The Planning Inspectorate

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Your Ref: PRow/LHP/11/134/363
Our Ref: FPS/Z1585/6/1
Date: 19 April 2016

Dear Sir

HIGHWAYS ACT 1980 SECTION 26

Essex County Council

Public Path Creation Order 2015 Bridleway Link at Great Dunmow between Bridleway 34 Great Dunmow and the Ongar Road (B184) in the District of Uttlesford

I refer to the above named Order, which you have submitted to the Secretary of State for confirmation.

On examination of the Order and the map it has been noted that the Order document has been incorrectly drafted. The map attached to this Order is of an incorrect scale. Regulation 2(3) of the Public Path Orders Regulations 1993 (SI 1993 No.11) 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. Circular 1/09, paragraph 5.14 also refers. It is therefore expected that the scale of the map will be 1:2500 or larger unless that scale map is not readily available, the key words being 'if no such map is available'. It does not mean a council can decide a different size map would be better. If the Council has a 1:2500 scale map that can be used, it must be used. Generally a larger scale map is acceptable i.e. 1:1500, but not a smaller one.

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. No further action will be taken by the Planning Inspectorate on this Order.

It is also noted on the copies of the Order (the sealed orders have not been submitted) that headings "Schedule", "Part 1 description of land" and "Part 2 Limitations and conditions" are missing.

On a separate issue it is noted that the Notice published in the Saffron Walden Reporter on 18 June 2015 does not strictly adhere to the wording as laid out in Schedule 2 Form 1. Regulation 3(1) refers. The paragraph starting "Any representations .." appears between the second and third orders and the paragraph beginning " A copy of the order .." is at the

end of the notice. There is also an error in the description of the creation order in that it refers to Butts Lane but on the map the road is labelled Buttleys Lane.

A copy of this letter has been sent to the sole objector to the Order.

Yours sincerely

Caroline Baylis

Rights of Way Section