



The Planning Inspectorate

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Your Ref: RW/329L/SL
Our Ref: FPS/Q2500/7/85
Date:

Dear Madam

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53

Lincolnshire County Council

(Amendment of Lindsey County Council (Urban District of Woodhall Spa) Definitive Map and Statement - Evidential Events) (No. 1) Modification Order 2002

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 non-confirmation on 21 June 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 Byway Open to All Traffic, therefore, the correct notation would be that shown in Schedule 1 section (a) of the Regulations; that being either a continuous brown line or by a continuous line with arrowheads alternatively above and below the line, however it has been indicated on the Order map as a continuous line with short intervals (the notation for footpath) which is considered significantly incorrect and misleading. Also, the Order map incorrectly states that the route being claimed is a footpath.

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

Yvonne Oddy
Rights of Way Section