



The Planning Inspectorate

3/25 Hawk Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Direct Line: 0303 444 5463
Customer Services: 0303 444 5000
Fax No: 0117 372 6153
e-mail: yvonne.oddy@pins.gsi.gov.uk

Christine Brislane
Southampton City Council
Civic Centre
Southampton
SO14 7LY

Your Ref: CB/EP05-00-001983
Our Ref: FPS/D1780/5/6
Date: 9 December 2015

Dear Christine Brislane

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257
Southampton City Council
(Footpath at Bitterne Park Primary School)
Public Path Diversion Order of Southampton No:1/2015

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 him for confirmation on 20 November 2015.

Examination of the Order and map has revealed that the Order has been incorrectly drafted. It is inconsistent in a number of ways; each one has a potential for having misled the public. The second paragraph of the order and Part II of the Schedule refers to a path which runs on an alignment G – H – I – J – K whereas there is no such route identified on the Order plan; the alternative route on the Order plan is C – D – E – F – B.

The second paragraph of the Order also describes the alternative route as being shown by a bold black line when part II of the Schedule and the Order plan refers to the alternative route by a black hatched line.

The grid references for points A and B set out in part I of the Schedule do not equate with the grid references set out for points A and B in the Order plan key. The grid reference for point K in part II of the Schedule tallies with point B in the Order plan key but is different from the grid reference for point B set out in part I of the Schedule. As grid lines have not been included on the Order plan it is not possible to determine which set of grid references are correct.

The press and public notice of the Order refers to the alternative route as G – H – I – J – K and states that this is shown "on the plan attached hereto". There does not appear to have been a plan "attached hereto" in the press for the public to refer to, and if one had been attached it is likely to have shown the alternative route as C – D – E – F – B as per the Order plan.

The Secretary of State takes the view that this constitutes a fundamental error which is fatal to the validity of the Order. As he cannot purport to use his power of modification to correct such an error, 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 (Mrs)
Rights of Way Section