



The Planning Inspectorate

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Duncan Rudge
Malvern Hills District Council
The Council House
Avenue Road
Malvern, Worcestershire
WR14 3AF

Your Ref:
Our Ref: FPS/J1860/5/3
Date: 22 October 2015

Dear Sir

— TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257 —

Malvern Hills District Council
Footpath 695(B) Part, Footpath 696(C) Part, Footpath 699 (B) Part and
Footpath 700(C) Parish of Martley Public Path Diversion Order 2014

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 14 September 2015.

Examination of the Order and map has revealed that the Order has been incorrectly drafted. The Order is not substantially in the format laid down within the Town and Country Planning (Public Path Orders) Regulations 1993 (SI 1993 No. 10) in that the incorrect notation has been used to depict the footpaths to be diverted/added. You have used a bold red line to show the routes to be diverted as opposed to a bold black line and you have used bold dashed lines to show the alternative sections of footpath rather than bold black dashes.

As a separate issue, it should be noted that the use of red is reserved for the use of Inspectors to show modifications that have been made to an Order.

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 faithfully

Yvonne Oddy

Yvonne Oddy (Mrs)
(Rights of Way Section)