



The Planning Inspectorate

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Mr P Hopkins, acting on behalf of Dacorum
Borough Council
Countryside Access Management Ltd
Talwrn,
Cwmystwyth
Ceredigion
SY23 4AF

Your Ref: PMH/DBC/HH50/51/PINS1
Our Ref: ROW/3188750

25 January 2018

Dear Mr Hopkins,

Town and Country Planning Act 1990 - Section 257
Order Making Authority: Dacorum Borough Council
Title of Order: (Hemel Hempstead Footpaths 50 & 51) Diversion Order 2017

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 2 November 2017.

Dacorum Borough Council has not complied with The Public Path Orders Regulations 1993 which state

Procedure for orders

4.—(1) An order shall be made in duplicate and, where the order is submitted to the Secretary of State for confirmation, the order and duplicate shall be sent to him

The Council is unable to send the made Orders to the Secretary of State because they have been destroyed, keeping only digital copies. In this situation certified copies are not acceptable. The original documents have been destroyed before being confirmed; the authority has acted peremptorily in the face of a statutory requirement and in such circumstances there is a chance of a subsequent challenge.

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 to correct such an error, he has decided not to exercise his power of confirmation.

A copy of this letter has been sent to the objectors.

Yours sincerely,

Caroline Baylis
Caroline Baylis

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

**Dacorum Borough Council
(Hemel Hempstead Footpaths 50 & 51),
Diversion Order 2017**

This Order is made by Dacorum Borough Council ('the authority') under section 257 of the Town and Country Planning Act 1990 because it is satisfied that:-

- a. an application for planning permission has been made under Part 3 of that Act, namely: the redevelopment of the Maylands Gateway site, Hemel Hempstead; to provide 54,714 sqm of flexible commercial floor space within Use Classes B1c / B2 / B8 and ancillary offices, together with car and cycle parking, access and landscaping. Planning Application reference: 4/00064/17/MFA, and
- b. if the application were granted it would be necessary to authorise the diversion of the footpaths to which this Order relates in order to enable the development to be carried out.

BY THIS ORDER

1. The footpaths over the land shown by bold black lines on the attached plan ('the Order Plan') and described in Part 1 of the Schedule to this Order ('the Schedule') shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of Dacorum Borough Council an alternative highway for the use as a replacement for the said footpaths as provided in Part 2 of the Schedule and shown by bold black dashes on the attached Order Plan.
3. The diversion of the footpaths shall have effect on the date on which Dacorum Borough Council certify that the terms of Article 2 have been complied with.

4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule:
the alternative highway shall be surfaced and signposted. The works shall be carried out in accordance with Hertfordshire County Council highway specifications to be notified.
5. Prologis UK Ltd is hereby required to pay for the cost of carrying out the said works.
6. Where immediately before the date on which the footpaths are diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

PART 1

Description of Site of Existing Path or Way

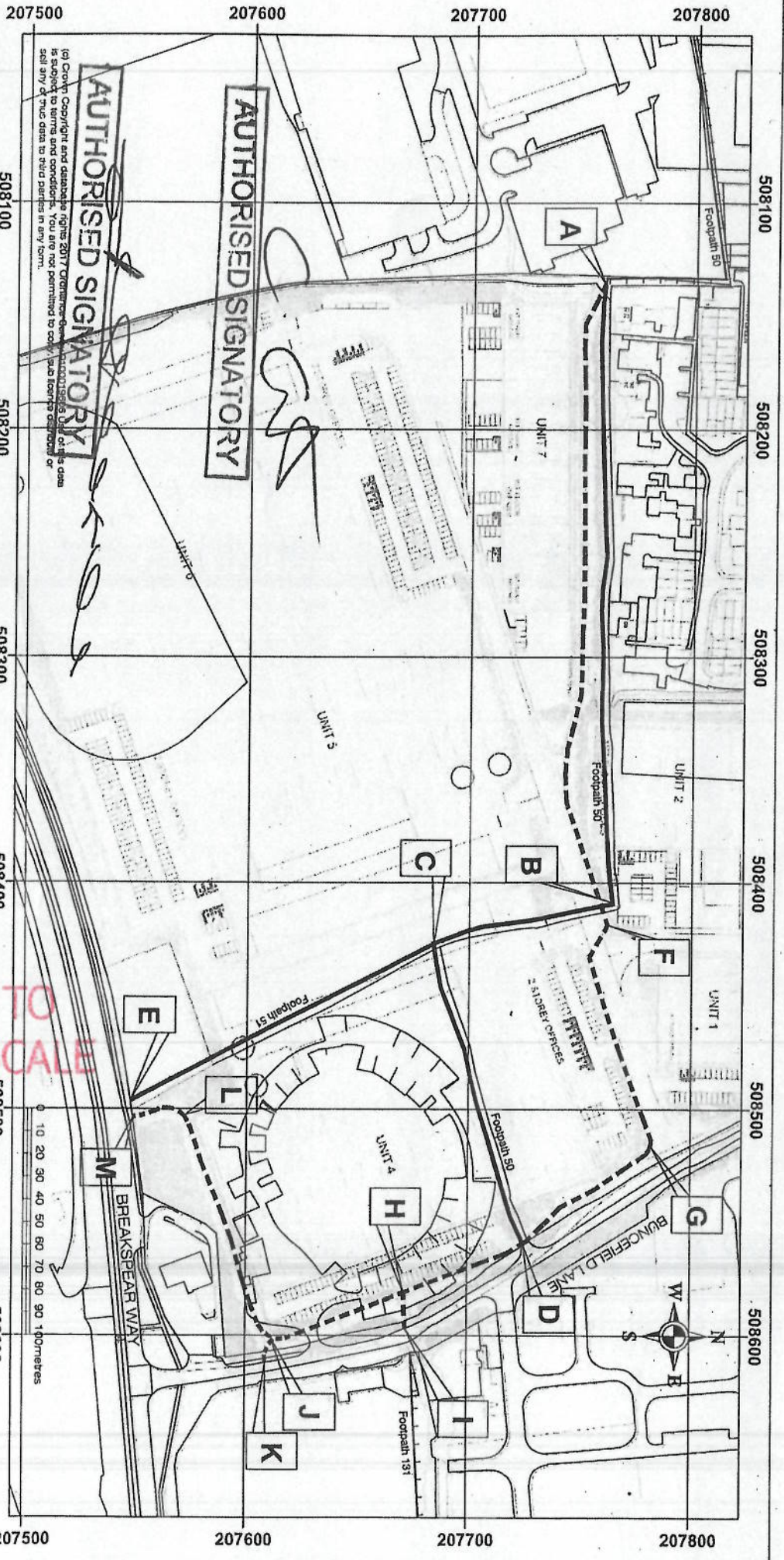
The full width of that part of Hemel Hempstead Footpath 50 commencing from TL 0813 0775 (point A on the Order Plan) running generally east for approximately 275 metres to TL 0840 0776 (point B on the Order Plan) then running generally south south east for approximately 80 metres to TL 0842 0768 (point C on the Order Plan) then running generally east north east for approximately 140 metres to its junction with Buncefield Lane at TL 0856 0772 (point D on the Order Plan).

The full width of Hemel Hempstead Footpath 51 commencing from its junction with Hemel Hempstead Footpath 50 at TL 0842 0768 (point C on the Order Plan) running generally south east for approximately 155 metres to its junction with Breakspear Way (A414) at TL 0849 0754 (point E on the Order Plan).

PART 2

Description of Site of Alternative Highway

A public footpath commencing from Hemel Hempstead Footpath 50 at TL 0813 0775 (point A on the Order Plan) running along a track generally east for approximately 290



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This plan forms part of the Dacorum Borough Council
 (Hemel Hempstead Footpaths 50 & 51)
 Diversion Order 2017

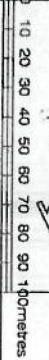
Existing Footpath to be diverted A — B — C — D and C — E

Footpath to be created A — F — G — H — I, H — J — L — M and J — K

Existing Footpaths Unaffected — — — — —

MAP NOT TO ORIGINAL SCALE

SCALE 1:2500 @ A4

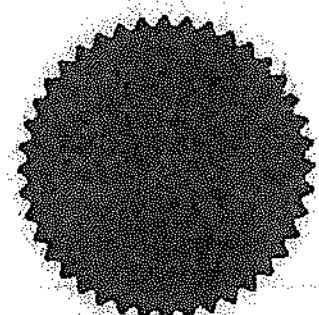


metres to the north of industrial units to TL 0841 0776 (point F on the Order Plan) continuing generally south east then north east for approximately 105 metres to Buncefield Lane at TL 0851 0778 (point G on the Order Plan) continuing along a track generally south south east on the west side of Buncefield Lane for approximately 130 metres to TL 0858 0767 (point H on the Order Plan) where a spur runs east for approximately 15 metres to Buncefield Lane, opposite Hemel Hempstead Footpath 131 at TL 0859 0767 (point I on the Order Plan). From point H on the Order Plan the footpath continues along the track running generally south south east for approximately 65 metres to TL 0860 0761 (point J on the Order Plan) where another spur runs south east for approximately 10 metres to Buncefield Lane at TL 0861 0760 (point K on the Order Plan). From point J on the Order Plan the footpath continues along the track to the north of the filling station, running generally west south west for approximately 110 metres to TL 0850 0757 (point L on the Order Plan) then running generally south for approximately 25 metres to join the A414 Breakspear Way (public road) at TL 0850 0754 (point M on the Order Plan).

Width: 3 metres

IN WITNESS whereof the COMMON SEAL of Dacorum Borough Council was hereunto affixed this 28th day of July 2017

The Common Seal of
Dacorum Borough
Council was hereunto
affixed in the presence
of:-



C. A.

AUTHORISED SIGNATORY

SEAL REGISTER
BOOK 11
ENTRY 2805

[Signature]

AUTHORISED SIGNATORY