



The Planning Inspectorate

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Ms Jean Jones
Shropshire Council
Outdoor Partnerships, Shropshire Council
Shirehall
Shrewsbury
SY2 6ND

Your Ref: JJ/HA Cheswardine
Our Ref: ROW/3183355

16 October 2017

Dear Ms Jones,

Highways Act 1980 - Section 119

Order Making Authority: Shropshire Council

Title of Order: WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53; (Restricted Byway 3 (Part) and Footpath 3 (Part), Parish of Cheswardine) PPO 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 her for confirmation on 30 August 2017.

Examination of the Order and map has revealed that the Order has been incorrectly drafted in that the incorrect notation has been used to depict the Restricted Byway to be created. The Public Path Order Regulations 1993 (SI 1993 No. 11) make clear in Schedule 1, Form 2, that the route to be stopped up should be shown by a bold continuous line and that the new route should be depicted by a bold broken line.

Our *Advice Note 22- Use of Correct Notation on Definitive Map Modification Orders and Public Path Orders* (copy enclosed, and also available from the GOV.UK website at <https://www.gov.uk/government/organisations/planning-inspectorate> (Rights of Way, 7. Further information, advice notes, Rights of way advice note 22)) explains that we consider public path Orders to be fatally flawed if the wrong notation or non-standard notation is used to depict the routes affected by the Order. We will therefore reject any Order containing incorrect notation.

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 and a copy of this letter has been sent to the objectors and all other interested parties.

Please send a copy of this letter to all interested parties.

Yours sincerely,

Yvonne Oddy
Yvonne Oddy

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>