



The Planning
Inspectorate

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Ms Annabel Foskett
Legal Services
Havant Borough Council
Public Service Plaza
HAVANT
Hampshire
PO9 2AX

Your Ref: AF/ 012023
Our Ref: ROW/3203030

19 July 2018

Dear Ms Foskett

**Town and Country Planning Act 1990 - Section 257
Order Making Authority: Havant Borough Council**

Title of Order: Havant Borough Council: Land Adjoining Kingsclere Avenue Havant
Public Footpath Closure 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 16 May 2018.

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 footpaths to be stopped up.

[The Town and Country Planning \(Public Path Orders\) Regulations 1993 \(SI 1993 No. 10\)](#), in Schedule 1, Form 1, require that the route to be stopped up should be shown by a bold black line. When making the Order, your Council has used bold red lines for both the routes to be stopped up.

Our *Advice Note 22 - Use of Correct Notation on Definitive Map Modification Orders and Public Path Orders*, available from the GOV.UK website at <https://www.gov.uk/government/publications/rights-of-way-advice-note-22-use-of-correct-notation-on-definitive-map-modification-orders-and-public-path-orders> 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 these constitute fundamental errors which are 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

David Bourton
(Rights of Way Section)