



The Planning Inspectorate

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Mr Adam Maciejewski
Central Bedfordshire Council
Highways Assets Team
Thorn Turn Highways Depot
Thorn Road, Houghton Regis
DUNSTABLE
LU5 6GJ

Your Ref: ARL/FP5/AM
Our Ref: ROW/3212124

17 December 2018

Dear Mr Maciejewski,

Highways Act 1980 - Section 118

Order Making Authority: Central Bedfordshire Council

Title of Order: (Arlesey: Part of Footpath No 5) Public Path Extinguishment 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 18 September 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 footpath to be extinguished (reduced in width).

The Highways, England and Wales The Public Path Orders Regulations 1993 (SI 1993 No. 11) make clear in Schedule 1, Form 3, that the route to be stopped up should be shown by a continuous bold line. When making the Order your Council has used a hatched area to show the route to be extinguished and not a bold black line. 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/collections/rights-of-way-advice-notes>, explains that we consider public path Orders to be fatally flawed if the wrong notation or non-standard notation is used to depict the route affected by the Order. We will therefore reject any Order containing incorrect notation.

It is also noted that the footpath to be retained is shown shaded pink. Again, as the Advice Note states, unaffected routes should be shown using the appropriate notation as set out in SI 1993 No 12: A footpath shall be shown by either a continuous purple line or by a continuous line with short bars at intervals or by a broken black line with short intervals.

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 objector.

Yours sincerely,

Caroline Baylis

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