



The Planning Inspectorate

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Ms Susan Fulford
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Your Ref: RD/LS/SYF/CL43.100
Our Ref: ROW/3223595
Further appeal references at foot of letter

01 May 2019

Dear Ms Fulford,

Wildlife and Countryside Act 1981 - Section 53
Order Making Authority: Wigan Metropolitan Borough Council
Title of Order: (Public Footpath No 207A, Leigh) Definitive Map Modification Order
2018 AND (Public Footpath No 209A, Leigh) Definitive Map Modification Order 2018

I am directed by the Secretary of State for Environment, Food and Rural Affairs to refer to the above named Orders, which were submitted for confirmation on 26 February 2019.

Examination of the Orders and maps has revealed that the Orders have been incorrectly drafted. It is noted that the relevant date is 13 months before the orders were sealed. Section 56(3) of the Act states

'Every order under the foregoing provisions of this Part shall specify, as the relevant date for the purposes of the order, such date, not being earlier than six months before the making of the order, as the authority may determine.'

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. This letter will be published on our website <https://www.gov.uk/guidance/2019-rights-of-way-order-information-start-date-notices-inquiry-hearing-notices-and-rejection-letters> Please inform the interested parties of this decision.

Yours sincerely,

Caroline Baylis
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Linked cases: [ROW/3223596](#)