Temple Quay House 2 The Square Bristol

BS1 6PN

Direct Line: Customer Services: 0303 444 5000

Ms Sumera Shabir

Rotherham Metropolitan Borough Council Riverside House Main Street ROTHERHAM

S60 1AE

30 August 2023

Email: [alexandra.hudd@planninginspectorate.gov.uk](mailto:alexandra.hudd@planninginspectorate.gov.uk)

[**www.gov.uk/planning-inspectorate**](http://www.gov.uk/planning-inspectorate)

Your Ref:

Our Ref: ROW/3299844

Dear Madam,

**Wildlife and Countryside Act 1981 - Section 53**

**Order Making Authority: Rotherham Metropolitan Borough Council**

**Title of Order:** Rotherham Metropolitan Borough Council (Public Footpaths No. 38, 39, 40, 41, 42, 43 & 44 Kimberworth) DMMO 2021

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 26 May 2022.

Examination of the Order and map has revealed that the Order has been incorrectly drafted. It is noted that the relevant date is later than the date the Order was 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.’ In addition, the footnote on page 4 of Statutory Instrument 1993 No 12 (the Regulations), Schedule 2, "\*The relevant date must not be earlier than 6 months before the making of the order".

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.

Please inform all other parties about this signficant update.

Yours sincerely,

*Alexandra Hudd*

Alexandra Hudd

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