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Gemma Crossley

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13 December 2024

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Your Ref:

Our Ref: ROW/3344067

Dear Gemma Crossley,

**Wildlife and Countryside Act 1981 - Section 53 Order Making Authority: Telford and Wrekin Council**

**Title of Order:** Footpath 60 upgrade to Bridleway (School Lane) Modification Order 2023

I am directed by the Secretary of State for Environment, Food and Rural Affairs to refer to the above named Order, which was submitted for confirmation (received 07 May 2024).

Examination of the Order and map has revealed that the Order has been incorrectly drafted. In the body of the Order the relevant date in the Order has been given as 07 September 2023, whilst the date on which the Order was made and Sealed was 06 September 2023.

The relevant date is the day on which the authority finds it has conclusive evidence to make an order. As such the relevant date cannot be after the date on which the Order was made.

Section 56(1)(a) of the Act states that, *“*where the map shows a footpath, the map shall be conclusive evidence that there *‘*was*’* at the relevant date a highway as shown on the map*……”* This shows that the date ought to be set in the past and not in the future. Since the relevant date is 1 day after the date on which the Order was made, the relevant date is invalid.

The Secretary of State takes the view that this constitutes a fundamental error which is fatal to the validity of the Order. As they cannot purport to use the power of modification to correct such an error, they have decided not to exercise the power of confirmation. The original Sealed Orders will be returned as soon as possible.

Please inform all other parties about this significant update.

Yours sincerely,

*Clive Richards*

Clive Richards

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