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Simon Evans
North Yorkshire County Council
Legal & Democratic Services
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Your Ref: RGP/1112

Our Ref: FPS/P2745/7/39

Date: 10 September 2012

Dear Sir

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53
North Yorkshire County Council
Public Bridleway No 30.9/16 Fordon Road, Folkton
Modification Order 2010

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 March 2012.

Following the receipt of the statements of case and correspondence from the council on the validity of the Order, further examination and consideration of the Order and map has established that the Order has been incorrectly drafted. Regulation 3 of the Wildlife and Countryside (Definitive Maps and Statement) Regulations 1993 requires that the notation to be used on definitive maps should be as indicated in Schedule 1 of the Regulations. As the route A-B (grid reference 50511 47924 – 50509 47951) is claimed in the Order as a bridleway, the correct notation would be that shown in Schedule 1 section (b) of the Regulations; that being either a continuous green line or by a continuous line with cross bars at intervals or by a broken line with cross bars in the intervals. What you have used is the notation for a footpath which is considered significantly incorrect and misleading.

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 and a copy of this letter has been sent to the objectors and all other interested parties.

Yours faithfully

P Kozak

Peter Kozak
Rights of Way Section

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE