



4/05 Kite Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0117 372 8896
Customer Services: 0117 372 6372
Fax No: 0117 372 6241
e-mail: rachael.sayers@pins.gsi.gov.uk

All local authorities in England

Your Ref:

Our Ref: PINS 1-79-07

Date: 7 September 2011

Dear Sir/Madam

Use of correct notation on order maps

All new opposed orders are checked by us to ensure that it is valid in terms of the relevant regulations – this also applies to the order notice.

One of the things we look for is the notation used on the order to depict the way being added, diverted, upgraded or downgraded. In all cases we expect the notation, as set out in Schedule 1 of the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993 (SI 1993 No.12), to be used. For the avoidance on doubt, the notation for a restricted byway is the same as that previously used to depict a road used as a public path – either a green broken line or by a broken line and small arrowheads.

The reason we insist on this for public path orders as well as definitive map modification orders is that the information on the order map is the information that should, in due course, be transferred to the definitive map.

It is our current policy to reject orders which do not contain the appropriate notation. However, it appears we have inadvertently accepted some orders which are incorrect in this respect. We are aware that some of these orders have been confirmed with modifications to the notation.

In our view an order is not substantially in the format laid down in the regulations if the incorrect notation has been used. Furthermore, the Secretary of State considers this to be a fundamental error which is fatal to the validity of order and one she cannot purport to use her powers of modification to correct.

With this in mind, I can confirm that we will reject any order containing the incorrect notation, if it is made after the date of this letter and subsequently submitted to the Planning Inspectorate for determination.

We will continue to determine any order currently with us (or made prior to the above date) which contains incorrect notation. We feel that this is only fair considering that we have not been applying our policy consistently.

A copy of this letter will be forwarded to all rights of way staff and Inspectors for their

information. It will also be copied to IPROW, ADEPT and the Prescribed Organisations. A notice to the same effect will also be added to our website at <http://www.planningportal.gov.uk/planning/countryside/rightsofway/rowannouncements>.

One further issue which I would like to take this opportunity to raise with you is the occasional use by some authorities of red ink. As many of you will know, if an Inspector confirms or proposes to confirm an order with modifications, those modifications are shown in red ink. In order to avoid any potential confusion, it would be much appreciated if the use of red ink on order maps is avoided as far as possible.

Search facility on the Planning Portal

Finally, in response to feedback from some authorities and members of the public, our web team have been working to provide a search tool on the Planning Portal – particularly in relation to rights of way decisions. It is anticipated that this will go live some time over the next few weeks. At this time we will place a notice on our website at <http://www.planningportal.gov.uk/planning/countryside/rightsofway/rowannouncements> - please look out for it!

We use this 'announcements' page to announce any changes that we think you and the public ought to be aware of. We recommend that you check it regularly.

If you have any queries, please do not hesitate to contact me.

Yours faithfully

Rachael Sayers

Mrs Rachael Sayers
Rights of Way Section