



# The Planning Inspectorate

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Your Ref: JJ

Our Ref: FPS/Y3235/3/1 & 6/1

Date:

15 MAY 1998

Dear Madam

HIGHWAYS ACT 1980 - SECTION 118 AND 26  
THE SHROPSHIRE COUNTY COUNCIL (FOOTPATH 8,11, 7 & 9 (PARTS)  
PARISHES OF EASTHOPE, SHIPTON AND STANTON LONG AND PARISHES  
OF MORVILLE, ASTON EYRE, UPTON CRESSETT, ACTON ROUND AND  
MONKHOPTON) PUBLIC PATH EXTINGUISHMENT ORDER 1998 and  
THE SHROPSHIRE COUNTY COUNCIL (FOOTPATH CREATION, PARISHES  
OF EASTHOPE, SHIPTON AND STANTON LONG AND PARISHES OF  
MORVILLE, ASTON EYRE, UPTON CRESSETT, ACTON ROUND AND  
MONKHOPTON) PUBLIC PATH CREATION ORDER 1998

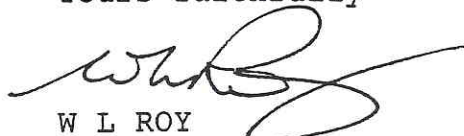
I am directed by the Secretary of State to refer to the above named Orders which were submitted to him for confirmation.

Examination of the Orders have revealed that the orders have been incorrectly drafted in that both orders state that their confirmation is conditional upon confirmation of the other order. Section 26 of the Highways Act 1980 allows a Council to create a footpath or bridleway if it would add to the convenience or enjoyment of the public. Section 118 of that Act allows the stopping up if a way is no longer needed for public use. Neither of these statutory powers enables conditions to be attached to an order and therefore they cannot be made dependent on each other in a formal manner.

The Secretary of State takes the view that fundamental errors of this nature is fatal to the validity of the orders. As he cannot purport to use his power of modification to correct such errors, he has decided not to exercise his power of confirmation.

The sealed orders are returned herewith and your council is requested to notify the objectors and all interested parties of the contents of this letter.

Yours faithfully

  
W L ROY  
RIGHTS OF WAY SECTION

24 JUN 1998