



The Planning Inspectorate

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Gary Finn
Stafford Borough Council
Civic Offices
Riverside
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ST16 3AQ

Your Ref: GF/012897
Our Ref: FPS/Y3425/5/2
Date: 28 July 2016

Dear Mr Finn

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

Cannock Chase Council (Stafford Borough Council)

Public Path Diversion Order

Public Footpath Fulford No.5 Blacklake Lodge Residential Home, Lake Croft Drive, Meir Heath, Stoke-on-Trent, Staffordshire, ST3 7SS

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 23 June 2016.

Examination of the Order and map has revealed that the Order has been incorrectly drafted. The Order is not substantially in the format laid down within the Town and Country Planning (Public Path Orders) Regulations 1993 (SI 1993 No. 10) in that the incorrect notation has been used to depict the footpaths to be diverted/added. You have used a bold green line to show the routes to be diverted as opposed to a bold black line and you have used red dashed lines to show the alternative sections of footpath rather than bold black dashes. Also paragraph 4(1), a public path order shall be made in duplicate. It is my understanding that only one order was made.

As a separate issue, it should be noted that the use of red is reserved for the use of Inspectors to show modifications that have been made to an 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. The sealed Order is returned herewith and a copy of this letter has been sent to the objectors and all other interested parties.

Yours sincerely

Yvonne Oddy

Yvonne Oddy (Mrs)
(Rights of Way Section)

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

STAFFORD BOROUGH COUNCIL

This order ("Order") is made by Stafford Borough Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that –

- a) An application for planning permission has been made under Part 3 of the Act, namely 14/21163/FUL, single storey extension to the rear of Blacklake Lodge Residential Home to provide an additional 10 no. bedrooms for specialist dementia care.
- b) As the application has been granted, it is necessary to authorise the diversion of the footpath to which this Order relates in order to enable development to be carried out.

BY THIS ORDER:

1. The footpath over the land situated at Blacklake Lodge as described in Part 1 of the Schedule to this Order ("the Schedule") and shown by a dashed red line on the plan numbered BLA223-01-006 contained in this Order ("the Order Plan") shall be diverted as provided below.
2. The public footpath as described in Part 2 of the Schedule and shown by a bold green line on the Order Plan shall be created to the reasonable satisfaction of Stafford Borough Council.
3. The diversion of the footpath shall have effect on the date on which Stafford Borough Council certify that the terms of Article 2 above have been complied with.
4. Blacklake Lodge Residential Home, Lake Croft Drive, Meir Heath, ST3 7SS is hereby required to pay the cost of carrying out the said works.

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING FOOTPATH

Point A (grid reference SJ 93429 39033) running generally south east for approximately 41 metres to Point X (grid reference SJ 93463 39019), running generally east for approximately 32 metres to Point B (grid reference SJ 93499 39012) as shown on the Order Plan.

PART 2

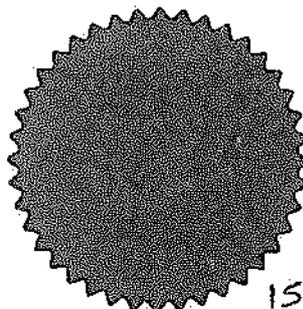
DESCRIPTION OF SITE OF NEW FOOTPATH

Point A (grid reference SJ 93429 39033) running generally south/south east for approximately 41 metres to Point Y (grid reference SJ 93453 38997), running generally east/north east for approximately 51 metres to Point B (grid reference SJ 93499 39012) as shown on the Order Plan.

The new route shall have a width of 1.5 metres

GIVEN under the seal of the Council this 21ST day of APRIL 2016

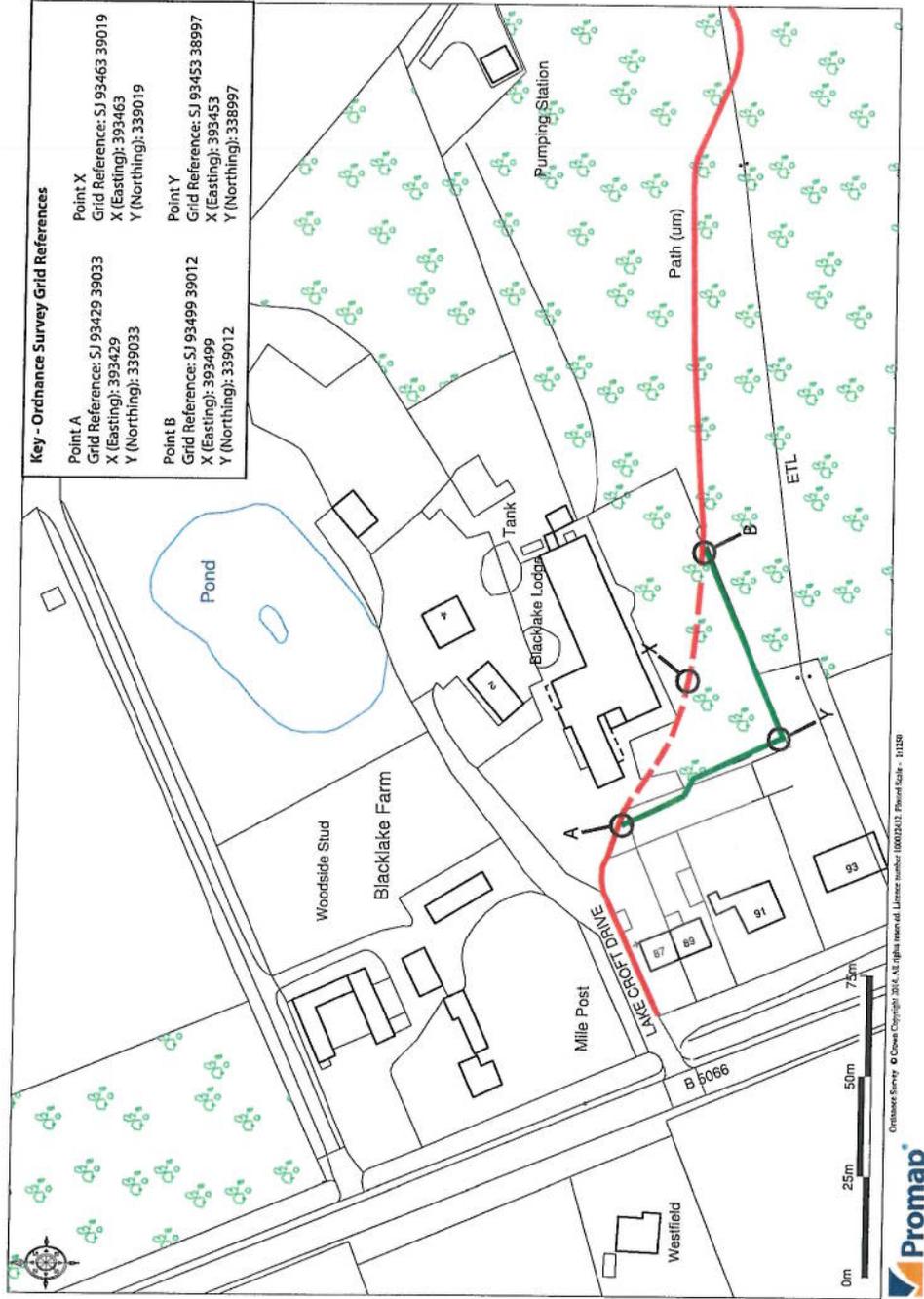
The COMMON SEAL of)
Stafford Borough Council)
was hereunto affixed in)
the presence of:)



A handwritten signature in black ink, appearing to be 'L. C.', written over a horizontal line.

Designated Officer

15727



KEY

- Existing path unaffected
- - - Existing section of path to be diverted.
Point A - X - B. Approximately 73 metres.
- Proposed diversion. Points A - Y - B.
Approximately 92 metres.

Drawing Title:
Order Plan

Project:
**Partial diversion of Public Footpath
Fulford No.5 - Town and Country
Planning Act 1990 Section 257**

Dwg No.	Rev.
BLA223-01-006	