

**5 July 2022**

**Agenda Item: 9**

## **REPORT OF CORPORATE DIRECTOR-PLACE**

**PROPOSAL: THREE APPLICATIONS FOR A MODIFICATION ORDER**

**LOCATION: PLEASLEY VALE, MANSFIELD WOODHOUSE**

**APPLICANT: STEVEN PARKHOUSE**

### **Purpose of the Report**

1. To consider three applications for a Modification Orders made by Steven Parkhouse of the Ramblers Association to add bridleways and to upgrade a footpath to a bridleway in the parish of Mansfield Woodhouse. A map of the surrounding area is shown as Plan A and the routes under consideration are shown on plan B.
2. The effect of the application would be to record a bridleway from the end of the adopted section of Common Lane, Mansfield Woodhouse to join an existing bridleway at the Nottinghamshire Derbyshire County Boundary; to record a bridleway from Common Lane to St Chads Chapel and on to the Nottinghamshire Derbyshire County boundary at the bridge over the River Meden and the continuation through Northfield Plantation to the junction with Littlewood Lane and to record a bridleway from the end of the bridleway at Littlewood Lane to meet an existing bridleway at the Nottinghamshire Derbyshire county boundary, again at a bridge over the River Meden.

### **Summary and effect of the Recommendation**

3. The recommendation set out at the end of the report is to make a Modification Order for a bridleway for the west, east and middle routes and to turn down the short deadended spur section of path.
4. The effect of accepting the recommendation is to allow officers to move to the next stage of the process of making a Modification Order. This allows for anyone to make an objection to the Order when it is published and if the objections are made and not withdrawn then the case will be referred the Planning Inspectorate. Once referred, an Independent Inspector would either ask for a written exchange of correspondence or ask for a public hearing or inquiry into the Order to be arranged where objectors and supporters would be able to present their

evidence in detail to the Inspector. The Inspector would then make a decision on the case based on all the evidence.

## **Legal Background**

5. The application is made under the provisions of the Wildlife and Countryside Act 1981 (WCA81). Section 53(3)(b) of WCA81 requires the Surveying Authority (Nottinghamshire County Council) to modify the Definitive Map and Statement following “the expiration in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path”.
6. In addition, under Section 53(2)(b) of WCA81 the surveying authority has a duty to keep the Definitive Map and Statement under continuous review and to make such modifications to the Definitive Map and Statement that appear to be requisite in consequence of the occurrence of events described in Section 53(3)(c)(i); namely “the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows: that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates”.
7. Section 31 of the Highways Act 1980 (HA80) raises a presumption that a right of way has been dedicated as a highway if the route has been used by the public ‘as of right’ (without force, without secrecy, or without permission) and without interruption for a period of 20 years unless there is sufficient evidence that there was no intention during that period to dedicate it. The 20-year period is to be calculated retrospectively from the date when the right of the public to use the way is first brought into question.
8. If it is accepted that dedication may be presumed at law, consideration must also be given to the category of highway that is believed to exist i.e., footpath, bridleway, restricted byway or a byway open to all traffic. This point should be based on an evaluation of the information contained in any documentary and/or user evidence.
9. Should the test under Section 31 fail, then it may be appropriate to consider whether the way has been dedicated at common law. Dedication at common law requires consideration of three issues: whether any current or previous owners of the land in question had the capacity to dedicate a highway, whether there was express or implied dedication by the landowners and whether there is acceptance of the highway by the public. Evidence of the use of a path by the public ‘as of right’ may support an inference of dedication and may also show acceptance by the public.

## **The applications**

10. Three applications were made to Nottinghamshire County Council in October 2012 as well as applications to Derbyshire County Council for the connecting paths in Derbyshire. The applicant made an appeal to the Secretary of State who then directed Nottinghamshire County Council to make a decision on the applications. For ease of reference the applications will be referred to as the western, the middle and the spur and the eastern route and will be dealt with individually in the report. Some of the area in Pleasley Vale over which the applications run

was owned by Coates Viyella until 1987. The land was then bought by Bolsover District Council in 1992.

## The Western Route

11. This application is to 'add a bridleway in the parish of Mansfield Woodhouse running from the end of the public road Common Lane to Outgang Lane, Pleasley at the County Boundary.' The western route is highlighted by the bold green dashed line on **Plan B**. This application starts at the point where the Pleasley Trail leaves Common Road at point 11 on **Plan B** and as shown in **Photograph 1**. However, at this point the road is already adopted and therefore has public rights on it. The route continues along a tarmac road past the end of the adoption at point 8, as shown in **Photograph 2** and has a sign with the wording 'private road' as well as a 20 miles per hour restriction and a slippery road warning sign. At this point the tarmaced road is in the ownership of Mansfield District Council and follows the left-hand fork of the road at point 1 to continue to a bridge over the river at point 9 where the ownership changes to Bolsover District Council. The route then continues to the Nottinghamshire Derbyshire County Boundary at point 10 as shown in **Photograph 3**. At this point it joins Pleasley Bridleway No. 18 which was upgraded from a footpath following the making and confirmation of a Modification Order. This Derbyshire bridleway continues through Pleasley Mills along Outgang Lane to meet Common Lane, Pleasley.
12. **Map evidence.** Although the Sanderson plan of 1833, Mansfield Woodhouse Inclosure Map of 1851, and the Mansfield Woodhouse Tithe Map of 1854 show part of this, route no information is given as to if it has a public status. Ordnance Survey plans from 1890 onwards also show this route but again make no comment on its status nor do the 1910 Finance Act plans.
13. **Parish Schedule.** As part of the preparation for compiling the Definitive Map and Statement schedules were compiled of parish and urban areas setting out paths which were believed to be public. For the Mansfield Woodhouse area this was completed by a number of councillors all of whom lived in Mansfield Woodhouse. Part of the western route was claimed in 1952 as part of a route that went from the Nottinghamshire Derbyshire County boundary at point 10, to the road junction at point 1 and then eastwards to the junction with Mansfield Woodhouse Bridleway No. 7 at point 6. It was claimed as a public footpath on the grounds of many years of uninterrupted use by members of the public. There was also a comment made in the schedule that it was a public footpath over a private road and that there were no obstructions.
14. However, following from the Parish Schedule, the Draft and Provisional maps were produced and none of these maps showed any part of the western route. Therefore, when the Definitive Map was published in 1960, none of the western route was shown. There are no surviving records that show why this happened, but it is possible that there was an assumption that the tarmac road already had public rights on it and there was no need to show this on the Definitive Map. However, the Definitive Statement, which is a written record of the public rights shown on the Definitive Map, still describes what was shown in the Parish Schedule and records the western end of Mansfield Woodhouse Footpath No. 8 as finishing at the Nottinghamshire Derbyshire County Boundary at point 10 on the plan. When the Definitive Map and Statement for the Mansfield District was updated in 2001 it showed the same information as the one published in 1960.

15. **Date of Challenge.** None of the claimants have stated that their use of the western route has ever been challenged. The wording on the private road sign at point 8 on the plan is not sufficiently clear that it was challenging people using the route on foot, pedal cycle or horseback and would probably have been taken by users to refer to use of the route with vehicles. Even if it was supposed to be a challenge to all members of the public, the sign would only be visible if going in one direction and would not be immediately visible if coming from the Pleasley Mills direction. There is a barrier across the continuation of this path in Derbyshire at Pleasley Mills but there is a gap at the side with a sign directing pedestrians and cyclists. Therefore, in the absence of any challenge from any of the landowners, the challenge date would be counted back from the date when the application was submitted to the County Council in 2012. The relevant 20-year period under consideration would be 1992 to 2012.
16. **Evidence of use.** User evidence forms were submitted by the applicant as part of the application. Sixty-four user evidence forms were submitted in support of the western route and a table summarising the evidence is shown as **Table 1**. Of those who had stated that they had used this western route, 59 of them had used it on foot, 38 of them had used it on a pedal cycle, and 5 of them had used on horseback. The user evidence forms state that 54 have used it for at least 20 years on foot, 28 used by pedal cycle for 20 years and with 4 members of the public whose use was on horseback. However, quite a lot of the claimants state that their use goes back many years before 1992, with some of them having used it continuously from the 1950's and 1960's. Forty of the claimants have stated that their use was at least once a week, with some of them using it once a day.
17. **Supporting Documents.** The applicant did provide some supporting documentation in the form of pedal cycle and trail published routes which did include the western route indicating that the path has been widely used by members of the public to such an extent that it has been publicised.
18. **Consultations.** A consultation was carried out in 2020 with the owners, statutory undertakers, user groups, District and County Councils as well as with the Pleasley Vale Residents Association as well as a consultation in 2021 with the newly elected members of Nottinghamshire County Council. Neither Bolsover District Council nor Mansfield District Council objected to the proposal. The Pleasley Vale Residents Association responded that they had no issues regarding this western route.
19. **Status.** The application that was submitted for this section was for a bridleway but as well as use by walkers and horse riders there was also use by pedal cyclists. The Highways Act 1980 section 31 was amended by section 68 of the Natural Environment and Rural Communities Act 2006 provides that use of a non-mechanically propelled vehicles (such as pedal cycles) can give rise to a restricted byway. Restricted byway rights include a right of way on foot, on horseback and also included non-mechanically propelled vehicles which included pedal cycles and horse drawn vehicles. In the 2010 Whitworth judgement, it was accepted that whilst use by pedal cyclists might be consistent with dedication as a restricted byway it was also consistent with a dedication as a bridleway and that it was reasonable to infer the dedication least burdensome to the owner, i.e., a bridleway. In the case of the western route, since this connects with a bridleway at the Nottinghamshire Derbyshire boundary it would be reasonable to conclude that this also should have the status of a bridleway rather than a restricted byway.
20. **Conclusion.** After consideration of the evidence of use that has been submitted as well as there being no clear challenge to the use of the route by members of the public, the relevant

legal tests have been satisfied to make a Modification Order to add the western route to the Definitive Map as a public bridleway.

## The Eastern Route

21. This application is to 'add a bridleway running from the Railway bridge on Littlewood Lane to the bridge over the River Meden (County Boundary)'. This application is shown on **Plan B** by the bold dashed red line. However, as shown on **Plan B**, there is a short section of Mansfield Woodhouse Footpath No. 8 that runs along Littlewood Lane from the end of Mansfield Woodhouse Bridleway No. 7 at point 6 for a distance of 80 metres to point 5 which would need to be upgraded from a footpath to a bridleway. The remaining section of Littlewood Lane from point 5 to the Nottinghamshire Derbyshire boundary at point 7 would be the addition of a bridleway. The route connects to a bridleway on the Derbyshire side that was recently upgraded from a footpath as a confirmed modification order.
22. The application route runs along a surfaced track from the end of Mansfield Woodhouse Bridleway No. 7 and underneath a railway bridge where there is a vehicular barrier and a gap at the side as shown in **Photograph No. 4**. The route continues along a well-defined route to the Nottinghamshire Derbyshire County boundary as shown in **Photograph No 5** where the eastern end of the middle route can be seen joining. All of the route goes over land that has no registered owner.
23. **Map evidence.** Although the Sanderson plan of 1833, Mansfield Woodhouse Inclosure Map of 1851, and the Mansfield Woodhouse Tithe Map of 1854 show part of this route no information is given as to its public status. Ordnance Survey plans from 1890 onwards also show this route but again make no comment on its status nor does the 1910 Finance Act plans.
24. **Parish Schedule.** The plan for the parish schedule shows this route as being a continuation of what is now Mansfield Woodhouse Bridleway No. 7 all the way to the Nottinghamshire Derbyshire County boundary at point 7. The written description in the schedule also confirms this stating that the path finishes at the UDC (Urban District Council) boundary and that the path runs in a north westerly direction passing under the railway bridge to the River Meden, the Urban District Boundary on the north. The path was claimed as a 'Cart Road Footpath'.
25. Following on from the Parish Schedule, the Draft and Provisional maps were produced which preceded the Definitive Map. All of these maps did not show the route going to the District Boundary but instead showed a Cart Road Footpath stopping at the eastern side of the railway bridge at point No.6. This route was reclassified as a public bridleway and is shown on the Definitive Map as Mansfield Woodhouse Bridleway No. 7. Mansfield Woodhouse Footpath No. 8 was shown starting slightly further south than was claimed in the Parish Schedule and instead of running from Littlewood Lane it runs for 80 metres along Littlewood Lane to join with the Mansfield Woodhouse bridleway No. 7 at the eastern side of the railway bridge at point 6.
26. **Date of Challenge.** None of the claimants ever say that their use of the eastern section of the application route was ever challenged. The gate that is on the western side of the railway bridge when pulled closed does have a gap at the side sufficiently wide enough for walkers, pedal cyclists and equestrians to get through. However, most of the claimants do not mention this gate and those that have, stated that it was open and pushed back. Therefore, in the

absence of any information concerning challenges, the date of challenge would be taken to be the date of the application in 2012 making the relevant 20-year period running from 1992 to 2012.

27. **Evidence of use.** User evidence forms were submitted by Steve Parkhouse as part of the application. Sixty user evidence forms were submitted in support of the eastern route and a table summarising the evidence is shown as **Table 2**. Of those users, 55 of them had used it on foot, 36 of them had used it on a pedal cycle, and 5 of them had used on horseback. Of those submitting evidence 51 have stated that they have used it for at least 20 years on foot, with 27 people saying that their use was by pedal cycle and 4 users on horseback. However, quite a lot of the claimants state that their use goes back many years before 1992 with some of them having used it continuously from the 1950's and 1960's. Thirty-six of the claimants have stated that their use was at least once a week, with some of them using it once a day.
28. **Supporting Documents.** The applicant did provide some supporting documentation in the form of pedal cycle and trail published routes which did include the eastern route indicating that the path has been widely used by members of the public to such an extent that it has been publicised.
29. **Consultation.** The land over which this claimed path runs is unregistered. When the applicant erected notices in May 2021 as part of the applicant procedure no one came forward to claim ownership of the unregistered section. In the 2020 consultation for this section of path Bowrings Transport sent in a letter objecting to the application but they did not submit any evidence of any challenges that they had issued. No objections were submitted from Mansfield District Council nor Bolsover District Council and the Pleasley Vale Residents Association responded that they had no issues regarding this eastern route.
30. **Status.** The application made for this eastern section would record a bridleway along the section. As mentioned above for the western section, use by pedal cycles would be consistent with dedication of not only a bridleway but also a byway. However, since this route connects to a bridleway at both ends it is reasonable to infer that the least burdensome status to a landowner would be bridleway.
31. **Conclusion.** After consideration of the evidence of use that has been submitted as well as there being no clear challenge to the use of the route by members of the public, the relevant legal tests have been satisfied to make a Modification Order to add the eastern route to the Definitive Map as a public bridleway.

### **The Middle Route**

32. The application submitted for the middle section is for 'adding a bridleway situated in the parish of Mansfield Woodhouse and running from Common Lane opposite Top Row, Pleasley Vale' 'and through the former sewage works site to Mansfield Woodhouse Footpath 8' and 'upgrading Mansfield Woodhouse Footpath No. 8 to a bridleway running from the former sewage site to Littlewood Lane. The middle section shown is shown on **Plan B** by the bold dashed blue line.
33. This route starts at point 1 on Common Lane, shown on **Plan B** and runs along a tarmaced road to St Chads Church at point 2. There are two metal signs at the start of this route, one with the wording 'St Chad's Church' and another with the wording, 'No Through Road' as

shown on **Photograph No. 6**. Outside of St Chads at point 2 there is a pull in area with the route continuing through a kissing gate with a public footpath signpost next to it. Next to the kissing gate is a locked field gate with a stone wall next to this, as can be seen in **Photograph No. 7**. The route continues along an unsurfaced path with a laurel hedge on the north side of the path which marks the boundary of the old sewage works. The path goes through a gap in a stone wall at point 4 and then the unsurfaced path continues through Northfield Plantation until it meets Littlewood Lane at point 5 as shown on **Photograph No. 5**.

34. **Documentary evidence.** This route is not shown on the Sanderson, Tithe and Inclosure plans. The Ordnance Survey plans from 1890 onwards show the section from point 1 to 2 but not all of the remaining section of the route.
35. **Parish Schedule.** The Parish Schedule was completed in 1952. The section from the junction with Common Lane to St Chads Church is marked on the Parish Schedule map as is the section from St Chads Church to Littlewood Lane but with the route going very close to the south bank of the River Meden and not on its current walked line. The written description described this route as 'public footpath over private road'.
36. However, when the Definitive Map was compiled in 1960, no path was shown on the section from Common Lane at point 1 to the St Chads at point 2. On the remaining section, the line was drawn on the plan which showed the start of the footpath from a point by the bridge near point 12 and then running to Littlewood Lane to join the bridleway at point 6. However, the Definitive Statement still gave a description for this path as 'F.P. over a private road'. A new Definitive Map at a larger scale for the Mansfield area was published in 2000 which showed the same route of Mansfield Woodhouse Footpath No. 8 as shown on the 1960 Definitive Map and the details from the Definitive Statement were the same as well.
37. **Application to Delete.** In 2002, Nottinghamshire County Council received an application from Bolsover District Council to delete the western end of Mansfield Woodhouse Footpath No.8 between points 2 and 4. The District Council believed that the path never existed and was recorded on the Definitive Map in error. Nottinghamshire County Council assessed the application and concluded that there was insufficient evidence to delete the path and turned the application down. In March 2005 Bolsover District Council appealed this decision to the Planning Inspectorate who did conclude that due to the anomalies between that Parish Schedule and the Definitive Map and Statement it cast doubt on the line shown on the Definitive Map. The Planning Inspectorate directed Nottinghamshire County Council to make an Order to delete that section of path shown on the Definitive Map between points 2 and 4. Discussions then took place with Bolsover District Council who agreed to dedicate a footpath on the current used line of the path between points 2 and 4. This deletion order was made and confirmed without objections and Bolsover District Council made a Landowner Statement in January 2022 dedicating the walked line of the path as a public footpath.
38. **Kissing gate.** One of the important points concerning the middle route is at the location of the current kissing gate located at point 2 which was first erected in 2002. The presence of a kissing gate would have been no obstruction for those people using this route on foot as this is a normal item of path furniture on a public footpath. However, consideration must be given to the circumstances when this kissing gate was erected and by whom and if this was a challenge to the public using the route by pedal cycles and on horses. Consideration must also be given to what existed before the kissing gate was erected.

39. An interview was carried out with Tony Barton in 2011 who was a long-standing member of the Old Mansfield Woodhouse Society who was able to provide useful information concerning what was in place prior to the kissing gate being erected. He stated that there was originally a wooden field gate where the metal one currently is, that had a counterbalance so that when it opened it always fell back into place. Once the gate fell into disrepair it was replaced with the current metal one but leaving a gap at the side of the gate. The field gate was then locked to prevent use of the route by horse riders and motorbikes. As part of the application to delete the path evidence was submitted from 3 witnesses that suggested that the field gate was locked and there was no public access along the path.
40. In July 2001 Nottinghamshire County Council received a complaint from the Ramblers Association that the field gate was locked and was blocking access. It would seem that at this point there was no gap at the side of the gate which would have still enabled access. Bolsover District Council, who were owners of the land, were contacted to get them to remove the lock and allow access or to arrange for the installation of an alternative gate.
41. In January 2002 the County Council was informed that the field gate was now open but secured to a secondary post so that the gap was no more than 50cm. In June 2002 an area next to the field gate was cleared and a kissing gate was erected in its current location. The kissing gate was erected with the authority of the owners, Bolsover District Council.
42. This kissing gate structure has stayed in place since 2002 with the adjacent field gate remaining locked. At some stage, after it was first erected, the gate of the kissing gate was stolen and then replaced and then stolen again. **Photograph No. 8** taken in 2007 shows one occasion when the gate was missing and bars had been welded to the opening allowing pedestrians to step through. **Photograph No. 9** taken in 2009, shows at this stage the gate of the kissing gate was missing. Currently the gate of the kissing gate is in place as can be seen in **Photograph No. 7**.
43. With the erection of the kissing gate, this would have prevented use by pedal cycles unless the bike was lifted over the kissing gate or field gate or stone wall adjacent to the field gate. In the supporting information for the application, Steve Parkhouse states that some members of the public seem unwilling to accept the presence of the kissing gate and that when it was installed in 2002 it had been repeatedly removed/stolen allowing for easy access for cyclists instead of wheeling their bikes vertically through the gate or lifting them over. It is the County Council's view that the erection of the kissing gate would have prevented use as of right for cyclists. Although it would have been possible to lift a bike over when the kissing gate was in place and somewhat easier when the gate of the kissing gate was stolen but it would still have required the bike to be lifted over rather than ridden through.
44. The presence of a kissing gate prevented the use of the path by equestrians. This was confirmed by 2 of the equestrians one who stated that for many years the gate was not shut but when it was there was a gap at the side that she rode through. It was when the kissing gate was put in that she could no longer use it with her horse. The applicant Steve Parkhouse does provide a photograph taken in in 2009 of a horse rider with a pack of hounds jumping the wall to the north of the kissing gate saying that this demonstrates that horses still traverse the route. However, this would be considered as someone using the route by force in the same way as a walker climbing over a fence. In any case, the location of wall is not on the route of the application.



45. **Date of Challenge.** The County Council believes that the date of challenge for this middle section of path is 2002 when the kissing gate was erected that would have allowed pedestrians through but would have prevented both cyclists and equestrians. Therefore, the relevant 20-year period for the middle route is considered to run from 1982 to 2002.
46. **Evidence of use.** User evidence forms were submitted by the applicant as part of the application. Sixty-one user evidence forms were submitted in support of the middle route and a table summarising the evidence is shown as **Table 3**. Of those users, 58 of them had used it on foot, 31 of them had used it on a pedal cycle, and 5 of them had used on horseback although some of this use has been after the date of challenge of 2002. Of those submitting evidence 51 have stated that they have used for at least 20 years on foot, and their use of the path was never challenged by the presence of a kissing gate. The use of this route on horseback for the period of 1982 to 2002 shows that one rider has used it continually for this period but that 3 others have used it for substantial periods during the 20 years. There are more claimants who have stated that their use was during the relevant period with pedal cycles with 16 claimants stating that they used it for the whole 20-year period. However, quite a lot of the claimants state that their use goes back many years before 1982 with some of them having used it continuously from the 1950's and 1960's. Thirty-seven of the claimants have stated that their use was at least one a week, with some of them using it once a day.
47. **Supporting documents.** The applicant did provide some supporting documentation in the form of pedal cycle and trail published routes which did include the middle route indicating that the path has been used by members of the public to such an extent that it has been publicised. However, in the case of the middle route the use was on foot.
48. **Consultation.** Mansfield District Council who own the tarmac road section from point 1 to point 2 have raised no objection to the application. Bolsover District Council who own the section from point 2 to point 4 which includes the kissing gate have also raised no objection to the application. Bowrings who own section from point 4 to point 5 have raised an objection but have not provided any evidence to say that they have challenged members of the public using the route. The Pleasley Vale Residents Association have objected to the middle section of the application and set out the information concerning the locking of the gate and the erection of the kissing gate in 2002. They confirm that the locking of the field gate was due to the use of the route by motorbikes and horse riders and that the kissing gate was erected with consent from the local authority. They also confirmed that since installation of the gate the Association has subsequently undertaken regular repair work as a result of vandalism. The Residents Association are also concerned about parking issues in front of St Chads Church and the impact on the wooded section between the church and Littlewood Lane.
49. **Status.** This application would record a bridleway along the middle route and the application is part addition and part upgrade. Again, it is reasonable to infer the least burdensome to a landowner would be bridleway.
50. **Conclusion.** After consideration of the evidence of use that has been submitted and taking into account the challenge in 2002, the relevant legal tests have been satisfied to make a Modification Order to add the middle route to the Definitive Map as a public bridleway.

## The Spur

51. This is a very short application of 20 metres to add a bridleway from the middle route and runs from opposite St. Chads Church at point 2 to the bridge at the Nottinghamshire Derbyshire County boundary at point 12. The route is surfaced as shown by **Photograph 10** and is an access for a couple of residential properties. Once over the bridge at point 12 on the Derbyshire side there are footpaths on either side of the river.
52. **Evidence.** Although this spur exists as a physical feature on some plans no status is given to the route and it was not claimed in the 1952 Mansfield Woodhouse Parish Schedule. The user evidence forms that were submitted in support of the application do not mention this spur and so there is no user evidence to support this part of the application. None of the supporting documents submitted by the applicant gives any more details about this route. The applicant was contacted concerning the absence of evidence who then responded saying to leave this section out from the applications.
53. **Conclusion.** After consideration that no evidence of use was submitted of the route by members of the public, the relevant legal tests have not been met to make a Modification Order.

## Statutory and Policy Implications

54. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## RECOMMENDATION

There is one recommendation that relates to the western, eastern, middle and spur routes which have been separated below for ease of reference:

- To make a Modification Order for the western route to record a bridleway from the end of the adopted road at point 8 to the Nottinghamshire Derbyshire County boundary at point 10.
- To make a Modification Order for the eastern route to record a bridleway from the end of Mansfield Woodhouse Bridleway No. 7 at point 6 to the Nottinghamshire Derbyshire County boundary at point 7.
- To make a Modification Order for the middle route to record a bridleway from the western route on Common Lane at point 1 to the junction with the eastern route on Littlewood Lane at point 5.

- To turn down that part of the application that runs from the junction with the middle route by St. Chads Church at point 2 to the Nottinghamshire Derbyshire County boundary at point 12.

### **Constitutional Comments [RHC 22/06/2022]**

55. Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

### **Financial Comments (SES 14/06/2022)**

56. There are no specific financial implications arising directly from this report.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- The Application file.

### **Electoral Division(s) and Member(s) Affected**

- **Mansfield North Ward**  
Ben Bradley MP  
Anne Callaghan BEM

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