

STATEMENT OF REASONS

HIGHWAYS ACT 1980

THE NOTTINGHAMSHIRE COUNTY COUNCIL **(GREASLEY FOOTPATH NO.32 AND NO.40) DIVERSION ORDER 2019**

Under the Highways Act 1980, the County Council as the Highway Authority for Nottinghamshire has the power to make orders to create, extinguish (close) or divert public rights of way. A notice that such an Order has been made has to be advertised on the site of the path(s) in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

The Nottinghamshire County Council has made an Order to divert part of Greasley Footpath No.32 and Greasley Footpath No.40. This Statement has been prepared to explain various aspects of the Order.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

The Nottinghamshire County Council has made the Diversion Order in the interests of the landowners and the public following confirmation of the definitive alignment by the Court Order in 2017.

The Nottinghamshire County Council is satisfied that the Order complies with the following legal grounds and tests laid down in the Highways Act, namely that the diversion is not substantially less convenient to the public, and it is therefore expedient that the paths be diverted

THE ORDER WILL COME INTO EFFECT ONLY AFTER IT HAS BEEN CONFIRMED:
making and advertising the Order simply provides an opportunity for objections or representations to be made. Please do not rely on any previous correspondence that you may have submitted.

Objections or representations relating to the Order must be made in writing by 6 December 2019 to the Countryside Access Team at the address which is given in the Notice.

The right of objection to an Order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to Orders may be awarded against objectors in cases of unreasonable behaviour.

If any objections are made and not withdrawn, then the Council will have to refer the Order to the Department of the Environment for determination. An Inspector from the Planning Inspectorate will then hear the objections at a Public Inquiry or Hearing, or in writing if the objectors agree. The Inspector can confirm an Order, confirm it with modifications, or refuse to confirm it. If no objections are received or if any objections received are subsequently withdrawn, the Council will be able to confirm the Order itself but it has no power to modify Orders.

Where a new path is being created by a Creation or Diversion Order, the change will come into effect only after a specified period from the date of confirmation to allow time for any necessary works to be undertaken.

