

STATEMENT OF REASONS
WILDLIFE AND COUNTRYSIDE ACT 1981
MODIFICATION ORDER

Under the Wildlife and Countryside Act 1981, the County Council, as the Highway Authority for Nottinghamshire, has a duty to keep the Definitive Map and Statement under continuous review. Councils are under an obligation to consider fully evidence that has been discovered or presented to them and, if necessary, make Orders to add or delete, upgrade or downgrade, amend or reclassify 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 such an Order to modify the Definitive Map and Statement for Warsop by: 1) adding a restricted byway, 2) adding a bridleway and, 3) upgrading part of Warsop Footpath No.17 to a restricted byway. This Statement of Reasons 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 Order because having considered the available evidence including: The Welbeck Atlas (1626-1640), Chapman's Map of Nottinghamshire (1774), Nottinghamshire Quarter Session Court Minutes (1779), The Warsop Inclosure Act 1818, A sketch plan of the Nettleworth Estate (1824), The Warsop Inclosure Award (1825), numerous commercial maps of Nottinghamshire (1793-1857), a Fitzherbert Estate Map 1850, and various Finance Act documents (1910), it believes the evidence demonstrates the existence of unrecorded rights of way.

The Nottinghamshire County Council is satisfied that the Order complies with the following legal grounds and tests laid down in Part III of the Wildlife and Countryside Act, namely the discovery of evidence which (when considered with all other relevant evidence available) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist, and that a highway of a particular description ought to be shown as a highway of a different description.

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.

Objections or representations relating to the Order must be made in writing by the 16th of May 2022 to the Countryside Access Team at the address which is given in the Notice or by email (countryside.access@nottscc.gov.uk).

The Nottinghamshire County Council will be willing to discuss the concerns of those considering objecting or making representations relating to the Order. Anyone wishing to do so may contact Mr E Brennan in the Countryside Access Section on 0115 9774709 between 9.00 am and 4.30 pm Mondays to Thursdays inclusive.

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 consider 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. The Order will come into effect on the date of confirmation.