

STATEMENT OF REASONS

HIGHWAYS ACT 1980, SECTION 118A

THE RAIL CROSSING EXTINGUISHMENT ORDER

STATEMENT OF REASONS

Network Rail are seeking to extinguish, on safety grounds, part of public footpath Burton Joyce Footpath No. 6 where it crosses railway lines, via a level crossing. The affected section of path runs from a point SK 6490 4364 south of Chestnut Grove (Point A on the order map) proceeding in a north north westerly direction for a distance of approximately 28 metres across the railway to a point, SK 6489 4367 (Point B) as shown on the order map.

The legal tests to be satisfied under section 118a of the Highways Act 1980 are: -

- It is expedient in the interests of the safety of members of the public using it or likely to use it that a footpath...which crosses a railway, other than by tunnel or bridge, should be stopped up;
- It would be expedient to confirm the order, having regard to all the circumstances, and in particular to:

(a) whether it is reasonably practicable to make the crossing safe for use by the public, and

(b) what arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.

The public footpath has been temporarily closed since 2025, and an alternative route has been provided to date. This occurred because the alignment of Footpath No.6 crosses 2 operational railway lines, with line speeds of up to 90mph and was categorised as unsafe for users.

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 on 8th May 2026. 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 Order to close the crossing under section 118A of the Highway Act 1980 on 8th May 2026.

The Nottinghamshire County Council is satisfied that the Order complies with the following legal grounds and tests laid down in the Highways Act, namely section 118A of the Highway Act 1980 that the footpath in question is not suitable for public use, and it is therefore expedient that it be stopped up and that the Definitive Map and Statement need to be modified in consequence of the creation or diversion or extinguishment of a highway.

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 19th June 2026 to the Countryside Access Team at the address in the Notice.

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 Countryside Access Team at 0300 500 8080. Between 9:00 am and 5:00 pm Mondays to Fridays 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 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.