

This is an explanation of why the Order has been made

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 add 11 bridleways to the Definitive Map and Statement, and to upgrade 2 footpaths to bridleways, all in the vicinity of Meden Vale and the old Welbeck Colliery and to amend the particulars of affected footpaths in the relevant definitive statement. 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 because having considered the available evidence including 96 user evidence forms giving details of use of the path by members of the public, aerial photographs and Sandersons Map of 1835.

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 that the path has been used by members of the public for a period in excess of 20 years

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 22nd January 2024 to the Countryside Access Section at the address which is given 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 Mr S Tipping or Mr A Trundle in the Countryside Access Section on 0115 993 4381/977 4709 between 9.00 am and 4.00 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 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.