



Order Decision

Site visit made on 26 February 2018

by Martin Elliott BSc FIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 25 June 2018

Order Ref: ROW/3175914M

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 (the 1981 Act) and is known as The Nottinghamshire County Council (East Markham Byway Nos. 27, 28, 29, 30, 31, & 32) Modification Order 2005.
- The Order is dated 29 July 2005 and proposes to modify the Definitive Map and Statement for the area by adding three byways open to all traffic and upgrading three public bridleways to byways open to all traffic as shown in the Order plan and described in the Order Schedule.
- In accordance with Paragraph 8(2) of Schedule 15 to the 1981 Act notice of the proposal to confirm the Order subject to modifications has been given.

Summary of Decision: The Order is confirmed subject to the modifications previously proposed and set out below in the Formal Decision.

Procedural Matters

1. In my interim decision dated 28 March 2018 I proposed confirmation of the Order subject to the removal from the Order of Byways 27, 28, 29 and 32 and the most northerly and southerly parts of Byway 31. In respect of Byway 30 and the middle part of Byway 31 the Order was not proposed to be modified; the intention of the Order is to record these routes as byways open to all traffic. In consequence of my proposed modifications I also proposed the deletion of the reference to section 53(3)(c)(ii) from the preamble to the Order. No objections were raised in response to the notice of the proposed modifications.
2. After the deadline for making objections or representations to the proposed modifications correspondence was received from one of the original objectors. The correspondence did not raise any issues material to my decision but sought clarification as to the effect of the Order if confirmed with the proposed modifications.

Conclusion

3. Bearing in mind the above I conclude that the Order should be confirmed subject to modifications previously proposed.

Formal decision

4. The Order is confirmed subject to the following modifications:
 - From the preamble to the Order delete ‘, and in Section 53(3)(c)(ii) of the Act, namely the discovery of evidence that parts of the highways shown as bridleways over land situated at East Markham ought to be shown as Byways’.

- From the title of the Order and the numbered paragraph 3 of the Order delete 'Byway Nos. 27, 28, 29, 30, 31 & 32' and insert 'Byways 30 & 31'.
- In Part I of the Schedule to the Order in respect of Byway 31 delete 'SK 74527293, at' and insert 'SK 74527292 approximately 18 metres south of', delete '220' and insert '157', delete 'SK 74547270, at' and insert 'SK 74547277, approximately 50 metres north of'. Further, delete the section relating to Byway 32 and the section relating to the description of paths to be upgraded.
- In Part II of the Schedule delete the descriptions of the paths to be added numbered 27, 28, 29 and 32. In respect of the description of East Markham Byway 31 delete 'SK 74527293, at' and insert 'SK 74527292 approximately 18 metres south of', delete '220' and insert '157', delete 'SK 74547270, at' and insert 'SK 74547277 approximately 50 metres north of'.
- From the Order map delete Byways 27, 28, 29, 32, the northern 18 metres and southern 50 metres of Byway 31 and associated grid references and insert the grid reference 'SK 74547277' for the southern end of this route. Delete the title 'Byway Nos. 27, 28, 29, 30, 31 & 32' and insert 'Byways 30 & 31'.

Martin Elliott

Inspector

This map is reproduced from Ordnance Survey materials with the permission of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. (Nottinghamshire County Council) (100019713) (2005)



Scale 1:7000
Sheet No.: SK77SW
Grid ref: See Plan

Proposed Modification Order

Parish and Path No.'s affected: **BYWAYS 30 & 31**
EAST MAALHAM BYWAY NOS. 27, 28, 29, 30, 31 & 32

Key:

V V PROPOSED BYWAY

N



Nottinghamshire County Council Environment
Countryside Access,
Trent Bridge House, Fox Road,
West Bridgford, Nottingham,
NG2 6BJ

MAP NOT TO ORIGINAL SCALE

