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| **Order Decision** |
| Site visit made on 31 May 2022 |
| **by Graham Wyatt BA (Hons) MRTPI** |
| **an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 25 August 2022** |

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| **Order Ref: ROW/3264045** |
| * The Order is made by under Section 118 of the Highways Act 1980 (the 1980 Act) and is known as the Nottinghamshire County Council (Mansfield Unregistered Footpath Between The North Eastern Corner of Bradder Way and Mansfield Footpath No. 17) Extinguishment Order 2019
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| * The Order is dated 13 November 2019 and proposes to extinguish the unrecorded public right of way shown on the Order Map and described in the Order Schedule.
* There was one objection outstanding when Nottinghamshire County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs.

**Summary of Decision: The Order is confirmed.** |
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Procedural Matters

1. As the sole objector to the Order did not request to be heard, I made an unaccompanied site visit, taking into account the written representations. I was able to conduct my visit along the existing routes.

**Main Issues**

1. The Order is made under Section 118 of the Highways Act 1980, the Council having concluded that this part of the public footpath was not needed for public use. However, at the confirmation stage, I must be satisfied that it is expedient to extinguish that part of the footpath proposed in the Order having regard to the extent that it appears that it would, apart from the Order, be likely to be used by the public, and the effect which the extinguishment of the right of way would have as respects the land served by the footpath, taking into account provisions for compensation.
2. In reaching my decision, I am required to disregard any temporary circumstances preventing the use of this part of the footpath when determining the likely use that may be made of it.

Reasons

***The extent to which it appears that the part of the footpath would, apart from the Order, be likely to be used by the public***

1. Although the footpath is recorded as unregistered, in making the Order, the Order Making Authority, who are also the surveying authority, has accepted that there is a public right of way in this location.
2. The footpath is some 114m in length and runs between two buildings owned and occupied by a company called SDC Trailers Ltd (SDC), with one building forming the boundary of the footpath to the southwest and the other building, accessed via Quarry Lane, to the northeast. The footpath is relatively straight once users walk around the south-eastern end of the building, (SK5320 6023). It is then a short walk of some 100m to footpath No. 17 (SK 5315 6032) where users turn northeast or southwest, onto Footpath No. 17 which runs along the boundary of the adjoining railway line. Users are able to cross the railway line via dedicated foot bridges.
3. SDC state that the current footpath separates the sites on Bradder Way and Quarry Lane and there is an intention to merge the sites so that, in the longer term, it negates the need to travel via Quarry Lane to allow access from the goods-in building to the main manufacturing building. Clearly, this can only be achieved if the footpath between the buildings is extinguished.
4. To the east of Bradder Way is Highfield Way, where the Council has recently created a further footpath, No. 49 which links to footpath No. 17 in a similar manner to the footpath to be extinguished. The new route to footpath No. 17 via footpath No. 49 would require users to walk around an additional 200m from Bradder Way. The objector is aware of the newly created footpath No. 49 yet maintains that the new route to footpath No. 17 would be longer and there is a lack of street lighting.
5. SDC are funding the new lighting along the newly created footpath No. 49, as well as partly funding the replacement of existing lighting on footpath No. 17. There was no evidence of any objection to the Order from the Ramblers’ Association, the Open Spaces Society, or Local Councillors during the statutory consultation phase. Between them these represent users and local people. Therefore, whilst I consider it possible that the footpath to be extinguished would, apart from the Order, be used, the evidence does not support a demand for it. Accordingly, I find that likely use by the public is not such that the Order should not be confirmed, and I conclude that it would be expedient that this part of the footpath be stopped up.

***The effects which the extinguishment would have as respects the land served by the footpath, taking into account provisions for compensation.***

1. The Order will not prevent access to footpath No. 17 and from the documentation I have received, the newly created footpath No. 49 is on land that is owned by SDC. Thus, the Order will not prevent access to footpath No. 17, and I am satisfied that there would be no adverse effect on land served by the footpath and that it is expedient to confirm the Order in this regard.

**Other Matters**

1. Whether the sites can be linked is a private matter for SDC to determine and is not material to my considerations.

**Overall Conclusion**

1. Having regard to the above, and all other matters raised in the written representations, I conclude that the Order should be confirmed.

**Formal Decision**

1. I confirm the Order.

Graham Wyatt

**INSPECTOR**

