



# Order Decision

Inquiry opened on 30 January 2007

by **Susan Doran BA Hons MIPROW**

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

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Decision date:  
28 December 2007

## Order Ref: FPS/L3055/7/28M

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 and is known as the Nottinghamshire County Council (Holme Pierrepont Bridleway No.14/Cotgrave Bridleway No. 23) Modification Order 2001.
- The Order was sealed on 1 June 2001 and proposes to add three lengths of bridleway and to upgrade two lengths of footpath to bridleway in the parishes of Holme Pierrepont and Cotgrave, as shown on the Order Map and Schedule.
- In accordance with paragraph 8(2) of Schedule 15 to the Wildlife and Countryside Act 1981 I have given notice of my proposal to confirm the Order so as to delete part of the Order route between the south side of the Grantham Canal and grid reference SK 62573682, and to remove the word 'minimum' from the width recorded for the route in Holme Pierrepont.
- Four objections were received in response to the notice.

**Summary of Decision: The Order is proposed for confirmation subject to modifications set out below in the Formal Decision.**

## Preliminary Matters

1. The effect of the Order if confirmed with the modifications that I previously proposed<sup>1</sup> would be to add to the Definitive Map and Statement a bridleway between Bassingfield Lane and the south side of the Grantham Canal, having a width of 2 metres (Holme Pierrepont Bridleway No.14), to add a bridleway between grid references SK 62573682 and SK 62813668 and to upgrade to bridleway a footpath between grid reference SK 62813668 and Bakers Hollow (Cotgrave Bridleway No.23), thus deleting a section of the Order route between the south side of the Grantham Canal and grid reference SK 62573682.
2. In response to the statutory advertisement of the notice and deposit of associated documents relating to the proposed modifications, of the objections and representations made, 2 concerned my proposed modifications, of which one also concerned the unmodified part of the Order: both submitted new evidence. Two commented on evidence before the inquiry, one on the proposed modifications: neither provided new evidence.
3. One person asked to be heard if others wished to. However, as none did, the matter has been dealt with by the written representations procedure, resulting in responses from other interested parties. In view of the new evidence and arguments I consider both the modified and unmodified parts of the Order below. In reaching my decision I take into account all submissions made.

<sup>1</sup> In my interim decision dated 22 February 2007

## Main issues

4. The main issues are whether there is any new evidence or argument which might cause me to reconsider my findings in respect of the unmodified part of the Order; and whether there is any new evidence or argument which has a bearing on the modifications I proposed, and which might indicate that those modifications should be amended or not pursued.

## Reasons

### ***New evidence or argument submitted since the January 2007 inquiry in respect of the unmodified part of the Order***

#### *The Order route in Cotgrave*

5. Mr Clarke and Mrs Kidger suggest it may have been unlawful to use the route as the **1790 Cotgrave Inclosure Act** provided that after 5 April 1791 only those roads described in it could be used. It states that all the public roads set out, except those which are boundaries between Cotgrave and any adjoining parish, were to be completed within 7 years of the passing of the Inclosure Act<sup>2</sup> - this being a boundary route by virtue of passing through the parish boundary. With the completion of the Grantham Canal ("the Canal") in 1797, it may not have been considered necessary to complete routes on its eastern side. Since it became unlawful to use any roads not mentioned in the Act, then routes in Cotgrave on earlier maps cannot be considered as evidence. Furthermore, the Act describes a footpath<sup>3</sup> for which, like the Order route, there is no evidence once it enters Bassingfield.
6. The **Map of the Manor of Cotgrave** of land inclosed in 1790, and an undated estate map of the same period, show the bridleway in Cotgrave staked out and made on both sides of the Canal. The **Grantham Canal Company Minutes** of 1814 mention a public bridleway at l'Anson's bridge (grid reference SK 6281 3668), so a crossing point of the Canal was provided. The Great Northern Railway Company **Map of the Grantham Canal, 1900** includes a later annotation to 'bridle' bridge at this location, and the **Great Northern Railway Engineer's Report** dated to the 1920s amends its description to 'public bridle road'<sup>4</sup> (although later annotations, they are consistent with the 1814 Minutes and Inclosure evidence). It follows that, as concluded in my interim decision, the documentary evidence supports the existence of the Order route as described in the Inclosure Act, part of which followed the course of "an ancient Lane called *Thurlbeck Lane*" and part lay east of the Canal.
7. I agree with Nottinghamshire County Council ("the Council") and Mr J Thomas that a boundary route is one between parishes, rather than one crossing parishes and for this reason I do not accept Mr Clarke and Mrs Kidger's assertion. I interpret the Inclosure Act as requiring owners and occupiers to complete the roads set out within the 7 year period, except boundary routes, then their maintenance fell to the Parish. In my opinion, there is no evidence the route was not set out within the allotted period or that its use was unlawful.

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<sup>2</sup> Completion was required at the expense of the landowners and all future repairs after the 7 years to be carried out in the same fashion as for other parish roads

<sup>3</sup> Leading from Cotgrave to Nottingham from the west end of Pepper Street and crossing the parish boundary by an ancient footbridge into Bassingfield

<sup>4</sup> Paragraphs 19,15,16,17 and 30 of my interim decision

8. I consider earlier map evidence such as ***Chapman's 1774 Map of Nottinghamshire***,<sup>5</sup> helpful in confirming the pre-existence of a through route, later partly re-aligned by inclosure and consistent with the Inclosure Act description of a way "leading from the Town of *Cotgrave...to Bassingfield and Nottingham*".
9. The Council remarks the awarded footpath is a separate route, but could have continued in Bassingfield on the same line as the public bridleway. Having re-examined the inclosure documents I agree it is a different route. Whether or not both continued as one, there is no additional evidence before me of the line the Order route may have taken once it left Cotgrave.
10. Taking into account the above, my findings in respect of the existence and status of this part of the Order route remain unchanged.

*The Order route between Bassingfield Lane and the south side of the Grantham Canal*

11. Mr Clarke and Mrs Kidger argue there is a lack of conclusive evidence for the status of this section, and suggest its status as follows:
  - (a) part of the new Bridle Road and Drift Road from Cotgrave to Bassingfield mentioned in the 1790 Cotgrave Inclosure Act
  - (b) part of the footroad or path from Cotgrave to Nottingham mentioned in the 1790 Cotgrave Inclosure Act (paragraph 5 above)
  - (c) both the footpath and bridle route named in the Cotgrave Inclosure Act as suggested by the Council (paragraph 9 above)
  - (d) part of the bridleway from Tollerton to Bassingfield mentioned in the 1806 Tollerton Inclosure Award
  - (e) an occupation road leading to the fields on the south side of the Holme Pierrepont Estate (Hallam's bridge over the Canal (north-west of l'Anson's bridge) confirming the need for farmers to access the other side), later updated to a footpath as in the Great Northern Railway Company Report
  - (f) a permeation of any of these options
12. In my interim decision, I concluded the route from Bassingfield Lane to the south side of the Canal formed the northern end of a through route, a public bridleway, between Cotgrave and Bassingfield. The Inclosure Act does not help in determining the alignment of the awarded bridleway, or footpath referred to above, beyond Cotgrave. If both were coincidental, the lesser rights would be subsumed within the higher rights, having no effect on my findings as to the status of the Order route. Nevertheless, I consider the evidence further below.
13. The ***1806 Tollerton Inclosure Award*** describes a bridleway between Tollerton and Bassingfield which Mr Clarke and Mrs Kidger say runs along the boundary hedges between Tollerton, Gamston and Bassingfield, for which there

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<sup>5</sup> Paragraphs 9 and 30 of my interim decision

- is no evidence once it enters Bassingfield. A route is shown on Sanderson's 1835 Map and the 1836-39 First Edition Ordnance Survey ("OS") 1-inch map<sup>6</sup>.
14. It is accepted that the Tollerton and Gamston parish boundary was south of the present boundary in 1806 and did not include any part of the Order route.
  15. Notwithstanding the case put forward by the parties concerning this route, I draw no conclusions as to its existence or otherwise as it does not form part of the Order before me for consideration. In any event, even if part of the awarded Tollerton bridleway coincided with the Order route between Bassingfield Lane and the Canal, and if public bridleway rights exist over it as concluded in my interim decision, this would have no effect on those rights.
  16. Mr Clarke and Mrs Kidger say the Order route appears to stop before reaching Lowe's bridge (across the Canal, southeast of Bassingfield Lane) on the **1803 Holme Pierrepont Tithe Award Map**. They argue there is conclusive evidence for it being an occupation road as shown in the Great Northern Railway Company **Map of the Grantham Canal, 1900** – it shows a footpath from the northwest corner of the field north of the Canal which could be part of the footpath mentioned in the Cotgrave Inclosure Act, leaving the Order route an occupation road; the **c.1929 Great Northern Railway Engineer's Report** and the **1944 Aerial Photographs** (paragraph 31 below). Or, a footpath to Nottingham named in the Cotgrave Inclosure Act, or part of the Tollerton to Bassingfield bridle route named in the Tollerton Inclosure Award.
  17. Lowe's bridge does not appear to be colour-washed on the 1803 map, but is coloured on the **1840 Holme Pierrepont Tithe Map**, with which Mr Clarke and Mrs Kidger concur. I do not think much weight can be placed on the lack of colouring on the 1803 map alone as evidence that the Order route carries no public rights. The 1900 map shows a feature annotated 'Footpath'. There is no evidence before me of its status, and it does not follow that its existence means the Order route carries no public rights. I accept the Engineer's Report describes Lowe's bridge as an occupation road with a public footpath over it, the latter a later annotation. The 1944 photographs provide evidence of the existence of features but, in my view, not their status.
  18. The Council says the route was consistently shown on commercial maps of the area as a 'cross road', and this section always on the same line. Whilst in my interim decision I did not find the small scale maps helpful in terms of the Order route's alignment as a whole, I concluded they confirmed the existence of a through route where shown, all depicting this section of the Order route<sup>7</sup>.
  19. Mr Parker comments the route's exclusion from the **1910 Finance Act** map does not prove it was a public highway, and Mr Wood on his behalf, that it may have been an access to the Canal, public or private, uncultivated and with no value to the farm. Mr J Thomas points out there were sanctions against landowners under the Finance Act for providing false information, thus the exclusion of the route, is good evidence that the road was public.

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<sup>6</sup> This follows a route south and west from the Canal to the Gamston Road, connecting to the southern end of the Order route between Bassingfield Lane and the Canal

<sup>7</sup> Paragraphs 20 and 21 of my interim decision

20. A similarly excluded route nearby accesses fields. It appears consistently in this way in the documentary record, so is unlikely to be public. However, there is no obvious reason for the Order route to access the Canal only. It pre-dated it, as evidenced in Chapman's 1774 Map of Nottinghamshire. It more likely than not formed the northern end of the public bridleway described in the 1790 Cotgrave Inclosure Act. Its consistent depiction in the documentary record, often as part of a through route (with varying alignments beyond), exclusion from tithe, and from taxable hereditaments under the Finance Act, add further weight, in my view, to its status as public rather than private<sup>8</sup>.
21. Mr Parker has owned this land since the **1941 Sale of the Manvers Estate**. Indeed he pointed out to the inquiry<sup>9</sup> that the land was listed in the Sales Particulars, and is also listed within the Sales Deeds and Land Registry.
22. Mr Clarke and Mrs Kidger remark that the Sales Particulars state under 'Private Roads and Occupation Lanes', *"The Moieties of all Occupation Lanes and Private Roads are conveyed with the Lots abutting thereto, but the areas are not included in the Sale Particulars; all such Occupation Lanes and Private Roads are sold subject to the reservation of all rights thereover in favour of other Lots where necessary, or adjoining properties as now enjoyed"*. The Sale Plan was based on the 1914 OS 25-inch map which shows the Order route numbered 275. The 1941 Sale included 5 numbered field parcels<sup>10</sup>, described as 'Roads'<sup>11</sup>. As all were included in the Sale Particulars, and in view of the above, they can be neither a private nor occupation road. Although not shown on the Sale Plan, fields 206 and 188 were described in the Sale schedule and sold with rights of way. Field 257, shown on the Sale Plan without a field number, and field 157e, shown on the Sale Plan with a field number, were described in the schedule and sold without any rights of way. Only field 158 was shown on the Sale Plan, described in the Sale schedule and sold with rights of way. Thus there is an inconsistency with the Sale Plan and its reliability is questionable. This proves the Order route, part of the Estate for over 200 years, was sold in 1941 with no rights of way attached to it.
23. An examination of the documents shows for Lot 24a, The Elm's Farm, a "Right of Cart Road is reserved over the Occupation Road West of Nos. 247 and 252, from the Bassingfield-Gamston Lane to Field No. 228 Pt.", this being the nearby track (paragraph 20 above). Lot 10, which includes Nos. 206 and 188, a continuous route, "...is sold subject to the right of user for all purposes of the Road leading to Peas Hill Farm from the Cotgrave Road, for the Purchasers of Lots 145 and 146, along such portion of such road as bounds such Lots. Such Purchasers shall pay half the cost of keeping such portion of the road in repair". For Lot 106, the Cricket Ground, a "Right of User for all purposes over the Road, No. 158, is reserved to the Vendor, or Purchaser of Fields (Lot 107) West and East of the Viaduct". For Lot 19, Cotgrave Place, "A Right of Footway is reserved over the South boundary of Field No. 55 from the Letterbox on the Cotgrave Road to the North-west boundary of Field No. 76."

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<sup>8</sup> Paragraphs 9,11,20,22,23 and 31 of my interim decision

<sup>9</sup> Opened on 30 January 2007

<sup>10</sup> These being No. 257, Elms Farm, Bassingfield; Nos. 206 and 188 Peas Hill Farm, Cotgrave; No. 158, Cricket Ground; and No. 157e, Cotgrave Place

<sup>11</sup> I am unable to correlate the evidence for Lot 106, The Cricket Ground Field. It has an entry for parcel no. 158, described as 'Road'. However, the OS map extract provided with it refers to land at Holme House which according to the Sale Map is part of Lot 20. The Sale Map extract does not cover Lot 106.

24. Sales particulars were drawn up with a view to selling private land. Except for the Order route, the examples given refer to the reservation of private rights for others with an interest in land which might otherwise be landlocked if those rights were not conferred, or to pre-existing rights; and those I am able to cross reference appear coloured as part of the Sale Lots. I interpret the clause as half of the occupation lane or private road adjoining the sale lot transfers with that land, but that its acreage is not separately identified. It was not the purpose of OS maps to record the status of the ways they portray.
25. I agree the land of the Order route was excluded from the Sale Plan but was included in the Sale Particulars. However, no private rights are reserved over it, and no reference is made to public rights of way. Notwithstanding Mr Parker's ownership of the land, public and private rights may co-exist and there is nothing to prevent the Order route being a public bridleway in such circumstances.
26. I do not regard the evidence argued by Mr Clarke and Mrs Kidger (paragraphs 16 and 22) to be conclusive, or proof, that the way is not public, nor the evidence referred to by Mr Parker (paragraph 19) to be conclusive, or proof, that it is public. None of the documents considered above are decisive, in my opinion, with the exception of the Inclosure Act. Having had the opportunity to re-visit the evidence in the light of the arguments submitted, on balance and taking into account the evidence as a whole, I remain of the view that the status of this part of the Order route is a public bridleway.

***Objections and representations to the proposed modifications***

*Whether there is new evidence to show that the Order route, or any part of it, between the south side of the Grantham Canal and grid reference 62573682, subsists*

27. Although Mr F Thomas and Miss Mackie consider there is overwhelming evidence of a through route, the exact line of which they agree is difficult to determine, they submitted no new evidence to support this view.

The Order route south and east of the Grantham Canal

28. Mr J Thomas believes it is probable the route passed through the gate shown aligned with Lowe's Bridge on the Great Northern Railway Company **Map of the Grantham Canal, 1900**, so the Order should read, *"to a gap in the hedgerow currently occupied by a wire fence which forms the boundary of the land in the possession of British Waterways on the South side of the canal towing path opposite the site of Lowe's Bridge"*.
29. Furthermore, he argues, there is sufficient evidence to show, when taken together with the 1790 Cotgrave Inclosure Act describing a bridle road from Cotgrave to Bassingfield, and the 1731 Survey of Cotgrave describing part of the claimed route as "the Nottingham Gate", it is more likely than not that the route can be extended to grid reference SK 61753686, being the end of the distinctive curved field boundary south-east from Lowe's bridge shown on the commercial maps, the 1800 and 1803 Bassingfield maps<sup>12</sup>, the Sanderson's

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<sup>12</sup> A map of Holme Pierrepont, Tollerton and Bassingfield, dated 1800 and the 1803 Holme Pierrepont Tithe Award Map

Map of 1835 and later OS maps. The 1826 Greenwood Map shows the Wapentake boundary following the Order route over the Canal and parallel with the curved hedgerow - it being long established by landscape historians that ancient boundaries often follow roads, especially where there are no natural features to follow. Beyond this point, the pre-1806 commercial maps diverge in their depiction of the route to Cotgrave<sup>13</sup>.

30. **1944 Aerial Photographs**<sup>14</sup>, he says, show the curved hedgerow with a faint lighter linear feature running parallel and adjacent to it on its western side. It appears to have been used by farm traffic, but vehicle tracks end leaving a thin white line running parallel with the eastern hedgerow boundary of the Great Field which in turn disappears probably due to later disturbance. A darker line following the Order route, which is then ploughed out, is consistent with the underlying geology. The photographs support the existence of a track on the ground following the alignment of the Order route which does not interrupt ridge and furrow features.
31. Mr Parker remarks the track was used to access fields and was taken over by the War Department. Mr Clarke and Mrs Kidger understand that when the Tollerton Airfield runways were laid down in 1941, the spur to the bridge was surfaced to allow access in connection with Airfield activities: as seen on the south side of the Canal in the aerial photograph. Clarke Willmott for British Waterways comment that Mr Calvert's Report (paragraph 40 below) states, "In both of these photographs the track extends southwards from the bridge. This is consistent with either or both leading onto the *Towing path* and or leading southwards on the western side of the field boundary towards the aerodrome".
32. The presence of a gate suggests access through it. However, the issue for me is the Order route's alignment between the points I consider subsist as public bridleway. I accept its absence from maps post 1806 is not surprising given the middle crossing point of the Canal was not provided. Nevertheless, the only documented evidence of any alignment is found in Chapman's 1774 Map of Nottinghamshire and **King's Map of 1804**. No later map depicts the physical existence of any route at this location. Many of the maps cited depict the field boundary, and I have already considered this as evidence of the likely course of such an ancient way<sup>15</sup>. I note on the 1835 Sanderson Map and later OS maps a track heading to the south and west towards Tollerton.
33. I agree the aerial photographs show a feature running alongside the hedgerow. Similar features can be seen in and around the Airfield. I note Mr Calvert's Report, and Mr Parker's statement to the inquiry that he found no evidence of surfacing between Bassingfield Lane and the Canal. Whilst I accept a feature appears on the aerial photographs, I cannot conclude with any certainty that it is the Order route and not some other feature contemporary with the Airfield, or pre-dating it in association with the management of the land.

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<sup>13</sup> Mr Thomas also asserts there is evidence the route to a point some 9.1 metres (10 yards) south of Lowe's bridge was a public bridleway in view of the route to Tollerton shown on Sanderson's Map of 1835. However, as stated in paragraph 15 I draw no conclusions in respect of this route

<sup>14</sup> German aerial reconnaissance photographs dated April 1944

<sup>15</sup> Paragraphs 28 and 29 of my interim decision

34. In my opinion, the evidence adduced adds nothing further to the conclusions reached in my interim decision, and therefore my findings remain unchanged. It follows that I decline to modify the Order as suggested above.
35. Having had the opportunity to review the modifications I proposed in my interim decision to the description of Holme Pierrepont Bridleway 14 in Parts I and II of the Schedule to the Order, I am satisfied that by reading these together with the Order map the extent of the route is clear. Nevertheless, to avoid possible doubt I propose to further modify the description in Part II to record the end point as the south side of the Canal as proposed in Part I. Such modification in my view would not require further advertisement.

The Order route west of SK 62573682

36. Mr J Thomas points out that the **1790 Cotgrave Inclosure Act** describes the route crossing the brook at the parish boundary via a ford, so it extends to the far bank of the Thurlbeck/Polsar Brook. Mr F Thomas also remarks on this.
37. The Inclosure Act describes the awarded route from Thurlbeck Lane "...to and over an ancient Ford or Passage across a Brook or River called *Thurlbeck*,"<sup>16</sup>. Although the Act had no power to set out a way outside the Parish of Cotgrave, I consider the description is such that on the balance of probability the route crossed the ford. It follows that I agree with Messrs Thomas, and consider that the Order should reflect this.
38. I propose to modify the Order Schedule accordingly, although I do not consider such a minor modification requires alteration of the Order Map due to its scale. Neither in my view does this modification require further advertisement since it concerns part of the route in the Order as made.

*The width of the Order route between Bassingfield Lane and the south side of the Grantham Canal*

39. In my interim decision, I modified the width of the Order route by deleting the word 'minimum', giving a width of 2 metres. I also considered submissions that the width should be greater<sup>17</sup>, but concluded on the available evidence a reasonable width allowing 2 riders to pass, in this case 2 metres, appropriate.
40. Mr J Thomas argues a greater width was available: Mrs Gill said it was possible to "drive" it; Mr Parker referred to the pre-1972 track being used for normal farming operations, suggesting use by farm machinery and vehicles; 2 user evidence forms ("uefs") referred to riding past a parked gypsy caravan; documentary evidence suggests the route was at least the width of Bassingfield Lane, and it was excluded from the Finance Act 1910 Map hereditaments. Therefore, users were able to ride or walk anywhere between the boundary hedges. The width, he says, should be 14.4 metres between boundaries, the average track width being 3.67 metres, consistent with that of Bassingfield Lane<sup>18</sup>. However, given the width varied between 14.4 and 13.1 metres with 14 metres the average, 14 metres should be the width recorded.

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<sup>16</sup> Paragraph 10 of my interim decision

<sup>17</sup> Paragraphs 39 and 40 of my interim decision

<sup>18</sup> As detailed in a Report by Mr Carl Calvert, Chartered Land Surveyor, titled 'To make an expert report on the width of the way between Bassingfield Lane and Lowe's Bridge' on behalf of Mrs H Church of Bassingfield

41. No new submissions have been made by other parties in this respect.
42. Although I based my findings that a public bridleway subsists over this part of the Order route primarily on the documentary record, detailed measurements were not available to me when I made my interim decision. Guidance to inspectors requires that a width should be based on evidence and should be recorded as accurately as possible. Where the width of a way varies along its length, then this should be noted.
43. The Report provided gives a variable track width of between 3.15 and 4.98 metres and a variable width between boundaries of 13.1 to 14.4 metres based on the 1957 OS 1:2500 map. In view of this, in the absence of any alternative widths based on the documentary record, bearing in mind the width appears to have remained generally consistent in the documentary record, and its full width seemingly available, I propose to modify the width accordingly. Since this modification would affect land not affected by the Order as made or previously proposed to be modified, it will need to be advertised.

*Other evidence submitted*

44. I note the detailed comments and submissions from Mr Clarke and Mrs Kidger and from Mr J Thomas concerning the inclosure process, common land and the open field farming system in the parishes of Holme Pierrepont, Bassingfield and Gamston; and the possibility of a route linking Bassingfield Lane with Tollerton on which I have commented where appropriate above.

User evidence

45. In my interim decision I referred to the written evidence of 10 witnesses, and the additional evidence of 2 witnesses at the inquiry<sup>19</sup> (both of whom also provided written evidence) claiming use of this part of the Order route.
46. Mr Clarke and Mrs Kidger submitted a photograph showing part of a British Waterways bylaw sign said to have been in place at Hallam's bridge which was acknowledged by Mr J Thomas to have been of the type erected between 1986 and 1993. Evidence regarding use of the Canal towpath by horse riders and measures taken by the landowners were rehearsed by some of the parties, but no new evidence of its use was submitted. In any event, such arguments refer to a route that is not part of the Order as made or proposed to be modified, and which in my view is beyond my powers of modification with respect to this Order, even if I were satisfied the appropriate tests had been met<sup>20</sup>.
47. Mr J Thomas, representing the supporters of the Order as made, confirmed that, as stated at the inquiry, a claim for long usage of the Canal towpath was not being pursued at this stage, but that their position on this was 'reserved'.
48. It follows that the conclusions reached in my interim decision<sup>21</sup> regarding the use of the Order route remain unchanged.

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<sup>19</sup> Paragraphs 34 and 35 of my interim decision

<sup>20</sup> Maps attached to the uefs submitted to the inquiry claimed use of a route between Baker's Hollow, Cotgrave and the Canal, then along the towpath to Hallam's bridge, and from there along Holme Pierrepont Footpath 6 to Bassingfield Lane

<sup>21</sup> Paragraph 38 of my interim decision

## Other Matters

49. Mr F Thomas and Miss Mackie raised concerns about the desirability of, and need for, a continuous bridleway between Cotgrave and Bassingfield, along this or another route. Whilst I understand these concerns and their importance to those raising them, they are not relevant to my determination of the Order under the 1981 Act. It follows that I have not given consideration to them.
50. I have not considered any issues regarding the provision of furniture to afford access to or along the Order route as these are not material to the matters before me. Nor am I able to give consideration to the possible dedication of a route on land in the ownership of British Waterways or any other landowner.

## Conclusion

51. Having regard to these and all other matters raised both at the original inquiry and in written representations, I propose to confirm the Order subject to the modifications I previously proposed in paragraph 44 of my interim decision, with additional modifications as outlined in paragraphs 35, 38 and 43 above.

## Formal Decision

52. I propose to confirm the Order subject to the following modifications, previously proposed:

In Part I of the Schedule to the Order,

- under the heading 'Holme Pierrepont Bridleway No.14', in the first paragraph, delete "for a distance of approximately 1,240 metres", "easterly then east-north-easterly" and "a point, SK 62523681, at the junction with the remainder of Holme Pierrepont Bridleway No.14", and insert "to the south side of the Grantham Canal."; and delete the second paragraph
- under the heading 'Description of the Paths or Ways to be upgraded', delete the first paragraph

In Part II of the Schedule to the Order,

- under the heading 'Holme Pierrepont Bridleway No.14', delete "for a distance of approximately 1,302 metres", "east-north-easterly and finally easterly", "an earth surface across a field and the stone surface of the canal towpath, across the Canal, and finally on an earth surface over a field and across a drain to a point, SK 62573682, at the junction with Cotgrave Bridleway No.23" , and "minimum"
- under the heading 'Cotgrave Bridleway No.23' delete "at the junction with Holme Pierrepont Bridleway No.14"

On the Map attached to the Order delete the bridleway symbol between the south side of the Grantham Canal opposite Bassingfield Lane and SK 62573682.

53. And, the following additional modifications:

In Part I of the Schedule to the Order,

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- under the heading 'Cotgrave Bridleway No.23' delete "at the junction with Holme Pierrepont Bridleway No.14", and insert "crossing the Polsar (formerly Thurlbeck) Brook,"

In Part II of the Schedule to the Order,

- under the heading 'Holme Pierrepont Bridleway No.14', after the word 'towpath' insert "to the south side of the Grantham Canal"
- under the heading 'Holme Pierrepont Bridleway No.14', add in front of the word 'width', "variable track", and delete "2 metres throughout the whole of its length" and insert "between 3.15 and 4.98 metres and a variable width between boundaries from 13.1 to 14.4 metres as depicted on and measured from the 1957 Ordnance Survey 1:2500 map."
- under the heading 'Cotgrave Bridleway No.23', after 'SK 62573682' add "crossing the Polsar (formerly Thurlbeck) Brook,"

Since the confirmed Order would affect land not affected by the Order as submitted I am required by virtue of Paragraph 8(2) of Schedule 15 to the Wildlife and Countryside Act 1981 to give notice of the proposal to further modify the Order and to give an opportunity for objections and representations to be made to the proposed modifications. A letter will be sent to interested persons about the advertisement procedure.

*S M Doran*

**Inspector**