

**BARNSELY METROPOLITAN BOROUGH COUNCIL**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE METROPOLITAN BOROUGH OF BARNSELY  
(WEST RIDING OF YORKSHIRE COUNTY COUNCIL  
DEFINITIVE MAP AND STATEMENT) (DEARNE)  
MODIFICATION ORDER (NO. 20) 2022**

**STATEMENT OF REASONS FOR THE ORDER**

**1. Introduction**

Public footpaths, bridleways, restricted byways and byways open to all traffic are recorded on Definitive Maps and Statements. These Maps and Statements provide conclusive evidence of the existence of public rights. Barnsley Metropolitan Borough Council is responsible for the Maps and Statements in its area and has a statutory duty to modify them when evidence suggests that they are inaccurate or incomplete. This is achieved by means of Modification Orders made under section 53 of the Wildlife and Countryside Act 1981.

The Council has made the above-named Order and this statement seeks to explain various aspects of it procedural matters. This statement does not form part of the Order.

**2. The Order**

The Order, if confirmed as made, will modify the Definitive Map and Statement for the Dearne area by adding a public footpath commencing at the northern end of Rectory Lane, Thurnscoe and proceeding south, east then south along a track to join High Street, Thurnscoe, as shown between the points marked A B C on the Order map (SE 40 NW 4475 0581 4483 0557)

The Order recognises, by adding the footpath to the definitive map and statement, the public rights that the authority has concluded exist already. It does not create any new public rights. Questions of suitability or need for the route or the possible effect of use by the public are not relevant to the decision the authority has to make.

**3. The Council's Decision to Make the Order**

Details of the application, the assessment of the evidence and the reasons for the Council making the Order are set out in the report dated 20<sup>th</sup> December 2021, a copy of which is attached hereto.

**4. Objections/Representations**

Objections or representations relating to either or both Orders must be made in writing and sent to the Legal Service Director & Solicitor to the Council, PO Box 634,

Barnsley, S70 9GG (quoting CR/PG/259/00108) not later than 28<sup>th</sup> February 2022.

The right to object is a statutory right but it should be exercised in a reasonable manner. The costs involved in dealing with objections to Orders are often high and may be awarded against objectors who have behaved unreasonably.

To be relevant, representations or objections should relate to the existence or status of the way in question and should be supported by evidence. Grounds such as privacy, security, amenity value, or the need for the way are unlikely to be relevant. If you want to discuss a representation or objection, please contact our Rights of Way Department on 01226 787650 during normal office hours or e-mail [publicrightsofway@barnsley.gov.uk](mailto:publicrightsofway@barnsley.gov.uk)

## **5. Operative Date**

The Order will not come into effect until confirmed. If the Order is unopposed it may be confirmed by the Council and the Definitive Map and Statement will be modified accordingly and public notice of the confirmation will be given.

If the Order is opposed, the Council must refer the Order and the outstanding representations and objections to the Planning Inspectorate who will appoint an independent inspector to consider the Order(s) and the representations and objections. A hearing or a public local inquiry may be held to hear the objections or it could be dealt with by written representations. The Inspector may confirm the Order with or without modifications or may decide that the Order should not be confirmed.

G Kirk  
Legal Service Director & Solicitor to the Council  
Dated: 12<sup>th</sup> January 2022