

## **INFORMATIVE NOTE**

This note is not a formal or complete representation either of the Council's position or of the law. It serves to set out some of the central issues which informed the Council's decision. A fuller report is held on the County Council's files. You may wish to seek your own legal advice upon the issues raised.

Having considered all the legal tests, the County Council has decided **to make** an Order in this case to upgrade the route to a restricted byway. Among matters considered by the Council in making this decision are the following:-

The County Council was provided with a sufficient amount of historic documentary evidence showing that, when taken as a whole, the route in question historically had the status of a public road. The Council considers that the provisions of section 67 of the Natural Environment and Rural Communities Act 2006 will have removed the public rights for mechanically propelled vehicles over the route leaving it with the status of a restricted byway today.

This decision will have no effect on the ability of any landowner who requires vehicular access over the route to access their land to use vehicles to access their land. The private right for landowners to use vehicles over such a restricted byway is set out in section 67(5) of the Natural Environment and Rural Communities Act 2006.

**Next Steps** - The Council will shortly make the Order which will be copied to you with a covering letter. The letter will set out the next steps in case you want to object to or support the Order.

Ian Sharman  
Case Officer