

**Wildlife and Countryside Act 1981**  
**Explanatory Statement to Accompany Definitive Map Modification Order**

**THIS STATEMENT DOES NOT FORM PART OF THE ORDER**

Public footpaths, bridleways, restricted byways and byways open to all traffic are recorded on Definitive Maps and Statements. These maps and statements provide conclusive legal evidence of the existence of public rights. Oxfordshire County Council is responsible for the Definitive Map and Statement for Oxfordshire and has a duty to amend them when evidence suggests that they are inaccurate or incomplete. Such amendments are made by means of Modification Orders made under section 53 of the Wildlife and Countryside Act 1981. These Orders do not come into effect until confirmed. If there are objections which are not subsequently withdrawn, the council must refer the Order and objections to the Department for Environment, Food and Rural Affairs which will decide whether or not to confirm the Order.

The council has made a Modification Order under section 53 of the Act, as it was directed to do so by the Secretary of State, to upgrade Spelsbury Footpath No. 44 to a Byway Open to All Traffic from the end of Spelsbury Byway Open to All Traffic No. 43 at grid reference SP 3414 2129, running in a south-south-easterly direction for approximately 184 metres to Dean Grove, then continuing through the wood in a generally south-easterly direction for approximately 256 metres to meet Spelsbury Footpath No. 19 at SP 3437 2093, and then continuing in a southerly direction for approximately 40 metres to the parish boundary at a bridge over Coldron Brook at SP 3437 2089 where it joins with Charlbury Restricted Byway No. 30.

Oxfordshire County Council has made this Order because it has been directed to do so by the Secretary of State for Environment, Food and Rural Affairs, following an appeal made against the County Council's refusal to make an Order by the Applicant in this case. The Secretary of State feels that there is sufficient evidence to suggest that a public right of way for all traffic subsists or is reasonably alleged to subsist and therefore this should be shown on the map and statement. This evidence consists of documentary evidence. The evidence on which the decision to make the Order is based may be viewed on the County Council's website at

<https://consultations.oxfordshire.gov.uk/03092.Appeal/consultationHome>

If you wish to view the evidence on which the decision to make the Order is based, please contact [countrysiderecords@oxfordshire.gov.uk](mailto:countrysiderecords@oxfordshire.gov.uk)

Objections or representations relating to the Order must be made in writing to the Principal Officer, Countryside Records, Oxfordshire County Council, Ground Floor, County Hall, Oxford OX1 1ND, or [countrysiderecords@oxfordshire.gov.uk](mailto:countrysiderecords@oxfordshire.gov.uk) no later than 28 May 2021, and must include particulars of the grounds relied on. To be relevant, objections or representations should relate only to the question of the existence or status of rights of way. If there are any objections which are not withdrawn, the council must refer the Order and objections to the Department for Environment, Food and Rural Affairs who will appoint an independent Inspector to consider the Order and hear the objections, normally by holding a public inquiry. Objectors will be contacted prior to this if it appears that the representations or objections do not relate to any matters that an Inspector can take into consideration. The Inspector cannot, for example, consider the suitability of the way for public use or any other effects of confirming an Order.

The inspector may confirm the Order, with or without modifications, or may decide that the Order should not be confirmed. Alternatively, the matter may be determined through written representations or a hearing. If there are no objections to the order, or if any made are withdrawn, the council may confirm the Order, and the Definitive Map and Statement will then be modified.

The Council will be willing to discuss the concerns of those objecting or making representations relating to the order. Please contact the Countryside Records Officer on 07789 653140. The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner. The council's costs involved in dealing with objections to orders are normally awarded against objectors only in cases of unreasonable behaviour.

For further information about definitive maps and statements and associated modification orders, see the Countryside Agency booklet *A guide to definitive maps and changes to public rights of way* (NE112), available from Natural England at [www.gov.uk/natural-england](http://www.gov.uk/natural-england).

***GDPR and Data Protection Act:*** *The County Council will consider all correspondence, objections and representations received in response to this order. They may be disseminated widely for these purposes and made available to the public.*