

TRF takes a stand in Scrooby.

Scrooby, just down the Great North Road from Bawtry, is only a sleepy little village now, but this is where some of the guiding principles of the USA's political and judicial system hail from (and no, you cannot blame the place for G W Bush).

It started with a group of religious rebels who met in the early 17th century in Scrooby and nearby villages. Persecuted by the English government for treason and heresy (not unlike recreational drivers, then?), they fled to the United States. They were, of course, the Pilgrim Fathers, who crossed the Atlantic on the Mayflower and founded one of the first successful English colonies in what later became New England.

Around the turn of the Millennium, Nottinghamshire County Council received an application to add a BOAT at Scrooby to the definitive map, and an order was made in 2000. It finally went to public inquiry in 2007, after which the Inspector, Mr Grimshaw, held that the order was caught by section 67 of NERCA 2006, and that the order should be modified to show a restricted byway. You can download a PDF of this decision letter by going to:

http://www.planning-inspectorate.gov.uk/pins/row_order_advertising/map.htm

Follow the map and listing to Nottinghamshire, and then scroll down to find order reference FPS/L3055/7/32, The Nottinghamshire County Council (Scrooby Byway 4) Modification Order 2000.

The nub of the TRF's objection to Mr Grimshaw's proposed modification is that he is looking 'underneath the order' at the original application process itself, and purporting to find fault in this. The TRF says that this is wrong for two reasons. One is that the application was 'determined' over seven years ago, and the fact of there being a determination before 2 May 2006 is one of the limited NERCA exceptions under s.67(3)(b). The second main line of objection is that the Inspector, standing in the Secretary of State's shoes, has no jurisdiction at all to look at, and pronounce upon, the order-making process. If the order process was faulty (which the TRF says it was not anyway) then the remedy was judicial review against the council.

This issue has come up elsewhere and will no doubt come up again. Mr Grimshaw's rationale (see mainly his paragraphs 47-50) is uncannily consistent with the letter and legal opinion scattered out by the 'Green Lanes Protection Group' earlier in the year. This has, of course, now been largely overtaken by the recent '*Winchester College*' High Court decision (see *LARA News No. 36*). Expect a decision some time in the New Year.



When almost all roads were unsealed:
Bawtry around 100 years ago.

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