

Notice of Decision

Application for a Modification Order



Wildlife and Countryside Act 1981

The Definitive Map and Statement of Public Rights of Way for the County of Lancashire

Name and Address of Claimant

Trawden Forest and Border Bridleway Association, Hazelgrove Lodge, Black Lane End, Colne, BB8 7ES

Particulars of Claim

Claim number: 804/507 (5.37361)

Date of determination of the claim: 15th November 2017

Modification Claimed

Application for recording on the Definitive Map and Statement a public bridleway, along part of Birch Hall Lane, Footpath Earby 38 and Dark Lane to County boundary

Particulars of the Decision

In pursuance of their powers and duties under the Wildlife and Countryside Act 1981 and in accordance with Section 53(5) and Schedule 14 of the 1981 Act, Lancashire County Council have investigated the matters referred to in the Claim set out above.

Notice is hereby given that Lancashire County Council have determined Not To Make an Order to modify The Definitive Map and Statement of Public Rights of Way for the County of Lancashire in accordance with part of the claim.

The reason for the County Council's decision is:

The Regulatory Committee, having taken all relevant evidence into account, determined that there is currently insufficient evidence of a dedication able to be deemed or inferred between points C-D.

Date:

14 Dec 2017

Signed:

(Principal Lawyer for and on behalf of the Director of Governance Finance & Public Services)

NB: Important guidance notes are provided overleaf

Ian Young
Director of Governance Finance & Public Services
Lancashire County Council
County Hall
Preston
PR1 8XJ

Guidance Notes

1. Where the County Council decide **to make an Order**, steps will be taken to prepare the Order to bring this decision into effect. At that time, a copy of the Order and plan together with a Notice giving details of the Order will be sent to you and details will also be published in the local press and displayed on site.
2. It is important to note that this Order has no legal effect until such time as it has been confirmed by the Local Authority and until that time, the route has the same legal status as it does today.
3. Where the County Council decided **not to make an Order**, the Applicant may, in accordance with Paragraph 4 to Schedule 14 of the Wildlife and Countryside Act 1981, **AT ANY TIME WITHIN 28 DAYS AFTER THE SERVICE ON HIM OF THE NOTICE OF THE DECISION**, serve a Notice of Appeal against that decision on the Secretary of State and the County Council.
4. Your appeal should be made to:

Department of the Environment Food and Rural Affairs
National Rights of Way Casework Team
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4WH
(0191) 2013300

5. A copy of the Notice of appeal must also be sent to the County Council:

Director of Governance Finance & Public Services
(REF: LSG4/PROW/)
County Hall
Preston
PR1 8XJ

6. If, on considering the Appeal, the Secretary of State considers that an Order should be made, he will direct the County Council to make an Order accordingly.