

THE LANCASHIRE COUNTY COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III AND SCHEDULE 14

**THE LANCASHIRE COUNTY COUNCIL
DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
(DEFINITIVE MAP MODIFICATION) (NO.3) ORDER 2011**

**STATEMENT OF GROUNDS EXPLAINING WHY THE ORDER MAKING
AUTHORITY HAS TAKEN A NEUTRAL STANCE**

ORDER MAKING AUTHORITY NOT SUPORTING THE ORDERS

Introduction

The Lancashire county council is the Order Making Authority ("OMA") for the above Order.

On 25th September 2008, the applicant submitted a claim under Section 53(2)(b) of the Wildlife and Countryside Act 1981, to modify the Definitive Map and Statement of Public Rights of Way by adding to it a public footpath from Public Footpath No.39 Newburgh to Public Footpath No.40 Newburgh, West Lancashire Borough.

The claim was considered and allowed by the county council's Regulatory Committee on 12th May 2010 and it was decided that in the event of objections being received and not withdrawn the Order be sent to the Secretary of State and promoted to confirmation if necessary at a public inquiry.

An Order was made on 12th January 2011. The Order received an objection from the landowner.

Reasons for adopting a neutral stance

On 15th March 2018 the county council at its Regulatory Committee meeting decided that the support for the Order should be withdrawn on the basis that although the county council had considered that there was sufficient evidence to satisfy the test to make the Order, information had since come to light that meant the evidence was not sufficient to meet the higher test that it subsists on the balance of probabilities. It was decided that The Lancashire County Council (Definitive Map and Statement of Public

Rights of Way (Definitive Map Modification) (No.3) Order 2011 be submitted to the Secretary of State for Environment, Food and Rural Affairs for formal determination and the county council adopt a 'neutral stance' as regards confirmation of the Order.

The county council therefore notifies the Secretary of State that it is adopting a neutral stance as regards confirmation of the Order.

Neutral Stance

The OMA confirms that officers will be prepared to assist the Inspector in dealing with points of law or procedure by correspondence or if the matter proceeds to an Inquiry at that Inquiry, and, if asked by the Inspector, will be pleased to answer factual questions relating to the documents, maps and any photographs considered by the OMA in this matter.

In light of its neutral stance the OMA has not commented on the objection made to the Order and does not intend to do so.