

# 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

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#### Name and Address of Claimant

North Lancashire Bridleways Society, 10 Manor Avenue, Slyne, LA2 6JP

#### Particulars of Claim

Claim number: 804/566 (5.54332)

Date of determination of the claim: 24<sup>th</sup> February 2016

#### Modification Claimed

Application to record part of Thwaite Brow Lane and Mount Pleasant Lane, in the parishes of Carnforth & Bolton-le-Sands, District of Lancaster as a public bridleway

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#### 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 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 was sufficient evidence that an Order should be made and promoted to confirmation to upgrade Camforth Footpath 9 (part), Carnforth Footpath 10 and Bolton-le-Sands Footpath 19 to Bridleway (section C-M on the committee plan) and also the addition of public Bridleway between points B and C, addition of Byway Open to All Traffic between points N-Q on the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plan and to alter the particulars on the Definitive Statement.

Date: 6<sup>th</sup> April 2016

Signed: .....  
(Principal Lawyer for Highways, Environment and Planning  
for and on behalf of  
The Director of Finance, Governance and Public Services)

**NB: Important guidance notes are provided overleaf**

Ian Young  
Director Governance Finance and 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:  
  
Rights of Way Team,  
The Planning Inspectorate,  
Room 3/25, Hawk Wing,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol  
BS1 6PN
5. A copy of the Notice of appeal must also be sent to the County Council:  
  
The Director Governance, Finance and Public Services  
(REF: LSG4/5.54332/MB)  
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.

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#### 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 the section A-B on the committee plan remain recorded on the List of Streets as within the highway width of the A6 Lancaster Road and the section M-N remain recorded as vehicular highway recorded on the List of Streets. Neither of the sections have the characteristics to be able to be recorded as Byway Open to All Traffic on the Definitive Map and Statement.

Date: 6<sup>th</sup> April 2016

Signed: .....  
(Principal Lawyer for Highways, Environment and Planning  
for and on behalf of  
The Director of Finance, Governance and Public Services)

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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.

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