

WILDLIFE AND COUNTRYSIDE ACT 1981
THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR THE COUNTY OF
LANCASHIRE
THE LANCASHIRE COUNTY COUNCIL BRIDLEWAY ON LORD'S LOT ROAD, OVER KELLET
DEFINITIVE MAP MODIFICATION ORDER 2021

STATEMENT OF GROUNDS EXPLAINING WHY THE ORDER MAKING AUTHORITY
HAS TAKEN A NEUTRAL STANCE
ORDER MAKING AUTHORITY NOT SUPPORTING THE ORDER

Lancashire County Council is the Order Making Authority ("the OMA") for the above Order.

Background

An application was made to the county council under Schedule 14 of the Wildlife and Countryside Act 1981 to record on the Definitive Map and Statement of Public Rights of Way a public bridleway along Lord 's Lot Road, Over Kellet (Document 20).

The application was made based on the submission of historical map and documentary evidence with no modern or historical user evidence submitted.

At the meeting of the county council's Regulatory Committee, held on 23rd June 2021, the decision was made to accept an application in part and to make an Order pursuant to Section 53(2)(b) and Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add to the Definitive Map and Statement of Public Rights of Way a Bridleway along Lord's Lot Road, Over Kellet. It was also agreed that being satisfied that the higher test for confirmation could be met, the Order be promoted to confirmation.

On 18th August 2021, a Definitive Map Modification Order was made. The Order subsequently received one objection from Mr and Mrs Fawcett (Document 4).

Reason for adopting a neutral stance

Points raised by the objector led to the OMA carrying out further research and identifying additional documents not previously considered. These documents consisted of Plans and Sales documents relating to the sale of the Capernwray Estate (Documents 24 and 25) and the Ordnance Survey Object Names Book (Document 26).

The OMA previously assessed the evidence and considered there was sufficient evidence to satisfy the test to make the Order and promote it to confirmation. However, having reviewed the evidence on which the Order was made a considered the further information that came to

light, officers no longer considered the evidence available was, on the balance of probabilities, sufficient to meet the higher test for confirming the Order.

The matter was considered again by the county council Regulatory Committee on 25th September 2024 (Document 23) where it was agreed that following the objection being received the OMA takes a neutral stance with regards to confirmation when submitting the Order to the Planning Inspectorate for determination. This decision was on the basis that additional evidence submitted as part of the objection/representation process now mean that although the OMA considered that there was sufficient evidence to satisfy the test to make the Order, there was now sufficient doubt that the evidence now available to the OMA met the higher test that the Order route subsisted.

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. If asked by the Inspector, officers will be pleased to answer factual questions relating to the documents, maps and 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 nor does it intend to do so.