

WILDLIFE AND COUNTRYSIDE ACT 1981
THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR
THE COUNTY OF LANCASHIRE

THE LANCASHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF
PUBLIC RIGHTS OF WAY (DEFINITIVE MAP MODIFICATION) (NO.8) ORDER 2010

STANCE

The Lancashire County Council, following the decisions of the Regulatory Committee on 18th November 2009 and 09th September 2026, are supporting confirmation of the Order with the modification that the status is byway open to all traffic (BOAT).

Lancashire County Council

Regulatory Committee

Meeting held on Wednesday 18 November 2009 at 10:30am in Cabinet Room 'B' at County Hall, Preston

Minutes

Present: County Councillor P Rigby (Chair)

County Councillors

W Cropper	P McCann
J Eaton	Y Motala
C Holtom	B Mutch
J Jackson	N Penney
A Knox	M Skilling
P Malpas	A Thornton

Apologies

Apologies for absence were presented from County Councillor P Hayhurst.

Disclosure of Personal/Prejudicial Interests

None were disclosed.

Minutes of the Meeting held on the 23 September 2009

County Councillor J Eaton requested that his apologies be added to the minutes of 23rd September 2009.

22. Resolved: That the Minutes of the meeting held on the 23 September 2009, including County Councillor J Eaton's apologies, be confirmed and signed by the Chair.

Annexes A and B

Guidance on the law relating to the continuous review of the Definitive Map and Statement of Public Rights of Way (Annex A) and to the basic guidance on the law relating to certain Orders to be made under the Highways Act 1980 were presented in the form of Annexes 'A' and 'B'.

23. Resolved: That the guidance be noted.

Wildlife and Countryside Act 1981
Claimed Bridleway from Rainhall Crescent, Barnoldswick, to Salterforth Lane, Salterforth, Borough of Pendle
Claim No. 804/465

A report was presented on a claim for a Bridleway extending from a point at GR 8884 4716 at the junction of Rainhall Crescent, Barnoldswick and Public Footpath No. 22 Salterforth, Borough of Pendle, running in a general south easterly direction for a distance of 62 metres to GR 8889 4711, then in a general south westerly direction for a distance of 70 metres , then in a general south-southeasterly direction for a distance of 405 metres to its junction with Public Footpath No. 19 Salterforth at GR 8895 4667, and then running in a general south easterly direction for a distance of 217 metres to its junction with Public Footpath No. 14 Salterforth and Salterforth Lane, Salterforth, Borough of Pendle, at GR 8908 4649, and shown between points A – B – C – D – E – F - G on the attached plans, to be added to the Definitive Map and Statement of Public Rights of Way.

Details of the claim and the evidence relating to it, together with a summary of the law in relation to the continuous review of the Definitive Map and Statement of the of the Public Rights of Way (in the form of Annex A) were presented.

The Committee also granted permission for a letter from County Councillor K Bailey, representing Mr Dinsdale, one of his constituents who was objecting to the claim, to be read out at the meeting. Mr Dinsdale was seeking deferment of the claim.

The merits of deferring the item were considered and it was decided to proceed and to not defer

The Committee having taken all the evidence into account considered on balance there was sufficient evidence to infer at Common Law or deem dedication under section 31 Highways Act 1980 of the claimed route as a bridleway and therefore considered that the claim be accepted.

24. Resolved:

- i. That the Claim for a Bridleway from Rainhall Crescent, Barnoldswick, to Salterforth Lane, Salterforth, Borough of Pendle to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with Claim No. 804/465, be accepted.
- ii. That an Order be made 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 from Rainhall Crescent, Barnoldswick to Salterforth Lane, Salterforth, Borough of Pendle for a distance of

approximately 754 metres (GR8884 4716 to GR8889 4711 to GR8895 4667 to GR8908 4649) and shown between points A – B – C – D – E – F – G on the attached plans in the report.

Wildlife And Countryside Act 1981

- a) Claimed deletion of part of Public Footpath No. 48 Cliviger, Burnley Borough.**
- b) Claimed Public Footpath from Public Footpath No. 48 Cliviger, Burnley Borough to The Long Causeway.**

A report was presented on:-

a) A claim received for that length of Public Footpath No. 48 Cliviger, Burnley Borough, which extended from point A (Grid reference 88189 29724) on The Long Causeway and ran in a general north north east direction to point B (Grid reference 88237 29795), a distance of approximately 86 metres and shown between points A - B on the plan, to be deleted from the Definitive Map and Statement of Public Rights of Way.

b) A claim received for a Public Footpath extending from a point on The Long Causeway shown by point C (Grid reference 88159 29738) extending in a generally north east direction to point B (Grid reference 88238 29795) on Public Footpath No. 48 Cliviger, Burnley Borough, a distance of approximately 98 metres, to be added to the Definitive Map and Statement of Public Rights of Way.

Details of the claims and the evidence relating to them, together with a summary of the law in relation to the continuous review of the Definitive Map and Statement of the of the Public Rights of Way (in the form of Annex A) were presented.

The Committee having taken all the evidence into account, felt on balance there was not sufficient evidence of route B-C having public footpath status and that the claim to add it to the Definitive Map and Statement be not accepted and also that there is insufficient cogent evidence that A-B was recorded in error and that the claim to delete be not accepted.

25. Resolved:

- i. That the Claim for part of Public Footpath No. 48 Cliviger, Burnley Borough, to be deleted from the Definitive Map & Statement of Public Rights of Way, in accordance with Claim No. 804/437a, be not accepted; and

Lancashire County Council

Regulatory Committee

**Minutes of the Meeting held on Wednesday, 9th September, 2026 at 10.00 am
in Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

Present:

County Councillor Mr Ian Duxbury (Chair)

County Councillors

G Austin	H Hartley
S Asghar	D Howarth
M Clifford	M Jones
F Cottam	A Joynes
J Crawford	D Shaw

1. Apologies

No apologies for absence were received.

Temporary replacement

County Councillor Shaw replaced County Councillor Alderson.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

No pecuniary or non-pecuniary interests were disclosed.

3. Minutes of the last Meeting held on 3 June 2026

Resolved: That the minutes of the meeting held on 3 June 2026 be confirmed and signed by the Chair.

4. Guidance

A report was presented providing guidance on the law relating to the continuous review of the Definitive Map and Statement of Public Rights of Way and the law and actions taken by the authority in respect of certain Orders to be made under the Highways Act 1980.

"That an Order be made for the addition of a restricted byway from an open junction with Old Back Lane between Vicarage Farm and 2 Old Back Lane (point A) to an open junction with Pendleton Road between Vicarage House and 1 Pendleton Road (point B), but that not being satisfied that the higher test for confirmation could be met, the matter be returned to Committee for a decision regarding confirmation, once the statutory period for objections and representations to the Order had passed."

A copy of the 27 November 2024 Committee report, Committee Plan and minutes had been provided with the agenda papers.

It was reported that the Order had been made on 2nd April 2025 and had received 7 representations, the details of which were set out in the Committee report.

The Committee were informed that, following the publication of the agenda, an email had been received from the applicant providing further comments. Copies of the email were provided to Committee at the meeting. The applicant's view was that the additional information provided sufficient evidence to submit the Order for confirmation.

It was suggested to Committee that although this was a difficult case, it was advised that the confirmation of the Order needed sufficient evidence of actual use by the public as a through route, and that, without sufficient evidence, the Order should now be referred to the Planning Inspectorate with the Order Making Authority taking a neutral stance. Committee were informed that the Order would still be tested and a decision reached by the Secretary of State even if the Order Making Authority did not wish to promote the Order.

Resolved: That, following objections and representations being received, the Committee agrees the Order Making Authority take a neutral stance with regards to confirmation when submitting the Order to the Planning Inspectorate for final decision, on the basis that additional evidence submitted in response to advertisement of the Order means that, although the county council considered that there was sufficient evidence to satisfy the test to make the Order, it is considered that the evidence available to the Order Making Authority is not sufficient to meet the higher test that the highway rights subsist on the balance of probabilities.

11. Addition of Bridleway on Salterforth Lane, Salterforth, Pendle Borough: Stance on Confirmation of Definitive Map Modification Order

A report was presented requiring a decision to be taken on the stance to be taken with regards to the submission of 'The Lancashire County Council Definitive Map and Statement of Public Rights of Way (Definitive Map Modification) (No. 8) Order 2010' to the Planning Inspectorate.

In 2007, an application under Schedule 14 of the Wildlife and Countryside Act 1981 had been received to record on the Definitive Map and Statement of Public Rights of

Way a public bridleway along Salterforth Lane from the junction with Rainhall Crescent and Footpath 22 Salterforth to the junction with Footpath 14 Salterforth.

At the meeting of the Regulatory Committee held on 18 November 2009, a decision had been made to accept the application and to make an Order because, on balance, bridleway rights existed. This decision, however, had not specifically addressed the confirmation of the Order. A copy of the Committee report had been provided with the agenda papers.

The Order had been made on 21 July 2010 with one objection made, the details of which were set out in the report, and it was now necessary to refer the Order to the Planning Inspectorate.

It was reported that officers had reviewed the content of the objection letter and evidence submitted with the application, and had identified additional information that had not been considered when the application had originally been accepted and the Order made.

Whilst it had been decided in 2009 that there had been sufficient evidence to show that bridleway rights subsisted, rather than simply reasonably alleged to subsist, no specific direction had been given with regards to the referral of the Order to the Planning Inspectorate should objections be received.

Committee were now informed that, having reviewed the matter thoroughly, officers considered that when referring the Order to the Planning Inspectorate, the additional information identified (including highway records listing the route as an unclassified county road and the inclusion of the route on Bartholomew's maps) added weight to the evidence that public vehicular rights existed along the Order route, but that it was also now considered that the evidence originally considered by the Regulatory Committee in November 2009 was actually sufficient to satisfy the higher status.

Committee were therefore advised they may consider that there was sufficient evidence that public carriageway rights subsisted on the balance of probabilities, and that the Authority should promote the Order to confirmation and request that it be modified to byway open to all traffic instead of bridleway, when submitting the Order to the Planning Inspectorate for a decision on confirmation of the Order.

Resolved: That, following further investigations and consideration of the evidence and objections received, the Order Making Authority be instructed to submit the Order to the Planning Inspectorate for determination with a request that it be modified to record a byway open to all traffic.

12. Urgent Business

There were no items of Urgent Business.

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

Mr Tom Partridge, Pendle Borough Council, Engineering & Special Projects, 2nd Floor,
Phoenix Chambers, Holme Street, Nelson

Particulars of Claim

Claim number: 804/465 (5.30605)

Date of determination of the claim: 18th November 2009

Modification Claimed

A claim for a Bridleway from Rainhill Crescent, Barnoldswick, to Salterforth Lane, Salterforth, Borough of Pendle be added to the Definitive Map and Statement of Public Rights of Way.

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 the claim.

The reason for the County Council's decision is:

The Regulatory Committee, having taken all relevant evidence into account, determined that, on balance there is sufficient evidence to infer at Common Law or deem dedication under section 31 Highways Act 1980 of the claimed route.

Date: 14th December 2009

Signed: 

(County Secretary and Solicitor)

NB: Important guidance notes are provided overleaf

Ian Fisher
County Secretary & Solicitor
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:

The County Secretary and Solicitor
(REF: LSG4/PROW/JR/804/465/5.30605)
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.