

WILDLIFE AND COUNTRYSIDE ACT 1981

**THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR THE COUNTY
OF LANCASHIRE**

**THE LANCASHIRE COUNTY COUNCIL ADDITION OF FOOTPATH FROM CHATBURN OLD
ROAD, CHATBURN DEFINITIVE MAP MODIFICATION ORDER 2022**

**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

On 4th May 2021 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 footpath from Chatburn Old Road, Chatburn, to the unmarked junction with Footpaths 3-11-FP1 and 3-11-FP13 (Document 21).

The application was made based on the submission of user evidence.

The application was considered by the county council's Regulatory Committee at a meeting held on 16th November 2022 where it was decided to accept the application and that an Order should be made pursuant to Section 53 (2)(b) and Section 53 (3)(b) and/or 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 footpath from a point at the western end of the unclassified road known as Chatburn Old Road to the unmarked junction with Footpaths 3-11-FP1 and 3-11-FP13 (as shown between points X-A-B-C on the Committee plan).

It was further agreed that the Order be confirmed if no objections were received but that if objections were received the matter be returned to Committee for a decision regarding confirmation, once the statutory period for objections and representations to the Order has passed.

On 25th January 2023, a Definitive Map Modification Order was made. Two objections were duly made to the Order. The first was made by Green Solicitors on behalf of JJ Construction (NW) Limited who are the registered owners of the land crossed by the Order route (Title LAN 226447) and the second was made by Mr Ronald Jackson who is the registered Director of JJ Construction (NW) Limited (Document 4).

Reason for adopting a neutral stance

Following the making of the Order contact was made with the individuals who completed user evidence forms.

Interviews were held at Chatburn Village Hall and 13 Witness Statements prepared (Documents 44 to 56).

It was apparent to the OMA that there had been longstanding and frequent use of a route or routes across the land affected by the Order but the number of users that had come forward to provide evidence in a local village setting was low. In addition, there was clearly a suggestion that various other routes have been used across the open field.

The matter was considered again by the county council Regulatory Committee on 25th September 2024 (Document 15) where it was agreed that following the objections 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 it was a finely balanced case in terms of whether on the evidence available the test for confirmation could be met (that the route subsists on the balance of probabilities) and that the low number of users that had provided further evidence in support of the Order route balanced against those that provided evidence of use of a different route.

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 objections made to the Order and nor does it intend to do so.