

HIGHWAYS ACT 1980, SECTION 119A

WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A (2)

LANCASHIRE COUNTY COUNCIL

**PUBLIC FOOTPATH OVER RAILWAY BETWEEN HOLTS LANE AND
FOOTPATH POULTON-LE-FYLDE 4, RAIL CROSSING DIVERSION ORDER 2019**

**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.

The county council's Regulatory Committee, at its meeting on 26 June 2019, resolved that in the event of objections being received to the Order, the county council as the OMA submit the Order to the Secretary of State for formal determination. The county council notifies the Secretary of State that it does not actively support the Order and is adopting a "neutral stance" as regards confirmation of the Order.

Reason for Adopting a Neutral Stance

It is considered that the county council as the OMA should not necessarily promote every Order submitted to the Secretary of State at public expense and in this instance Regulatory Committee of the OMA decided that the promotion of this diversion to confirmation, when objections have been received, which unlike the making of the Order is not rechargeable to the applicants, be not undertaken by the county council and instead the Authority take a neutral stance.

This decision was not taken lightly and not without consideration of the public benefit of the route being moved and whether OMA resources should be allocated to promoting the Order once submitted. Where there is no substantial disbenefits to the public the applicants are able to promote the Order themselves.

At the present time it is the OMA's understanding that the applicants (Network Rail) can support and promote the confirmation of the Order, including participation at public inquiry or hearing or written representations.

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 or hearing. If asked by the Inspector, officers will be pleased to answer factual questions relating to the information and documents, 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.