

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

Mrs P Mott and Mrs J Ridout, 4 Curshaw Way, Scarisbrick, Ormskirk, Lancashire, L40 9SA

Particulars of Claim

Claim number: 804/544 (5.47931)

Date of determination of the claim: 26th March 2014

Modification Claimed

Claimed Public Footpath from Bescar Brow Lane to Public Footpath 14a, Scarisbrick, West Lancashire Borough.

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 it could be reasonably alleged that the footpath subsists in law under the provisions of S31 Highways Act 1980 and at Common Law and that it was appropriate for an Order to be made. Furthermore it was felt that the higher confirmation test could also be satisfied as there was sufficient evidence on balance that the right of way on foot already subsists in law.

Date: 8th May 2014

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:

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 County Secretary and Solicitor
(REF: LSG4/PROW/SK)
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.