

# **NOTICE OF ORDER**

## **WILDLIFE AND COUNTRYSIDE ACT 1981**

### **SECTION 53**

Lancashire County Council  
(Higher Boarsgreave, Bacup) Definitive Map Modification Order 2016

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is 26 June 2019.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at **Rossendale Borough Council, The Business Centre, Futures Park, Bacup, Rossendale, OL13 0BB** on **Tuesday 14 January 2020** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to modify the Definitive Map and Statement of Public Rights of Way for the area, by:

- 1. Upgrading** to a Bridleway that part of Public Footpath 612 Bacup from the gate at the southern end of Cowpe Road (U7774) at Higher Boarsgreave (point A on the Order Map), running in a generally south easterly direction along a track through Higher Boarsgreave Farm to point C on the Order Map and then continuing as Footpath 609 and part of 616 Bacup in a generally north-north-easterly direction passing through a further gate (at point D on the Order Map) and continuing up a track to an unmarked point (point F on the Order Map) on Footpath 616 Bacup from which the Footpath departs from the track in a north easterly direction, with a distance of approximately 330 metres, and;

**Upgrading** that part of Footpath 617 Bacup to a Bridleway from the unmarked junction with Public Footpaths 618 and 619 Bacup at point G on the Order Map and proceeding in an easterly direction along a track for a distance of approximately 5 metres through a field gate and adjacent kissing gate to the common at point H on the Order Map, and;

**Adding** a Public Bridleway from an unmarked point on Public Footpath 616 Bacup (Point F on the Order Map) in a generally east north easterly direction along a 3-metre wide track to the junction of

Public Footpaths 617, 618 and 619 Bacup (Point G on the Order Map) 5 metres west of a field gate and kissing gate, for a distance of approximately 25 metres.

The route to be added/upgraded is shown on the Order Map between points A-B-C-D-E-F-G-H, varies in width between 2.7 and 3 metres and is approximately 360 metres long.

- 2. Deleting** the full, unrecorded width of Footpath 616 Bacup from where it leaves the track at an unmarked point (point F on the Order Map) and proceeds in a north easterly direction across rough pasture for approximately 20 metres to the unmarked junction with footpath 619 south of a stone wall at point I on the Order Map.

Any queries relating to this Order should be referred to Bethan Baldry at The Planning Inspectorate, Rights of Way Section, 3A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5722. Email: [Bethan.Baldry@planninginspectorate.gov.uk](mailto:Bethan.Baldry@planninginspectorate.gov.uk). Please quote reference number ROW3226086 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment between the hours of 9am and 5pm Monday to Friday at the offices of Lancashire County Council, County Hall, Fishergate, Preston PR1 8XJ. Contact point: Ms Samantha Myers, email [samantha.myers@lancashire.gov.uk](mailto:samantha.myers@lancashire.gov.uk), telephone (Office) 01772 536021. The Council's own reference number for this Order is LSG4/PROW/CB7/5.47165/804.538

### **Timetable for sending in statements of case and proofs of evidence**

#### **Within 8 weeks of the start date [by 21 August 2019]**

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation and the applicant and any other person who has written to us in respect of the Order.

#### **Within 14 weeks of the start date [by 2 October 2019]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case<sup>1</sup> is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority.

---

<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

Copies will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

#### **4 weeks before the date of the inquiry [by 17 December 2019]**

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents - although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

**WILDLIFE AND COUNTRYSIDE ACT 1981**

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

**THE LANCASHIRE COUNTY COUNCIL (HIGHER BOARSGREAVE, BACUP)  
DEFINITIVE MAP MODIFICATION ORDER 2016**

This Order is made by Lancashire County Council ("the Authority") under Section 53(2)(b) of the Wildlife and Countryside Act, 1981 ("the Act") because it appears to that Authority that The Definitive Map and Statement of Public Rights of Way for the County of Lancashire require modification in consequence of the occurrence of an event specified in Sections 53(3)(c)(i) 53(3)(c)(ii) and 53(3)(c)(iii) namely the discovery by the Surveying Authority of evidence which (when considered with all other relevant evidence available to them) shows that:

- A right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path; and
- a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description; and
- there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

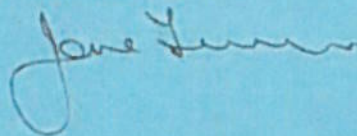
The Authority have consulted with every local authority whose area includes the land to which the Order relates. Lancashire County Council hereby order that:

1. For the purposes of this Order, the "relevant date" is 9<sup>th</sup> March 2016.
2. The Definitive Map and Statement of Public Rights of Way for the County of Lancashire shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as The Lancashire County Council (Higher Boarsgreave, Bacup Definitive Map Modification Order 2016.

Dated this 9<sup>th</sup> day of March 2016.

THE COMMON SEAL of the  
Lancashire County Council  
was hereunto affixed in the presence of )

Authorised Signatory



25063

## SCHEDULE

### PART I

#### MODIFICATION OF THE DEFINITIVE MAP

##### DESCRIPTION OF PATH OR WAY TO BE UPGRADED

Way shown as part of Public Footpath 612 Bacup from the gate at the end of Cowpe Road (U7774) at point A on the Order Map running in a generally south easterly direction through Higher Boarsgreave Farm along a 2.7 metre wide track to point C and then as Footpath 609 and part of 616 Bacup in a generally north north easterly direction passing through a further gate (point D) and continuing uphill along a 3 metre wide track to an unmarked point (point F) on Footpath 616 Bacup from which the Footpath departs from the track in a north easterly direction to be upgraded to Bridleway; a distance of approximately 330 metres.

Way shown as part of Footpath 617 Bacup from the unmarked junction with Public Footpaths 618 and 619 Bacup (Point G) in an easterly direction along a track for a distance of approximately 5 metres through a field gate and adjacent kissing gate to the common at point H to be upgraded to Bridleway.

##### DESCRIPTION OF PATH OR WAY TO BE ADDED

Public Bridleway from an unmarked point on Public Footpath 616 Bacup (point F) in a generally east north easterly direction along a 3 metre wide track to the junction of Public Footpaths 617, 618 and 619 Bacup (point G) 5 metres west of a field gate and kissing gate; a total distance of approximately 25 metres.

##### DESCRIPTION OF PATH OR WAY TO BE DELETED

The full, unrecorded width of Public Footpath 616 Bacup from where it leaves the track at an unmarked point (point F) in a north easterly direction across rough pasture for approximately 20 metres to the unmarked junction with Footpath 619 south of a stone wall (point I).

### PART II

#### MODIFICATION OF DEFINITIVE STATEMENT

##### VARIATION OF PARTICULARS OF PATH OR WAY

The statements be added for Bacup 682 and amended for Bacup 612, 608, 609, 610, 616, 617, 618 and 619 to read as follows:

##### **Bacup 612:**

No. of path: "612"

Kind of path: "Footpath"

Position: "Commencing from Cowpe Mills and proceeding in a south-easterly direction past Higher Boarsgreave to the end of Cowpe Road (U7774) at SD 8420 2053 and continuing as Bridleway 682."

Length: "0.15 km"

**Bacup 682:**

No. of path: "682"

Kind of path: "Bridleway"

Position: "Bridleway from junction with southern end of Cowpe Road (U7774) (also recorded as Footpath 612) at SD 8420 2053 proceeding in an approximately south south easterly direction along a stone and compacted earth surfaced track passing through Higher Boarsgreave Farm to the junction of Footpath 608 and Bridleway 609 at SD 8424 2047."

Length: "0.07 km"

Other particulars: "Width: 2.7 metres. Limitations: None. n.b. a field gate at SD 8422 2049 was authorised under S147 in 2013"

**Bacup 608**

No. of path: "608"

Kind of path: "Footpath"

Position: "Short length which is a continuation of footpath 606, terminating at field gate and kissing gate at junction with Bridleways 609 and 682 at SD 8424 2047. In good condition."

Length: "0.02 miles"

**Bacup 609**

No. of path: "609"

Kind of path: "Bridleway"

Position: "Bridleway commencing at the junction with Footpath 608 and Bridleway 682 at SD 8424 2047 extending uphill in an approximate north north easterly direction along a stone surfaced and compacted earth track to the unmarked junction with Footpath 610 at SD 8429 2066 and continuing as Bridleway 616."

Length: "0.20 km"

Other particulars: "Width: 3 metres. Limitations or conditions: None"

**Bacup 610**

No. of path: "610"

Kind of path: "Footpath"

Position: "Commences at junction of Bridleways 609 and 616 at SD 8429 2066 and proceeds first westerly and then north-westerly to Lower Boarsgreave after passing field gate and wicket gate at 300yds from commencement. In good condition."

Length: "0.14 miles"

#### **Bacup 616**

No. of path: "616"

Kind of path: "Bridleway"

Position: "Bridleway from junction of Bridleway 609 and Footpath 610 at SD 8429 2066 running in a generally north easterly direction along a track to the junction with Footpaths 618 & 619 at a field gate and kissing gate where it meets the common at SD 8435 2072; continuing as footpath 617"

Length: "0.09 km"

Other particulars: "Width: 3 metres. Limitations and conditions: Field gate and kissing gate at SD 8435 2072"

#### **Bacup 617**

No. of path: "617"

Kind of path: "Footpath"

Position: "Continuation of bridleway 616 at SD 8435 2072 and commencing on east side of kissing gate and field gate and proceeding in an easterly direction and terminating at Rooley Moor Road. In good condition."

Length: "0.05 miles"

#### **Bacup 618**

No. of path: "618"

Kind of path: "Footpath"

Position: "Starts at kissing gate and field gate at junction of Bridleway 616 and Footpaths 617 & 619 at SD 8435 2072 and proceeds in a northerly direction, terminating at Rooley Moor Road, near Top o'the Height Farm at a kissing gate. In good condition."

Length: "0.12 miles"

#### **Bacup 619**

No. of Path: "619"

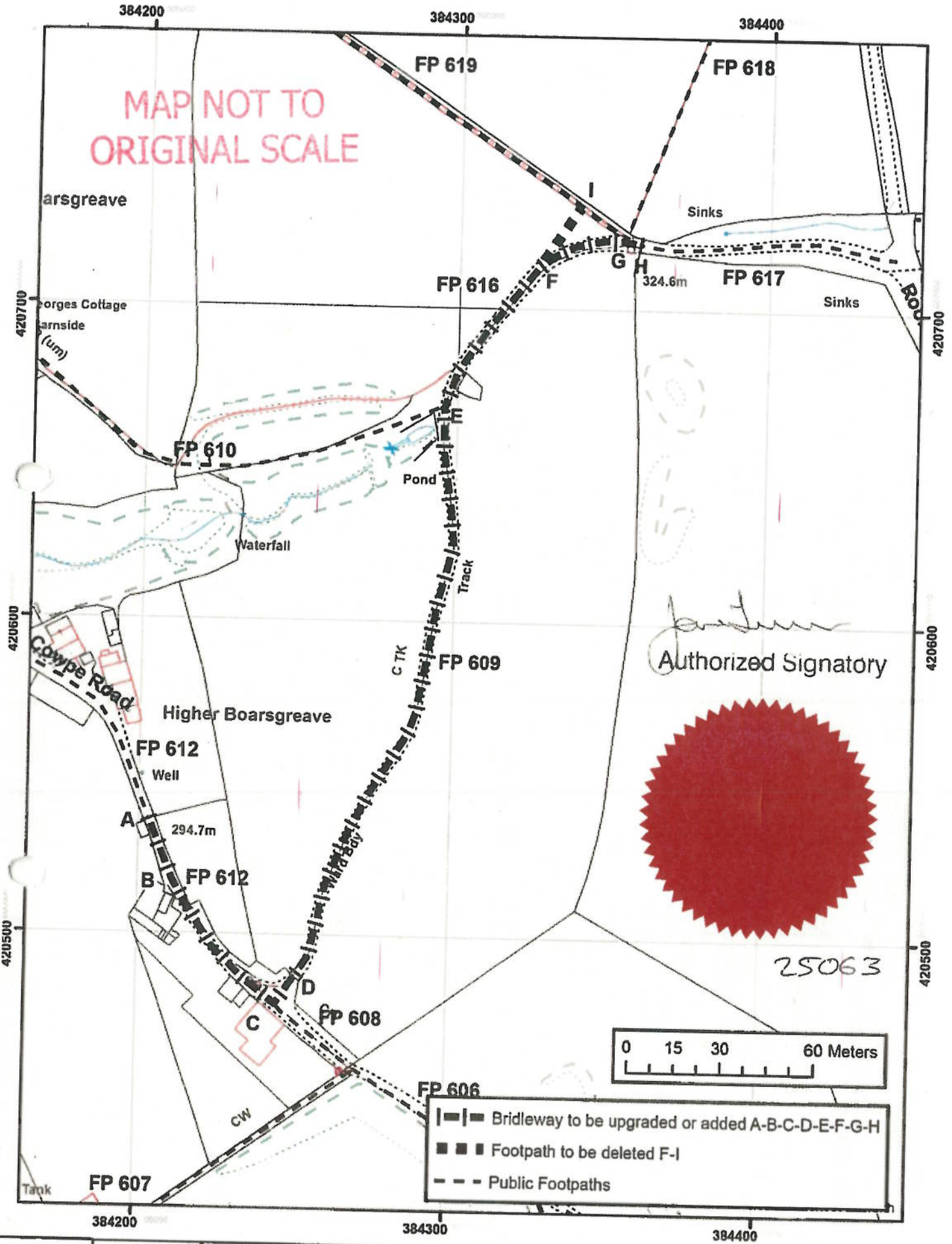
Kind of Path: "Footpath"

Position: "Starts at junction of bridleway 616 and footpaths 617 & 618 at SD 8435 2072 and proceeds in a north westerly direction through a wicket gate after 200 yds. then through gap in wall after a further 100 yds., then through a wicket gate after 150 yds., terminating at junction with footpaths 632 and 620. In good condition."

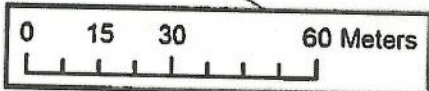
Length: "0.29 miles"



MAP NOT TO ORIGINAL SCALE



*[Signature]*  
Authorized Signatory



- Bridleway to be upgraded or added A-B-C-D-E-F-G-H
- Footpath to be deleted F-I
- Public Footpaths

	Steve Brown Executive Director for the Environment	Wildlife and Countryside Act 1981 Upgrade to Public Bridleway of Bacup Public Footpaths 612 (part), 609, 616 (part), 617 (part), addition of a short section of Public Bridleway and deletion of Bacup Footpath 616 (part) Application 804-638	1:1,500	
The digitised Rights of Way information should be used for guidance only as its accuracy cannot be guaranteed. Rights of Way information must be verified on the current Definitive Map before being supplied or used for any purpose.				
This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320				