
Order Decision

Inquiry held on 26 November 2019

by Barney Grimshaw BA DPA MRTPI(Rtd)

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 12 August 2020

Order Ref: ROW/3214742M

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 (the 1981 Act) and is known as The Lancashire County Council, Cutler Lane, Height Barn Lane and Stubbylee Lane, Bacup, Rossendale Borough Definitive Map Modification Order 2015.
- The Order is dated 22 July 2015 and proposes to modify the Definitive Map and Statement for the area by adding a bridleway, 2 restricted byways and a Byway Open to All Traffic (BOAT), deleting one section of footpath and upgrading several sections of footpath to Restricted Byway status, as shown on the Order Maps and described in the Order Schedule.
- In accordance with Paragraph 8(2) of Schedule 15 to the 1981 Act I have given notice of my proposal to confirm the Order with modifications to

Summary of Decision: I confirm the Order subject to the modifications that I proposed previously.

Procedural Matters

1. I held a public inquiry into this Order on Tuesday 26 November 2019 at The Business Centre, Futures Park, Bacup. I made an unaccompanied site inspection on Monday 25 November 2019 when I was able to walk the whole of the Order routes. It was agreed by all parties at the inquiry that a further accompanied visit was not necessary.
2. In writing this decision I have found it convenient to refer to points marked on the Order Maps. I therefore attach copies of these maps.
3. The effect of this Order, if confirmed subject to the modifications I proposed in paragraph 50 of my interim decision issued on 12 December 2019, would be to modify the definitive map for the area by recording a continuous bridleway running along Cutler Lane (from Point A1) and Height Barn Lane to its junction with the A6066 (Point L3). This would be mainly by the upgrading of existing public footpaths but also by the addition of short stretches where no existing right of way is recorded. The Order would also add a bridleway running along Stubby Lee Lane (Points A3 to M3) and delete a short section of footpath (Points A2-E2-D2).
4. Following advertisement of the notice and deposit of the associated documents relating to the proposed modifications, no objections were received within the statutory period specified.

Conclusions

5. Bearing in mind the above, I conclude that the Order should now be confirmed subject to the modifications set out in paragraph 50 of my interim decision dated 12 December 2019.

Formal Decision

6. I confirm the Order subject to the following modifications:

In the Schedule to the Order, Part I, substitute '*bridleway*' for '*restricted byway*' or '*byway open to all traffic*' wherever these terms occur;

In the Schedule to the Order, Part II, substitute '*bridleway*' for '*restricted byway*' or '*byway open to all traffic*' wherever these terms occur;

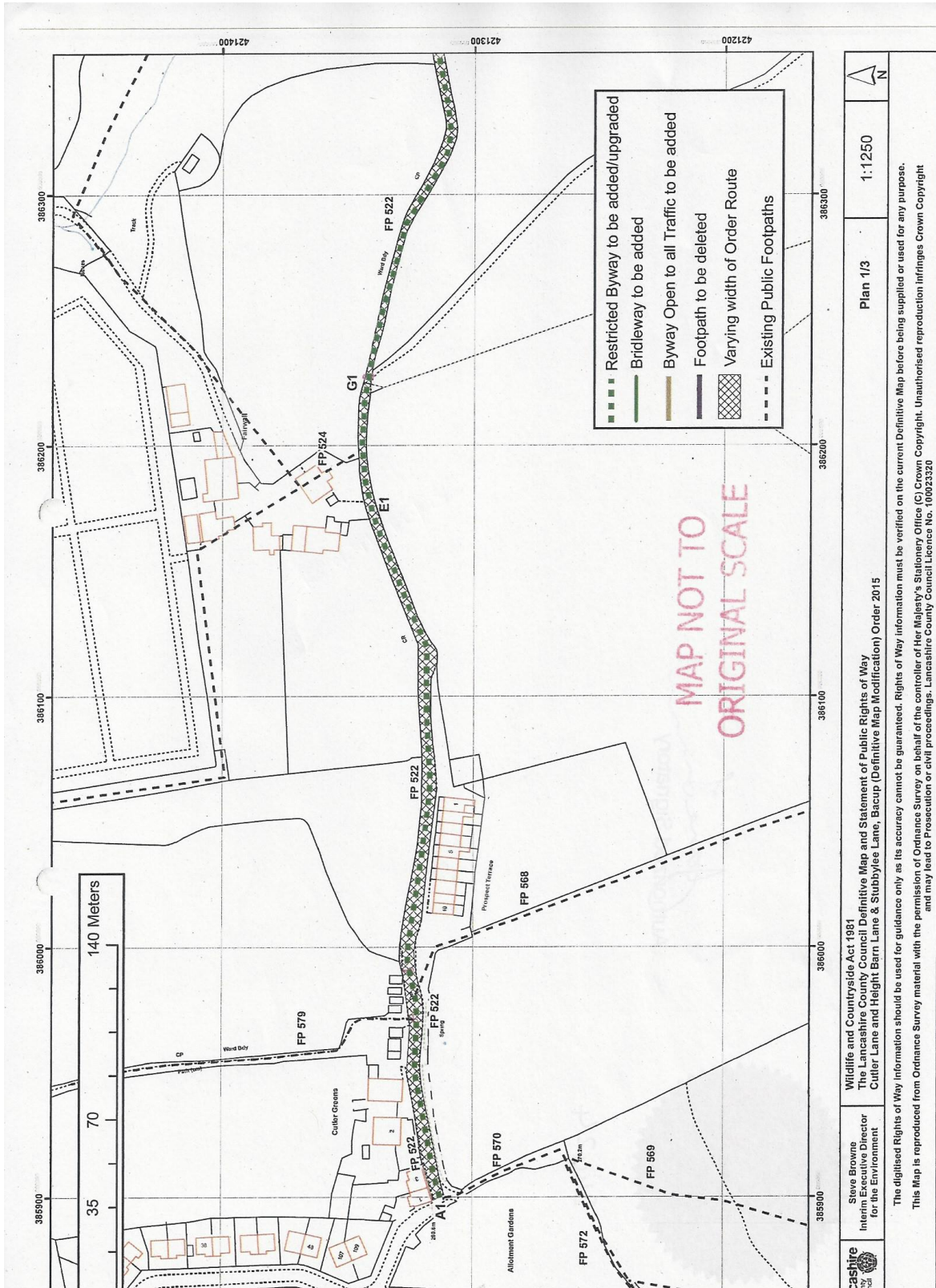
In the Schedule to the Order, Part II, delete the words '*Limitations: None*' from the description of Bacup 679 and add '*Limitations: Field gate at SD 8699 2164*';

In the Schedule to the Order, Part II, delete the words '*Limitations: None*' from the description of Bacup 680 and add '*Limitations: Field gate at SD 8728 2173*';

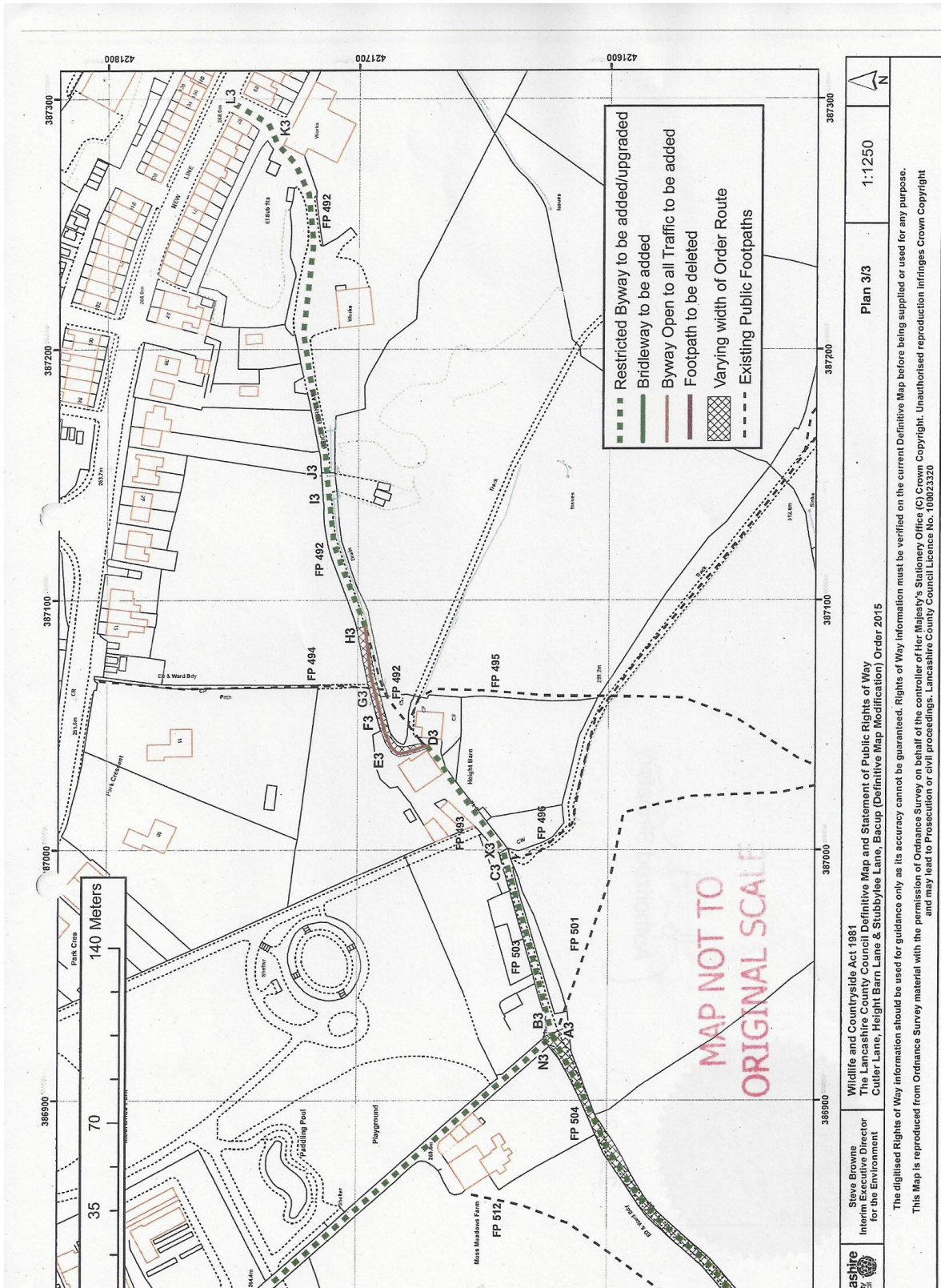
Amend the Order Maps accordingly.

Barney Grimshaw

Inspector



<p>Lancashire County Council</p>	<p>Steve Browne Interim Executive Director for the Environment</p>	<p>Wildlife and Countryside Act 1981 The Lancashire County Council Definitive Map and Statement of Public Rights of Way Cutler Lane and Height Barn Lane & Stubbylee Lane, Bacup (Definitive Map Modification) Order 2015</p>	<p>Plan 1/3</p>	<p>1:1250</p>
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	Steve Browne Interim Executive Director for the Environment	Wildlife and Countryside Act 1981 The Lancashire County Council Definitive Map and Statement of Public Rights of Way Cutler Lane, Hight Barn Lane & Stubblee Lane, Backup (Definitive Map Modification) Order 2015	Plan 3/3	1:1250
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