

STATEMENT OF REASONS FOR MAKING THE ORDER

HIGHWAYS ACT 1980 WILDLIFE AND COUNTRYSIDE ACT 1981

LANCASHIRE COUNTY COUNCIL

PART OF FOOTPATH OVER KELLET 1 AT COCKLE HILL PUBLIC PATH DIVERSION ORDER 2020

Under the Highways Act 1980, County and District Councils have the power to make Orders to create, extinguish (close) or divert public rights of way. A Notice that such an Order has been made has to be advertised on the site of the path in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

Lancashire County Council has made an Order to divert the following public right of way:-

That part of Public Footpath No. Over Kellet 1 running from an unmarked point at the start of a bend on Footpath Over Kellet 1 at grid reference SD 5233 7006 (point A), then curves generally north along an access track for 90 metres, then generally north north east for 90 metres to the junction of Footpath Over Kellet 1 and Maggie Elgin Lane at SD 5234 7019 (point C) to a new line that is 220 metres in length, running between the same points on a compacted stone surfaced footpath to the east of the existing route then crossing the track to run north west to an unmarked point on Maggie Elgin Lane at SD 5228 7013 (point E) then generally north east along Maggie Elgin Lane to the junction with the existing Footpath Over Kellet 1 at SD 5234 7019 (point C) as shown on the Order Map.

This statement has been prepared to explain various aspects of the Order.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER.

Lancashire County Council has made the Order for the following reasons:- it is expedient in the interests of the owner of the land crossed by the footpath that the path should be diverted.

The proposal, if successful, would remove the footpath from its current position to an alternative position from a point on Public Footpath No. Over Kellet 1 to a point on Unclassified Road 2/30 approximately 90 metres south west from the point where the footpath presently joins Unclassified Road 2/30.

The Order will come into full effect only after it has been confirmed: and the route in the alternative position has been certified fit for public use. Making and advertising the Order simply provides an opportunity for objections or representations to be made to such confirmation.

The Order may be confirmed if it is expedient in the interests of the owner and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the Order having regard to the effect which:-

- a) the diversion would have on public enjoyment of the path or way as a whole;
- b) the coming into operation of the Order would have as respects other land served by the existing public right of way; and
- c) any new public right of way created by the Order would have as respects the land over which the right is so created and any land held with it.

Objections or representations relating to the Order must be made in writing by 20th February 2020 to: Simon Moore, Lancashire County Council, Corporate Services, PO Box 78, County Hall, Preston, PR1 8XJ (REF: LSG4/PROW/SM18/894.9801 [211-708]).

If you require any further information or assistance please write to the above address, telephone Mr Simon Moore on 01772 531280 during normal office hours or email simon.moore@lancashire.gov.uk.

The right of objection to an Order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to Orders are normally awarded against objectors only in cases of unreasonable behaviour.

If any objections are made and not withdrawn then the Council may refer the Order to the Department of the Environment for determination. An Inspector from the Planning Inspectorate will then hear the objections at a public inquiry or hearing, or in writing if the objectors agree. The Inspector can confirm an Order, confirm it with modifications, or refuse to confirm it. If no objections are received the Council will consider confirming the Order itself but it has no power to modify Orders.

Where a new path is being created (by a Creation or Diversion Order) the change will come into effect only after a specified period from the date of confirmation to allow time for any necessary works to be undertaken.