

**Regulatory Committee**

Meeting to be held on 25 January 2023

**Part I**

Electoral Division affected:  
Oswaldtwistle

**Wildlife and Countryside Act 1981  
Definitive Map Modification Order  
The Lancashire County Council Footpath from Aspen Lane to Mill Lane near  
West End Primary School, Oswaldtwistle, Definitive Map Modification Order  
2021**

(Annex 'A' and Appendix A refer)

Contact for further information:

Reference File No. 804-641

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**Brief Summary**

Order for the addition to the Definitive Map and Statement of a Footpath from Aspen Lane (also recorded as Bridleway Oswaldtwistle 300) to Mill Lane (also recorded both as Footpath Oswaldtwistle 23 and F6365) south west of West End Primary School.

**Recommendation**

That the Order made to record a public footpath from Aspen Lane to Mill Lane be confirmed.

**Detail**

An application under Schedule 14 of the Wildlife and Countryside Act 1981 was received to record on the Definitive Map and Statement of Public Rights of Way a public footpath from Aspen Lane to Mill Lane.

At the meeting of the Regulatory Committee held on 23 June 2021 a decision was made to make an Order in accordance with the application and subsequent investigation. The Committee decided that the Order should be brought back before



Committee, once the Notice of Making had been served and the notice period elapsed, in order to decide whether the confirmation test was able to be satisfied.

The Order has now been made and notified and no adverse responses have been received to the making of the Order by way of objections or any other representations.

The Committee is therefore advised to consider the evidence again (extract from the June 2021 report at Appendix A refers).

The making of the Order and the statutory objection period has given everyone an opportunity to make further comment. Given the fact that the path is open and available and there has been a lack of objection and no further evidence of any lack of intention to dedicate, it is suggested that it may now be considered that there is sufficient evidence that a footpath exists in law, and that the confirmation test can be satisfied on balance and the Order should be confirmed. As no objections have been received, the county council as Surveying Authority is able to confirm the Order as unopposed.

### **Risk management**

Consideration has been given to the risk management implications associated with the confirmation of the Order. The Committee is advised that in the absence of any objection to the making of the Order, there are no significant risks associated with the decision-making process.

### **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Directorate/Tel
All documents on File Ref: 804-641		Simon Moore, 01772 531280, County Secretary and Solicitors Group

Reason for inclusion in Part II, if appropriate

N/A

