

## **Lancashire County Council**

### **Regulatory Committee**

**Minutes of the Meeting held on Wednesday, 15th March, 2017 at 10.30 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

#### **Present:**

County Councillor Jackie Oakes (Chair)

#### **County Councillors**

K Snape	C Henig
I Brown	R Shewan
A Clempson	D Stansfield
B Dawson	P White
G Gooch	B Yates

#### **1. Apologies.**

Apologies were received from County Councillor Paul Hayhurst, County Councillor Darren Clifford and County Councillor David Whipp.

#### **2. Disclosure of Pecuniary and Non-Pecuniary Interests.**

No pecuniary or non-pecuniary interests were disclosed.

#### **3. Minutes of the meeting held on 25th January 2017.**

**Resolved:** That the minutes of the meeting held on 25<sup>th</sup> January 2017 be confirmed and signed by the Chair.

#### **4. Guidance.**

A report was presented providing guidance for Members of the Committee on the law relating to the continuous review of the Definitive Map and Statement of Public Rights of Way, the law and actions taken by the authority in respect of certain Orders to be made under the Highways Act 1980, and the actions of the Authority on submission of Public Path Orders to the Secretary of State.

**Resolved:** That the Guidance as set out in Annexes 'A', 'B' and 'C' of the report presented, be noted.

#### **5. Highways Act 1980 - Section 119 Wildlife and Countryside Act 1981 - Section 53A Proposed Diversion of Part of Coppull Bridleway 22, Chorley Borough**

A report was presented on the proposed diversion of part of Coppull Bridleway 22, Chorley Borough.

The Committee noted that a request had been received from Miller Homes North West for an Order to be made under Section 119 of the Highways Act 1980 to divert part of Coppull Bridleway 22 in the vicinity of the Coppull Enterprise Centre, Mill Lane, Coppull, PR7 5BW.

The proposed diversion was in connection with a planned development of residential properties on disused land to the west and north of the Coppull Enterprise Centre. The diversion, if successful, would alter the point at which the bridleway crossed the access road.

David Goode pointed out an error on page 33 of the agenda papers which read 'in the interests of the owner of the land.....'. The Committee noted that this should have read 'in the interests of the public'..... and the reasons for this were that the proposed route would provide a safer crossing of the access road by crossing it straight rather than obliquely and at a point with better visibility. Furthermore new houses would be built and therefore the derelict land would be put to use and increase the housing stock.

The Committee noted that the necessary consultation with the statutory undertakers had been carried out and that no adverse comments or objections to the proposal had been received. In addition, Chorley Borough Council, Coppull Parish Council, The British Horse Society, Peak and Northern Footpaths Society and Chorley Ramblers had not objected to the proposals.

### **Resolved:**

The Committee agreed, subject to changes being made to the report about the proposal being in the public's interest:

- (i) That an Order be made under Section 119 of the Highways Act 1980 to divert part of Coppull Bridleway 22, from the route shown by a bold continuous line and marked A-B to the route shown by a bold dashed line and marked A-C-B on the attached plan;
- (ii) That in the event of no objections being received, the Order be confirmed and in the event of objections being received and not withdrawn, the Order be sent to the Secretary of State and the Authority take a neutral stance with respect to its confirmation;
- (iii) That provision be included in the Order such that it is also made under Section 53A of the Wildlife and Countryside Act 1981, to amend the Definitive Map and Statement of Public Rights of Way in consequence of the coming into operation of the diversion.

**6. Highways Act 1980 - Section 119  
Wildlife and Countryside Act 1981 - Section 53A  
Proposed Diversion Of Part Of Arkholme Footpath 4, Lancaster City**

A report was presented on the proposed diversion of part of Arkholme Footpath 4, Lancaster City.

The Committee noted that a request had been received from the owner of Willow Cottage, Main Street, Arkholme for an Order to be made under Section 119 of the Highways Act 1980 to divert part of Arkholme Footpath 4 in the vicinity of Willow Cottage, Arkholme.

The Committee noted that the proposal, if successful, would divert the footpath to run around the outside perimeter of the applicant's garden, the purpose of this being to improve privacy and security for the applicant.

It was noted that the necessary consultation with the statutory undertakers had been carried out and that, as at the time of writing the report, no adverse comments on the proposal had been received. However, since that time, the Ramblers had expressed concern about two aspects of the proposed alternative route, which had also been noted on the Chair's site visit. These were:

- As the proposed route E-F-G, as shown on the plan, ran along the lowest level with the land on the opposite side being no lower, this could have led to flooding unless there was either adequate drainage, or the level of the path was raised slightly, making it above the level of the adjacent land on the south-east.
- The width of the section of the proposed route C-D, as shown on the plan, was currently around 1.1m wide and was constrained by the applicant's beech hedge on the north side and the neighbours new beech hedge on the south. The applicants had agreed to ensure the section was 1.5m, although this was considered to still be narrow.

In relation to the flooding issue, David Goode informed the Committee that this could be addressed by ensuring that the path was not certified (making the diversion take full effect) until it was in a fit state, including provision for drainage. The Committee noted that this was standard practice.

In relation to the proposed route C-D, David informed the Committee that although the applicants had agreed to ensure the width was 1.5m, this would require considerable additional maintenance. It was pointed out that the usual minimum width was 2m and the Committee were asked whether they considered that the width should be extended to 2m, and whether this was/was not substantially less convenient than making the width 1.5m. It was noted that if Committee decided to require 2m width then if the land owner did not agree to the 2m then the Order would not be made and the matter would be referred back to the Committee.

County Councillor Henig objected to the proposal due to the water level issue on the path.

However, it was proposed and seconded to increase the width of the section of path C-D, from 1.5m to 2m.

**Resolved:**

- (i) That an Order be made under Section 119 of the Highways Act 1980 to divert part of Arkholme Footpath 4, from the route shown by a bold continuous line and marked B-E-F-G to the route shown by a bold dashed line and marked B-C-D-E-H-J-G on the plan, and that the width of the section of the path C-D, be 2m;
- (ii) That in the event of no objections being received, the Order be confirmed and in the event of objections being received and not withdrawn, the Order be sent to the Secretary of State and the Authority take a neutral stance with respect to its confirmation.
- (iii) That provision be included in the Order such that it is also made under Section 53A of the Wildlife and Countryside Act 1981, to amend the Definitive Map and Statement of Public Rights of Way in consequence of the coming into operation of the diversion.

**7. Highways Act 1980 - Section 119  
Wildlife and Countryside Act 1981 - Section 53A  
Proposed Diversion of Part of Barnacre-with-Bonds Footpath 43,  
Wyre Borough.**

A report was presented on the proposed diversion of part of Barnacre-with-Bonds Footpath 43, Wyre Borough.

The Committee noted that a request had been received from the owners of Birks Farm and Briggs Ghyll, Long Acre, Barnacre-with-Bonds, for an Order to be made under Section 119 of the Highways Act 1980, to divert part of Barnacre-with-Bonds Footpath 43 in the vicinity of these properties.

The applicants' residential properties were located immediately to the west of the existing public footpath and the footpath ran along the driveway and crossed the parking area of one of the properties. The buildings located alongside the proposed alternative route were former agricultural buildings that were no longer in commercial use. The proposal, if successful, would provide the owners of the properties at Birks Fran and Briggs Ghyll with improved privacy and security.

It was reported that consultation with the statutory undertakers had been carried out and that no adverse comments or objections to the proposal had been received. In addition, Wyre Borough Council, Barnacre-with-Bonds Parish

Council, The Peak and Northern Footpaths Society and the Wyre Ramblers had been consulted and had raised no objections.

The Committee noted that the owners had agreed to bear all advertising and administrative costs incurred by the County Council in the Order making procedures, and also to defray and compensation payable and any costs incurred in bringing the new site of the footpath into a fit condition for public use.

**Resolved:**

- (i) That an Order be made under Section 119 of the Highways Act 1980 to divert part of Barnacre-with-Bonds Footpath 43, from the route shown by a bold continuous line and marked A-B to the route shown by a bold dashed line and marked A-C-B on the attached plan.
- (ii) That in the event of no objections being received, the Order be confirmed and in the event of objections being received and not withdrawn, the Order be sent to the Secretary of State and the Authority take a neutral stance with respect to its confirmation.
- (iii) That provision be included in the Order such that it is also made under Section 53A of the Wildlife and Countryside Act 1981, to amend the Definitive Map and Statement of Public Rights of Way in consequence of the coming into operation of the diversion.

**8. Urgent Business**

There were no items of Urgent Business.

**9. Date of Next Meeting**

It was noted that the date of the next meeting of the Committee would be held at 10.30am on Thursday 8<sup>th</sup> June 2017 in Cabinet Room B – The Diamond Jubilee Room, County Hall, Preston.

I Young  
Director of Governance, Finance  
and Public Services

County Hall  
Preston