

Lancashire County Council

Regulatory Committee

**Minutes of the Meeting held on Wednesday, 27th September, 2023 at 10.30 am
in Committee Room 'D' - The Henry Bolingbroke Room, County Hall, Preston**

Present:

County Councillor Matthew Salter (Chair)

County Councillors

T Aldridge	J Oakes
J Burrows	A Clempson
A Cheetham	M Clifford
D Howarth	S Clarke
J Parr	J Couperthwaite

It was reported that County Councillor Kay had replaced County Councillor Sue Hind as Chair of the Committee.

1. Apologies

Apologies were received from County Councillor Kay.

Temporary replacements

County Councillor Couperthwaite replaced County Councillor Hosker.

County Councillor Clarke replaced County Councillor Cox.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

No pecuniary or non-pecuniary interests were disclosed.

3. Minutes of the last Meeting held on 21st June 2023

Resolved: That the minutes of the meeting held on 21st June 2023 be confirmed and signed by the Chair.

4. Guidance

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

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

5. Progress Report on Previous Committee Items

A report was presented providing an update on the progress made in relation to matters previously considered by Committee.

Committee noted that although the term 'applications' had been used for convenience, these were not all formal applications made under Schedule 14 of the Wildlife and Countryside Act 1981 but included some cases where sufficient evidence had been discovered or presented to the county council to indicate an investigation was appropriate.

Resolved: That the report be noted.

6. Wildlife and Countryside Act 1981 Definitive Map Modification Order Investigation Bridleway along Long Lane, Hoghton, Chorley

A report was presented on an application for the addition of a bridleway and the upgrade to bridleway of Footpath 9-18-FP13, known as Long Lane, Hoghton, to the Definitive Map and Statement of Public Rights of Way, as shown on the Committee plan attached to the agenda papers between points A-B-C and points C-F respectively. Upon investigation, it had become apparent to the case officer that the route over the footbridge shown as A-Z should also be investigated.

A supplementary agenda including Committee Plans 2 and 3 had been circulated electronically and paper copies were provided to Committee Members at the meeting.

It was reported that Blackburn with Darwen Council had also received an application at the same time and from the same applicant to upgrade to bridleway that part of Long Lane, currently recorded as a footpath on the Definitive Map, as shown between points F and X on the map extract provided within the report. The county council had been in contact with Public Rights of Way Officers at Blackburn with Darwen Council who had supplied a copy of the application that they had received and it was noted that the map and documentary evidence and user evidence submitted for both applications was the same.



Blackburn with Darwen Council had not yet considered the application that they had received and because the route was essentially one, arbitrarily split only because of the county boundary, the investigation carried out by the county council considered the route as a whole – although the decision to be made by the Regulatory Committee related only to that part of the route within Lancashire. Following consideration of the county council's application by the Regulatory Committee, a copy of the Committee report and decision would be forwarded to Blackburn with Darwen Council.

A site inspection had been carried out in September 2022.

Various maps, plans and other documents had been examined to discover when the route came into being, and to try to determine what its status may be and a detailed analysis of these was included in the Committee report and summarised at the meeting.

The Officer answered questions from Committee.

After a discussion, it was:

Resolved:

- (i) That the application for the addition of a bridleway and upgrading of 9-18-FP13 to bridleway on the Definitive Map and Statement of Public Rights of Way be not accepted.
- (ii) That an Order be made pursuant to Section 53 (2)(b) and Section 53 (3)(b) and Section 53 (3)(c)(i) of the Wildlife and Countryside Act 1981 to add a footpath on the Definitive Map and Statement of Public Rights of Way as shown on Committee Plan between points A-Z.
- (iii) That being satisfied that the tests for confirmation can be met the Order be promoted to confirmation.

**7. Highways Act 1980 - Section 119
Wildlife and Countryside Act 1981 - Section 53A
Proposed Diversion of Part of Footpath FP0205038 at Clarkson's Farm,
Barnacre-with-Bonds**

A report was presented on an application for the diversion of part of Footpath FP0205038 at Clarkson's Farm, Barnacre-with-Bonds.

The recorded alignment of this section of the footpath was across pasture onto the farm access track to Clarkson's Farm, adjacent to a number of outbuildings, and then into the gardens of Clarkson's Farm/Brookhouse Barn before joining Parkhead Lane. It was proposed that the footpath be diverted from the access track into a second pasture, running parallel to but slightly to the east of the access track, to Parkhead Lane.



The length of existing path to be diverted was shown by a bold continuous line on the Committee plan attached to the agenda papers as A-B, and the proposed new route was shown by a bold broken line marked A-C-D-E.

The consultation with the statutory undertakers had been carried out and no objections or adverse comments on the proposal had been received.

Resolved:

- (i) That an Order be made under Section 119 of the Highways Act 1980 to divert part of Footpath FP0205038 from the route shown by a bold continuous line and marked A-B to the route shown by a bold broken line and marked A-C-D-E on the attached map.
- (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 for the Environment, Food and Rural Affairs 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. Highways Act 1980 - Section 119
Wildlife and Countryside Act 1981 - Section 53A
Proposed Diversion of Part of Public Footpath 2-9-FP13 at land to the north
of Tan Yard Road, Catterall**

A report was presented on an application for the diversion of part of Public Footpath Catterall 13 (2-9-FP13) at land to the north of Tan Yard Road Catterall Gates Lane, Catterall.

Committee were informed that old footpath references had been used in the report and Committee plan, due to these being prepared between updates to the system and mapping software.

The lengths of path to be diverted were shown on the Committee plan attached to the agenda papers as A-B-C, C-E and E-F, and the proposed new route was marked D-C, C-G-F and E-G-H-J.

If successful, the diversion would move the footpath both from the curtilage of the industrial premises and that of the residential properties. This would increase the privacy and security for both the business and the residents, whilst providing a route that was safe and convenient for public use.



The proposed diversion would alter the southern point of termination of 2-9-FP13 from its junction with 2-9-BW12 (Tan Yard Road) at point A, and place it at point D on 2-9-BW12 (Catterall Gates Lane). This was another point on the same highway or a highway connected to it, and it was suggested that the new termination points would be substantially as convenient to the public.

The consultation with the statutory undertakers had been carried out and no objections or adverse comments on the proposal had been received.

The Officer answered questions from Committee.

After a discussion, it was Proposed and Seconded:

"That the Recommendation be approved and that officers be instructed to engage in investigation to establish vegetation to beautify the route from C-D"

It was therefore:

Resolved:

- (i) That an Order be made under Section 119 of the Highways Act 1980 to divert parts of 2-9-FP13 from the routes shown by a bold continuous line and marked A-B-C, C-E and E-F, to the route shown by bold broken lines and marked D-C, C-G-F and E-G-H-J on the attached map.
- (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 for the Environment, Food and Rural Affairs 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.
- (iv) That officers be instructed to engage in investigation to establish vegetation to beautify the route from C-D.

**9. Highways Act 1980 - Section 119
Wildlife and Countryside Act 1981 - Section 53A
Proposed Diversion of Part of Footpath FP0124015 at Castle View Caravan
Park, Capernwray**

A report was presented on an application for the diversion of Footpath FP0124015 at Castle View Caravan Park, Capernwray.

The recorded alignment of the footpath was on the outfields of the caravan park, along an access track past the caravans, and across pastures to Gamekeeper's Tower. It was proposed that part of the footpath (A-B-C) was diverted to run through



pastures above the caravan park to meet the existing footpath 25m north-west of Gamekeeper's Tower.

The length of existing path to be diverted was shown on the Committee plan attached to the agenda papers as a bold continuous line and marked as A-B-C, and the proposed new route was shown by a bold broken line and marked D-E-F-C.

The consultation with the statutory undertakers had been carried out and no objections or adverse comments on the proposal had been received.

The Officer answered questions from Committee.

Resolved:

- (i) That an Order be made under Section 119 of the Highways Act 1980 to divert part of FP0124015 from the route shown by a bold continuous line and marked A-B-C to the route shown by a bold broken line and marked D-E-F-C on the attached map.
- (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 for the Environment, Food and Rural Affairs 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.

**10. Highways Act 1980 - Section 119
Wildlife and Countryside Act 1981 - Section 53A
Proposed Diversion of Part of Footpaths FP1101345, FP11013790,
FP1101371 at Mount Carmel Roman Catholic High School, Accrington**

It was proposed that consideration of this application be deferred to the next meeting for the following reasons:

- (i) Extra information to be sought on which land was held as playing field;
- (ii) Further consideration of the new proposed route to ensure that value to the public was not unreasonably lost;
- (iii) Further information required on the new tree planting scheme in the area.

Resolved: That consideration of the application be deferred to the next Committee meeting for the reasons set out above.



**11. Highways Act 1980 - Section 118
Wildlife and Countryside Act 1981 - Section 53A
Proposed Extinguishment of Part of Footpath FP0902041 at Duxbury Manor
Way, Chorley**

A report was presented on an application for the extinguishment of part of Footpath FP0902041 at Duxbury Manor Way, Chorley.

The recorded alignment of this section of the footpath was on part of a new residential development. The footway was not built on the same line as the diverted footpath, with the result that a short section of the public right of way falls within the property boundary of no. 1D Duxbury Manor Way.

The length of existing path to be extinguished was shown on the Committee plan attached to the agenda papers by a bold continuous line and marked as A-B.

The consultation with the statutory undertakers had been carried out and no objections or adverse comments on the proposal had been received.

Resolved:

- (i) That an Order be made under Section 118 of the Highways Act 1980 to extinguish part of Footpath FP0902041 shown by a bold continuous line and marked A-B on the attached map.
- (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 for the Environment, Food and Rural Affairs 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 extinguishment.

12. Urgent Business

There were no items of Urgent Business.

13. Date of Next Meeting

Resolved: It was noted that the next meeting would be held at 10.30am on Wednesday 15th November 2023 in Committee Room B – The Diamond Jubilee Room, County Hall, Preston.

H MacAndrew



Director of Law and Governance

County Hall
Preston

