

Lancashire County Council

Regulatory Committee

**Minutes of the Meeting held on Wednesday, 21st February, 2024 at 10.30 am in
Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

Present:

County Councillor Matthew Salter (Chair)

County Councillors

T Aldridge	J Oakes
A Cheetham	J Parr
A Clempson	S Hind
M Clifford	S Clarke
L Cox	R Woollam
D Howarth	

1. Apologies

There were no apologies for absence.

Temporary replacements

County Councillor Woollam replaced County Councillor Burrows.

County Councillor Clarke replaced County Councillor Kay.

County Councillor Hind replaced County Councillor Hosker.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

No pecuniary or non-pecuniary interests were disclosed.

3. Minutes of the last Meeting held on 24 January 2024

It was noted that the minutes of the last meeting held on 24 January 2024 would be included in the agenda for the next scheduled meeting to be held on 27 March 2024.

4. Guidance



It was reported that, although the usual Guidance had been included in the Agenda papers, Annexes 'A', 'B' and 'C' did not need to be referred to at this meeting.

Instead, Sections 25 and 29 of the Highways Act 1980 had been circulated to Committee Members (copy attached) to assist in their consideration of the Old Tram Bridge report.

5. Highways Act 1980 – Section 25 Proposed Public Path Dedication Agreement to create a Bridleway over The Old Tram Bridge, Avenham Park, Preston

A report was presented on the proposed creation by agreement of a publicly maintainable bridleway across the Old Tram Bridge and any replacement bridge on the same line providing access to and from Avenham Park, Preston. The length to be dedicated as bridleway was shown on the Committee plan attached to the agenda papers between points U-V-W-X-Y.

It was reported that Old Tram Bridge (the Bridge) was owned by Preston City Council, having been acquired by its predecessor, Preston Corporation on 17 July 1872, when Avenham Park and Miller Park were being completed. The Bridge was currently unsafe and required demolition and replacement. It was temporarily closed by virtue of a temporary traffic regulation order.

Preston City Council had obtained funding for a scheme to deliver the demolition of the Bridge and the construction of its replacement on the same line, although at a higher level. Both Lancashire County Council and Preston City Council were keen to secure that outcome. The funding provided was allocated on the basis that the scheme did not require a Compulsory Purchase Order and access to carry out the work also relied on the county council having a power to maintain the bridleway. It was therefore proposed to enter into a public path creation agreement under Section 25 Highways Act 1980 for a new bridleway maintainable at public expense, which would formalise the public rights and maintainability of the surface.

By entering into an agreement, this would impose a statutory duty of maintenance on Lancashire County Council in relation to the surface of the bridleway carried by the present Bridge and its replacement. The main terms of this agreement were set out in the Committee report and Committee noted the right for the owner to raise the level of the highway, albeit the structure itself would remain in the ownership and responsibility of Preston City Council.

A draft agreement was being considered by Lancashire County Council and Preston City Council which dealt with all the main terms, and was only intended to be completed once funding was confirmed, and other agreements were also able to be completed. Preston City Council had confirmed that they were content with the main terms of the agreement and would work to finalise the wording.

The officer answered questions from Committee.

Resolved:



- (i) That the proposal to dedicate a bridleway over the Old Tram Bridge and any replacement bridge on the same line crossing the River Ribble along the approach ramp at the north end of the bridge to bottom of the ramp on the south end and down the slope towards the river, as shown on the plan attached as U-Y, be accepted on the main terms as set out in the report.
- (ii) That the Director of Environment and Planning be authorised to finalise and enter into a Public Path Creation Agreement under Section 25 of the Highways Act 1980 between Preston City Council, as the owner of the Old Tram Bridge and its replacement, and Lancashire County Council, with completion at a time and to include wording in accordance with the main terms as set out in the report to dedicate a length of bridleway marked by a bold dashed line on the attached map and annotated U-Y.
- (iii) That Committee note the recording of bridleway (BW0602072) on the Definitive Map and the making of an Order in 2003 to record bridleway rights over part of the route, but both are believed to have been in error. Officers will take any appropriate action to resolve these issues in due course.

6. Urgent Business

There were no items of Urgent Business.

7. Date of Next Meeting

Resolved: It was noted that the next meeting would be held at 10.30am on Wednesday 27th March 2024 in Committee Room B - The Diamond Jubilee Room, County Hall, Preston.

H MacAndrew
Director of Law and Governance

County Hall
Preston



Highways Act 1980

Section 25 - Creation of footpath or bridleway by agreement

(1) A local authority may enter into an agreement with any person having the necessary power in that behalf for the dedication by that person of a footpath or bridleway over land in their area.

An agreement under this section is referred to in this Act as a " public path creation agreement".

(2) For the purposes of this section " local authority "—

(a) in relation to land outside Greater London means a county council, a district council or a joint planning board within the meaning of the [1971 c. 78.] Town and Country Planning Act 1971, being a board for an area which comprises any part of a National Park; and

(b) in relation to land in Greater London means the Greater London Council, a London borough council or the Common Council.

(3) Before entering into an agreement under this section a local authority shall consult any other local authority or authorities in whose area the land concerned is situated.

(4) An agreement under this section shall be on such terms as to payment or otherwise as may be specified in the agreement and may, if it is so agreed, provide for the dedication of the footpath or bridleway subject to limitations or conditions affecting the public right of way over it.

(5) Where a public path creation agreement has been made it shall be the duty of the local authority who are a party to it to take all necessary steps for securing that the footpath or bridleway is dedicated in accordance with it.

Section 29 - Protection for agriculture and forestry

In the exercise of their functions under this Part of this Act relating to the making of public path creation agreements and public path creation orders it shall be the duty of councils and joint planning boards to have due regard to the needs of agriculture and forestry.

