

Lancashire County Council

Regulatory Committee

**Minutes of the Meeting held on Wednesday, 13th January, 2016 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	P Hayhurst
L Beavers	C Henig
I Brown	R Shewan
A Clempson	D Whipp
B Dawson	P White
F De Molfetta	B Yates
G Gooch	

County Councillors Lorraine Beavers and Frank De Molfetta replaced County Councillors Julie Gibson and Darren Clifford respectively.

1. Apologies.

Apologies were received from County Councillor David Stansfield.

2. Disclosure of Pecuniary and Non-Pecuniary Interests.

County Councillor Paul Hayhurst declared a non-pecuniary interest in Item 5 as he was a member of Fylde Borough Council.

3. Minutes of the meeting held on 21 October

Resolved: That the minutes of the meeting held on 21 October 2015 be confirmed and signed by the Chair.

4. Guidance.

A report was presented in connection with Guidance for members of the Committee regarding the law on the continuous review of the Definitive Map and Statement of Public Rights of Way, certain Orders to be made under the Highways Act, 1980 and the actions available to the County Council 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. Wildlife and Countryside Act 1981
Definitive Map Modification Order Investigation
Addition of a public footpath from Maplewood Close to South Park,
Lytham St Anne's
File No. 804-568**

A report was presented on an application for the addition of a public footpath to the Definitive Map and Statement from Maplewood Close to South Park, Lytham St Annes, Fylde Borough, in accordance with file no.804-568.

The Committee was informed that there had been a recent request from one of the local landowners to defer the application. This was based on his objection to the application but he was not opposed to a route being established on the boundary of the land he now owned. He was requesting the decision of the application be deferred pending further discussion which would need to be with the Planning Authority rather than with Lancashire County Council. The Committee felt the deferral was not appropriate.

Details of the claim and the evidence relating to it, together with a summary of the law in relation to the continuous review of the definitive map and statements of public rights of way (in the form of Annex 'A'), were presented both as part of the report and by officers at the meeting.

Having examined all of the information presented, it agreed that taking all the relevant evidence into account, there was sufficient evidence that an Order be made and promoted to confirmation.

Resolved:

1. That the application for a public footpath from Maplewood Close to South Park, Lytham St Annes, Fylde Borough:
 - a) A-B to be not accepted; and
 - b) B-C-D-E-F-G-H-I to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with file no. 804-568, be accepted.
2. 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 public footpath from Maplewood Close to South Park, Lytham St Annes to the Definitive Map and Statement of Public Rights of Way as shown on Committee Plan between points B-C-D-E-F-G-H-I

3. That being satisfied that the higher test for confirmation can be met the Order be promoted to confirmation.

**6. Wildlife and Countryside Act 1981
Definitive Map Modification Order Investigation
Addition of public footpath from Clitheroe Road to Chapel Lane,
West Bradford, Ribble Valley
File No. 804-500**

A report was presented on an application for a public footpath from Clitheroe Road to Chapel Lane, West Bradford, Ribble Valley in accordance with file no. 804-500.

Details of the claim and the evidence relating to it, together with a summary of the law in relation to the continuous review of the definitive map and statement of public rights of way (in the form of Annex 'A'), were presented both as part of the report and by officers at the meeting.

Having examined all of the information provided, the Committee agreed that taking all the relevant evidence into account, there was sufficient evidence that an Order should be made and promoted to confirmation.

Resolved:

1. That the application for a public footpath from Clitheroe Road to Chapel Lane, West Bradford, in accordance with file no. 804-500, be accepted
2. That an Order(s) be made pursuant to Section 53 (2)(b) and Section 53 (3)(c)(i) of the Wildlife and Countryside Act 1981 to add a public footpath from Chapel Lane to Clitheroe Road on the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plan between points A-B-C-D-E-F.
3. That being satisfied that the higher test for confirmation can be met the Order be promoted to confirmation.

**7. Wildlife and Countryside Act 1981
Definitive Map Modification Order Investigation
Addition of a public footpath from Elmers Green to Footway F2696,
Skelmersdale, West Lancashire
File No. 804-564**

A report was presented on an application for the addition of a public footpath to be recorded on the Definitive Map and Statement from Elmers Green to Footway F2696, in accordance with file no. 804-564.

Details of the claim and the evidence relating to it, together with a summary of the law in relation to the continuous review of the definitive map and statement of public rights of way (in the form of Annex 'A'), were presented both as part of the report and by officers at the meeting.

Having examined all of the information provided, the Committee agreed that taking all the relevant evidence into account, there was sufficient evidence that an Order should be made and promoted to confirmation.

Resolved:

1. That the application for a public footpath from Elmers Green to Footway F2696, Skelmersdale, West Lancashire, in accordance with file no. 804-564, be accepted.
2. That an Order(s) 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 public footpath on the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plan between points A-B-C
3. That being satisfied that the higher test for confirmation can be met the Order be promoted to confirmation.

**8. Highways Act 1980 - Section 119
Wildlife and Countryside Act 1981 - Section 53A
Proposed Diversion of Part of Dalton Footpath 21, West Lancashire
Borough**

A report was presented on the proposed diversion of part of Dalton Footpath 21, West Lancashire Borough.

Consultations had been carried out and no adverse comments had been received. The diversion still had to meet the statutory requirements and the Committee was informed that the diversion was in the interests of the landowners.

Having considered all of the information set out in the report and presented at the meeting, it was agreed that an Order should be made but taking advice in Annex C into account that the authority take a neutral stance with respect to confirmation.

Resolved:

1. That an Order be made under Section 119 of the Highways Act 1980 to divert part of Dalton Footpath 21, from the route shown by a bold continuous line and marked A – B – C – D to the route shown by a bold broken line and marked A – E – F – G – D on the attached plan.
2. 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.
3. 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.

9. Urgent Business

There were no items of Urgent Business.

10. Date of Next Meeting

It was noted that the next meeting of the Committee will be held at 10:30am on the Wednesday 24th February 2016 in Cabinet Room 'B' – The Diamond Jubilee Room at County Hall, Preston.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston