

Lancashire County Council

Regulatory Committee

Minutes of the Meeting held on Wednesday, 24th February, 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 | C Henig |
| I Brown | R Shewan |
| A Clempson | D Stansfield |
| D Clifford | D Whipp |
| B Dawson | P White |
| J Gibson | B Yates |
| G Gooch | |

1. Apologies.

Apologies were received from County Councillor Paul Hayhurst.

2. Disclosure of Pecuniary and Non-Pecuniary Interests.

None were disclosed.

3. Minutes of the meeting held on 13 January 2016

Resolved: That the minutes of the meeting held on 13 January 2016 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
Application to record part of Thwaite Brow Lane and Mount Pleasant Lane, in the parishes of Carnforth & Bolton-le-Sands, District of Lancaster as a public bridleway
File No. 804-566**

A report was presented on an application for a public bridleway along part of Thwaite Brow Lane and Mount Pleasant Lane, in the parishes of Carnforth and Bolton-le-Sands, Lancaster District, in accordance with file no. 804-566.

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 bridleway along part of Thwaite Brow Lane and Mount Pleasant Lane, Carnforth and Bolton-le-Sands, Lancaster District in accordance with file no. 804-566, be accepted in part only.
2. That the section A-B on the plan remain recorded on the List of Streets as within the highway width of the A6 Lancaster Road and the section M-N remain recorded as vehicular highway recorded on the List of Streets. Neither of the sections have the characteristics to be able to be recorded as Byway Open to All Traffic on the Definitive Map and statement.
3. That an Order(s) be made pursuant to Section 53 (2)(b) and section 53 (3)(b) and Section 53 (c)(i)(ii) and (iii) of the Wildlife and Countryside Act 1981 to upgrade Carnforth Footpath 9 (part), Carnforth Footpath 10 and Bolton-le-Sands Footpath 19 to Bridleway (section C-M on the plan) and also the addition of public bridleway between points B and C, addition of byway open to all traffic between points N-Q on the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plan and to alter the particulars on the Definitive Statement.
4. That being satisfied that the tests for confirmation can be met the Order be promoted to confirmation.

**6. Wildlife and Countryside Act 1981
Definitive Map Modification Order Investigation
Upgrading from Public Footpath to Bridleway of Sales's Lane from
County Boundary to Buckhurst Road and upgrading of Ramsbottom
245 from Sales's Lane to Croston Close Road, Ramsbottom,
Rossendale Borough
File No. 804-547**

A report was presented on an application for Ramsbottom Footpath 208 (Sales's Lane) to be upgraded from footpath to bridleway from the County Boundary to Ramsbottom Footpath 207 (Buckhurst Road) and for Ramsbottom Footpath 245 to be updated from footpath to bridleway from Ramsbottom Footpath 208 (Sales's Lane) to Ramsbottom Footpath 206 (Croston Close Lane), in accordance with file no. 804-547.

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 in accordance with File Ref. 804-547 for Ramsbottom Footpath 208 (Sales's Lane) to be upgraded from footpath to bridleway be not accepted but instead the upgrade be to restricted byway.
2. That the application in accordance with File ref. 804-547 for Ramsbottom Footpath 245 to be upgraded from footpath to bridleway be not accepted but instead the upgrade be to restricted byway.
3. That an Order be made pursuant to Section 53 (2)(b) and Section 53 (3)(c)(ii) of the Wildlife and Countryside Act 1981 to upgrade Ramsbottom Footpath 208 (Sales's Lane) to Restricted Byway on the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plans between points A-B-C-D-E-F-G-H-I.
4. That an Order be made pursuant to Section 53 (2)(b) and Section 53 (3)(c)(ii) of the Wildlife and Countryside Act 1981 to upgrade Ramsbottom Footpath 245 to Restricted Byway on the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plans between points D-J-K-L.

5. That being satisfied that the test for confirmation can be met the Order(s) be promoted to confirmation.

**7. Highways Act 1980 - Section 119
Wildlife and Countryside Act 1981 - Section 53A
Proposed Diversion of Parts of Charnock Richard Footpaths 10 and
11, Chorley Borough.**

A report was presented on the proposed diversion of parts of Charnock Richard Footpaths 10 and 11, Chorley Borough.

Consultations had been carried out and no adverse comments had been received apart from one from National Grid regarding access to an underground gas supply. National Grid was informed that access would not be affected by the diversion. 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 Charnock Richard Footpaths 10 and 11, from the routes shown by bold continuous lines to the routes shown as bold broken lines as shown on the plan. The effect would be as follows:
 - footpath 10 A-J-B-D would be diverted to the line A-S-R-Q-P-C-B,
 - footpath 10 G-H would be diverted to the line L-H,
 - footpath 11 E-D would be diverted to the line E-C,
 - footpath 11 D-G-F would be diverted to the line B-F, and
 - footpath 11 M-N would be diverted to the line M-L-O-N.
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.

**8. Highways Act 1980 - Section 119
Wildlife and Countryside Act 1981 - Section 53A
Proposed Diversion of Part of Rimington Footpath 14, Ribble Valley
Borough.**

A report was presented on the proposed diversion of part of Rimington Footpath 14, Ribble Valley 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 interest of the landowner.

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 Rimington Footpath 14, from the route shown by a bold continuous line and marked A-B to the route shown by a bold broken line and marked C-B 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 6th April 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