

**Regulatory Committee**  
**Urgent Business Procedure**

Electoral Division affected: <b>Morecambe North;</b>
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**Highways Act 1980 - Section 25 Public Path Creation Agreement for a Public Bridleway at Dertern Lane, Bolton le Sands.**  
(Appendix A refers)

Contact for further information:

Jill Anderson, Tel: (01772) 532284, Senior Solicitor, Legal and Democratic Services  
jill.anderson@lancashire.gov.uk

**Executive Summary**

Proposed dedication by agreement of a publically maintainable bridleway at Dertern Lane, Bolton le Sands.

**Reason for the use of the Urgent Business Procedure**

Dertern Lane was on 7 October 2019 stopped up to vehicular traffic by an order made by Lancaster magistrates court. The Lane retains bridleway rights which means that pedestrians, equestrians and cyclists can use the route, however Dertern Lane is gated to prevent vehicular use by the public and a small by pass route around the gate is to be dedicated as bridleway. The landowner has signed the dedication agreement but until the agreement is completed could technically ask for this back leaving the county council in a vulnerable position. The next meeting of the Regulatory Committee is the 20 November 2019 which is too long a period to leave this matter unresolved.

**Recommendation**

Subject to the views of the Chair and Deputy Chair of the Regulatory Committee, the Director of Corporate Services proposes to approve:

That a Public Path Creation Agreement be entered into under Section 25 of the Highways Act 1980, between the owners of land at Dertern Lane, Bolton le Sands and Lancashire County Council, to dedicate as bridleway an area of land 2.5 x 6.5 metres shown edged and hatched pink on the plan attached at Appendix A.

**Background and Advice**

Dertern Lane runs from the A6 north of Bolton le Sands to the shoreline. It is not a through route for vehicles as it has no connection to another vehicular highway. The land through which Dertern Lane runs is now a caravan and holiday park and the owners of that caravan and holiday park applied to the county council to stop up

Dertern Lane to vehicular traffic, reserving rights as a bridleway, enabling the route to still be used by pedestrians, equestrians and cyclists.

The caravan park is gated so vehicles not accessing the park cannot gain entrance. In order that the public can use Dertern Lane as a bridleway, the landowner has signed a dedication agreement for a small piece of land 2.5 x 6.5, shown edged and hatched pink on the plan at Appendix A which by passes the gate and allows pedestrian and horses to pass but not vehicles.

On 7 October 2019, the magistrates court sitting at Lancaster made a stopping up order under Section 116 of the Highways Act 1980 to remove vehicular rights on the land hatched black on the attached plan. The landowner has signed the dedication agreement for the bypass route around the gate so now the county council needs to complete that agreement, in order to ensure that the bypass route is dedicated as public bridleway.

### **Consultations**

Extensive consultations on both the stopping up and the proposal to dedicate the bypass route as a bridleway have taken place in accordance with the appropriate statutory requirements. Lancaster City Council, Bolton le Sands Parish Council and statutory undertakers have been consulted. The proposal has been advertised in the local press as required by statute and notices erected on site. There have been no objections received.

### **Financial Implications:**

The landowner has met the county council's costs of preparing the dedication agreement and processing the stopping up order. The land which it is proposed to be dedicated will be maintainable at public expense but is to replace land that has been stopped up as highway. Therefore there are no financial implications for the authority.

### **Risk management**

If the Public Path Creation agreement is not entered into by the county council the authority will not be able to guarantee that pedestrians, equestrians and cyclists can continue to use Dertern Lane.

### **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Tel
File ref:5.35147		Mrs T Kellett 01772 533585

Reason for inclusion in Part II, if appropriate

N/A

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**Decision Taken: Declaration**

**Chair and Deputy Chair of the Regulatory Committee**

**Highways Act 1980 – Section 25 Public Path Creation Agreement for a Public Bridleway at Dertern Lane, Bolton le Sands**

Original recommendation as set out in the report be supported

Yes\*/No\*

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Chair \*/Deputy Chair \* of the Regulatory Committee

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Chair \*/Deputy Chair \* of the Regulatory Committee

**Executive Director**

The following action has been agreed under the Urgent Business Procedure and after consultation with the Chair and Deputy Chair of the Regulatory Committee:

**Highways Act 1980 – Section 25 Public Path Creation Agreement for a Public Bridleway at Dertern Lane, Bolton le Sands**

That a Public Path Creation Agreement be entered into under Section 25 of the Highways Act 1980 between the owners of land at Dertern Lane, Bolton le Sands and Lancashire County Council to dedicate as bridleway an area of land 2.5 x 6.5 metres shown edged and hatched pink on the plan attached at Appendix A.

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Director of Corporate Services

6/11/19  
Date