

**Meeting of the Full Council**  
**Meeting to be held on Thursday, 16 July 2020**

Report submitted by: Head of Service - Planning and Environment,

**Part A**

Electoral Division affected:  
Lancaster Rural East;

**Delegation of Functions relating to Public Rights of Way within that Part of Lancashire within the Yorkshire Dales National Park to the National Park Authority**

(Appendices 'A' and 'B' refer)

Contacts for further information:

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**Executive Summary**

Full Council is asked to consider approving the delegation to the Yorkshire Dales National Park Authority of functions relating to the management of the public rights of way within that part of Lancashire which is within the Yorkshire Dales National Park.

**Recommendation**

Full Council is asked to approve:

- (i) The delegation of powers and duties relating to public rights of way recorded on the Definitive Map and Statement within the area of Lancashire which is within the Yorkshire Dales National Park as set out at Appendix 'A'.
- (ii) That an Agreement be drawn up and entered into to give effect to the delegation of functions with final details to be considered and approved by the Director of Corporate Services.

**Background and Advice**

A small part of Lancashire, north east of the A65, and covering parts of the parishes of Burrow-with-Burrow, Leck and Ireby was added to the Yorkshire Dales National Park as a result of a National Park boundary change in 2016. There are about 15km

of public rights of way recorded on the Definitive Map and Statement within this area (about 0.3% of the county's network of 5,500km of public rights of way) and these are detailed in the map set out at Appendix 'B'.

Public Rights of Way within the National Parks in England are generally managed to a higher standard than the remainder of the network in recognition of the greater use and expectations of the public and greater pressures on land managers from visitors to the National Parks. The Yorkshire Dales National Park Authority therefore wishes to manage the public rights of way in this part of Lancashire to this higher standard.

The powers and duties proposed to be delegated cover the following aspects of management of the public rights of way:

- Maintenance (surface, undergrowth, signage, waymarking)
- Enforcement (overhanging vegetation, obstructions, stiles and gates)
- Public Path Orders (diversions, extinguishments and creations)

The full list of functions is given at Appendix 'A' and the circumstances of the delegation.

The reason for the delegation of functions is usually because they need to be used routinely and often, and the body to whom they are delegated is better placed to use them than the county council. It is suggested that issues on these public rights of way are of this nature and will be able to be dealt with in the same way as all the others in the National Park.

## **Consultations**

The Local Member for Lancaster Rural East and the Councillor representing Lancashire County Council on the Yorkshire Dales National Park Authority are both in favour of this delegation in order to allow the Yorkshire Dales National Park to carry out this work.

## **Implications:**

This item has the following implications, as indicated:

### **Financial**

It is not proposed to make a financial contribution to the National Park Authority but it is proposed that the draft agreement makes provision for making payments at the council's discretion should this be considered appropriate in particular circumstances in the future.

The burden of maintenance and other functions will pass to the National Park Authority.

## Legal

The delegation of functions is by agreement under Section 101 Local Government Act 1972 and final details of such agreement can be delegated to the Director of Corporate Services to resolve.

The county council will have to discuss these public rights of way routes periodically with the National Park Authority as some functions will remain with the county council. Incidents involving the paths which may previously have fallen to the county council to resolve may instead fall to the Park Authority.

## Risk management

If the agreement is not made the burden of maintenance and other functions will not pass to the National Park Authority and therefore the public rights of way in this area will not benefit from being managed to the higher National Park standards.

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

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A