

Lancashire County Council

Regulatory Committee

Minutes of the Meeting held on Wednesday, 10th March, 2021 at 10.30 am - Virtual Meeting

Present:

County Councillor Jimmy Eaton BEM (Chair)

County Councillors

I Brown	T Aldridge
P Steen	D Howarth
A Clempson	C Towneley
L Cox	B Dawson MBE
J Parr	

1. Apologies

Apologies were received from County Councillor Jim Marsh.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor Jimmy Eaton and County Councillor Peter Steen declared a non-pecuniary interest in Item 7 as the application route was in their electoral divisions.

3. Minutes of the last Meeting held on 27th January 2021

Resolved: That the minutes of the meeting held on 27th January 2021 be confirmed and signed by the Chair.

4. Guidance

A report was presented providing guidance on the law relating to the continuous review of the Definitive Map and Statement of Public Rights of Way and the law and actions taken by the authority in respect of certain Orders to be made under the Highways Act 1980.

Resolved: That the Guidance as set out in Annexes 'A', 'B' and 'C' of the report presented, be noted.

5. Progress Report on Previous Committee Items

A report was presented providing an update on the progress made in relation to matters previously considered by Committee. Following a request at the January meeting, the update report now included the following information:

- Definitive Map Modification Order Applications in Queue for Initial Checking;
- Definitive Map Modification Order Applications Awaiting Committee Reports;
- Definitive Map Modification Order Applications Awaiting Order Making;
- Definitive Map Modification Order Applications Awaiting Order Notification;
- Definitive Map Modification Order Applications in the Window for Appeal Against Decision;
- Definitive Map Modification Order Applications Awaiting Confirmation;
- Definitive Map Modification Order Applications Awaiting Confirmation Notification;
- Definitive Map Modification Order Applications Awaiting Submission to the Planning Inspectorate.

At the request of Committee, future reports would include the proposed effect of each application and which divisions were affected.

County Councillor Howarth thanked officers for the detailed report.

Resolved: That the report be noted.

**6. Wildlife and Countryside Act 1981
Definitive Map Modification Order Investigation
Addition of Footpath from Warburton Street to Grane Road,
Haslingden**

A report was presented on an application for the addition of a Footpath from Warburton Street to Grane Road, Haslingden, to be recorded on the Definitive Map and Statement of Public Rights of Way, as shown on the Committee Plan attached to the agenda papers between points A-B-C.

The Committee noted an error in the report on page 79. The third paragraph under 'Summary' should have read 'purchased the property in **2019**'.

A site inspection had been carried out in October 2020.

A variety of maps, plans and other documents had been examined to discover when the route had come into being, and to try to determine what its status may be.

Details of the evidence examined both in support of, and against, the making of an Order were provided to Committee.

The application had been submitted primarily on the basis of user evidence pre-dating the obstruction of the route at point B and point C in 2019.

Whilst there was no map and documentary evidence from which dedication of the route could clearly be inferred, it was clear that the route from point A through to point B had existed since at least 1891, and that access along it had consistently appeared to be available, providing direct access to the houses known as Warburton Buildings, but also through point B onto an area of land adjacent to 240 Grane Road from which it appeared that it was possible to exit onto Grane Road – but not necessarily via the application route B-C.

From 2000 onwards, the aerial photography and Google Street View images consistently showed that the application route crossed a car park with what appeared to be a dedicated pedestrian access point, clearly separate to vehicular access at point C. Despite the occasional car parked across the route and the bins located on it, a route, although not adjacent to the wall where the bins stood, appeared to have been available between point B and point C, approximating to the application route from at least 2000.

Committee noted that an objection had been received from one of the landowners. However, whilst this objection was acknowledged, it was advised that the concerns raised were not relevant considerations under either Section 31 Highways Act 1980 or under Common Law.

Taking all of the evidence into account, it was suggested to Committee they may, on balance, consider that the provisions of Section 31 Highways Act 1980 could be satisfied, and were therefore advised to accept the application, make an Order and promote the Order to confirmation.

Resolved:

- (i) That the application for the addition of a Footpath from Warburton Street to Grane Road, Haslingden be accepted.
- (ii) 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 Footpath from Warburton Street to Grane Road on the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plan between points A-B-C.
- (iii) That being satisfied that the higher test for confirmation can be met the Order be promoted to confirmation.

**7. Highways Act 1980 Section 119
Wildlife and Countryside Act 1981 - Section 53A
Diversion of Footpaths Bacup 415 and 416 and part of 417 and
Creation of a Public Footpath at Greave Clough**

A report was presented on the proposed diversion of Footpaths Bacup 415, 416 and part of 417 and the creation of a public footpath at Greave Clough, Rossendale.

An amended Committee plan (copy attached) had been circulated to the Committee prior to the meeting.

The lengths of existing path to be diverted were shown by bold continuous lines and marked on Committee plan attached to the agenda papers as C-B-A and G-B, and the proposed new routes were shown by bold broken lines and marked C-D-E-F and G-E. A proposed new length of footpath was shown by a bold broken line and marked D-H.

Greave Clough is in the ownership of Lancashire County Council, located in the Rossendale Valley between Todmorden Road and Coal Pit Lane.

The diversion proposal, if successful, would move the recorded routes of the footpaths away from a deep gully and the steep impassable side of the valley, to cross the stream at the footbridge, providing a safe and convenient crossing point to link the two sides of the site. The creation of a length of footpath would provide pedestrian access to Todmorden Road at the north west corner of the site.

The proposed changes to the footpaths shown on the Committee Plan would make the paths in Greave Clough safer and more convenient, both as circular walks within the woodland and as links between Coal Pit Lane and Todmorden Road.

Committee were informed that consultation with the statutory undertakers had been carried out and that no objections or adverse comments on the proposal had been received.

Resolved:

(i) That subject to no significantly adverse responses to the consultations, an Order be made under Section 26 of the Highways Act 1980 to create a new length of footpath shown by a bold broken line and marked D-H on the map.

(ii) That subject to no significantly adverse responses to the consultations, an Order be made under Section 119 of the Highways Act 1980 to divert Footpaths Bacup 415, 416 and part of 417, from the routes shown by bold continuous lines and marked C-B-A and G-B to the routes shown by bold broken lines and marked C-D-E-F and G-E, on the revised map.

(iii) That in the event of no objections being received, the Orders be confirmed and in the event of objections being received and not withdrawn, the Orders be sent to the Planning Inspectorate and promoted to confirmation, if necessary at public inquiry.

(iv) That provision be included in the Orders 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 creation and diversions.

8. Urgent Business

There were no items of Urgent Business.

9. Date of Next Meeting

It was noted that the next meeting would be held at 10.30am on Wednesday 23rd June 2021.

L Sales
Director of Corporate Services

County Hall
Preston