

**Regulatory Committee**

Meeting to be held on 27 November 2024

**Part I**

Electoral Division affected:  
Fylde East

**Highways Act 1980 – Section 25  
Public Path Dedication Agreement of a Footpath at The Kingfisher Tavern,  
Kirkham**  
(Annex 'B' refers)

Contact for further information:

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**Brief Summary**

Proposed creation by agreement of a public footpath over land at the Kingfisher Tavern, Kirkham.

**Recommendation**

- (i) A proposal to accept dedication of a footpath over land at The Kingfisher Tavern as shown on the plan attached as A-B on the main terms as set out in the report.
- (ii) That the Director of Environment and Planning be authorised to finalise and enter into a Public Path Creation Agreement under Section 25 of the Highways Act 1980 between J W Lees & Co, as the owner of The Kingfisher Tavern, and Lancashire County Council, with completion at a time and to include wording in accordance with the main terms as set out in the report to dedicate a length of footpath marked by a bold dashed line on the attached map and annotated A-B.

**Detail**

As part of a new housing development to the west of the A585 Kirkham with Wesham Bypass, FP0501002 has been diverted with a different point of access to the A585, 65 metres further to the south and nearer to the roundabout junction with Wilson Drive and St Georges Park. A pelican crossing control has been installed adjacent to the access path to the pedestrian entrance to the south-east corner of the housing development on the western side of the A585, and on the eastern side



of the A585 adjacent to The Kingfisher Tavern. The eastern section of FP0501002 will connect to the A585 highway at a point where there is no adjacent footway and crossing control point.

Lancashire County Council are keen to secure rights across land at The Kingfisher Tavern to create a public footpath that connects to the A585 close to the new pedestrian crossing. It is proposed to enter into a public path creation agreement under Section 25 Highways Act 1980 for a new public footpath.

By entering into the S25 Agreement this would impose a statutory duty of maintenance on Lancashire County Council in relation to the surface of the footpath. It is proposed that Lancashire County Council as Highway Authority enters into Agreement with The Kingfisher Tavern's owners, as landowner, to dedicate a footpath as shown A-B on the Committee Plan to include the main terms set out below.

Dedications under S25 agreements require the way to connect with the network or places of public resort. Point A connects to the footway adjacent to the A585 highway and Point B connects to the existing footpath FP0501002.

It is advised that the Agreement wording be finalised and agreed by an authorised officer on the line shown on the Plan in accordance with these main terms -

1. That the Agreement is only completed once funding for the footpath is confirmed and collaboration agreement and all other agreements between the parties in connection with this project are completed contemporaneously.
2. That the Agreement clearly defines the line, width and surface of the footpath.

## Consultations

Section 25 of the Highways Act 1980 requires that Lancashire County Council shall consult any other local authority in whose area the proposal is situated before entering into the agreement. Accordingly, the necessary consultation has been carried out with Fylde Borough Council.

Consultation with the Lancashire County Council Ecologist has also taken place, with appropriate advice passed to the project team.

## Advice

Points annotated on the plan:

Point	Grid Reference	Description
A	SD 4122 3255	4 metres east of the eastern edge of the footway, west of The Kingfisher Tavern and immediately north of the junction of the footway and the access steps to the Tavern.



B	SD 4123 3258	On a grassed area north of The Kingfisher Tavern car park and near the south-west corner of the car park to St Georges Business Park, and 15 metres east of the kerb of the A585 Kirkham with Wesham Bypass.
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### Description of Proposed Footpath

Footpath as described below and shown by a bold dashed line and marked A-B on the attached map.

FROM	TO	COMPASS DIRECTION	LENGTH (metres)	WIDTH	SURFACE
A	B	approx. E then generally N	approx. 45	3m	Tarmac

In making the decision to enter into an Agreement to create the footpath the Authority must have due regard to the needs of agriculture and forestry and the desirability of conserving flora, fauna and geological and physiographical features. It is believed that this proposal will have no adverse effects on these matters.

Furthermore, it is considered to be compatible with the material provisions of the Rights of Way Improvement Plan. It is also advised that the needs of the disabled have been actively considered and as such, the proposal is compatible with the duty of the county council, as a Highway Authority, under The Equality Act 2010. The route will be of adequate width, firm and well drained underfoot, ramped not stepped and without gates or stiles.

### Implications:

This item has the following implications, as indicated:

### Finance

It is proposed that the county council will enter into agreement with J W Lees & Co to build a footpath that will be suitable for use by pedestrians. J W Lees & Co, as the landowner is in agreement with this creation of a right of way and has agreed not to take a consideration payment for this dedication. As soon as may be after dedication of a footpath in accordance with the Public Path Creation Agreement, Lancashire County Council is required to give notice by publication in a local newspaper circulating in the area in which the land to which the agreement relates is situated. It is proposed that the cost of the newspaper advertisement will be borne by Lancashire County Council. Funding for this project has been identified from contribution under S106 of the Town and Country Planning Act 1990 in connection with the nearby development at Little Tarnbrick Farm.



## **Risk management**

Consideration has been given to the risk management implications associated with this proposal. The Committee is advised that the decision taken must be based solely on the evidence contained within the report, guidance contained both in the report and within Annex 'B' included in the Agenda Papers, officers' presentation and discussion. Provided any decision is taken strictly in accordance with the above then there are no significant risks associated with the decision making process.

## **Alternative to be considered**

To not agree that the county council enters into an agreement with the landowner for the creation of a public footpath.

## **List of Background Papers**

Paper	Date	Contact/Tel
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None		
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Reason for inclusion in Part II, if appropriate

N/A

