

Lancashire County Council

Regulatory Committee

Minutes of the Meeting held on Wednesday, 6th April, 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	P Hayhurst
L Beavers	C Henig
I Brown	S Serridge
A Clempson	D Stansfield
B Dawson	P White
G Gooch	B Yates

County Councillor Lorraine Beavers replaced County Councillor Ron Shewan and County Councillor Sean Serridge replaced County Councillor Julie Gibson.

1. Apologies.

Apologies were received from County Councillor David Whipp.

2. Disclosure of Pecuniary and Non-Pecuniary Interests.

None were disclosed.

3. Minutes of the meeting held on 24 February 2016

Resolved: That having accepted the amendments to the inaccuracies on page 96 of the Item 5 report relating to effect of NERC Act and restricted byway, the minutes of the meeting held on 24 February 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
Addition of and upgrade to Public Bridleway from Edenfield to
Helmshore Road, Haslingden passing through Irwell Vale
File No. 804/548**

An application was presented for the addition and upgrade to public bridleway of a route from Edenfield to Helmshore Road, Haslingden passing through Irwell Vale, in accordance with File No. 804-548. This would be implemented by:

- a. Upgrade to public bridleway part of Ramsbottom Footpath 128 between point 1 and point B.
- b. Upgrade to public bridleway part of Ramsbottom Footpath 130 between points B-C-D.
- c. Upgrade to public bridleway part of Ramsbottom Footpath 131 between points E-D and points D-F.
- d. The addition of a public bridleway from a point on Ramsbottom Footpath 131 from point F to a point on Ramsbottom Footpath 130 at point G.
- e. Upgrade to public bridleway part of Ramsbottom Footpath 130 between point G and point H.
- f. The addition of a public bridleway from a point on Ramsbottom Footpath 130 at point H along Aiken Street and Milne Street to the junction with Haslingden Footpath 387 at point I.
- g. Upgrade to public bridleway the whole of Haslingden Footpath 387 between point I and point J.
- h. Upgrade to public bridleway the whole of Haslingden Footpath 388 between point J and point K.

The Committee was informed it would not be correct to add A-1 as bridleway because it was a carriageway but it was not possible to delete it from the Definitive Map and Statement due to a deficiency in the legislation.

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 Orders should be made and promoted to confirmation.

Resolved:

1. That the application for the addition of and upgrade to public bridleway of route Edenfield to Helmshore Road, Haslingden passing through Irwell Vale, in accordance with File No. 804-548, be accepted save for section A-1 .
2. That Orders be made pursuant to Section 53(2)(b) and Section 53(3)(b) and Sections 53(c)(i), (ii) and (iii) of the Wildlife and Countryside Act 1981 to add and upgrade to public bridleway the route from Edenfield to Helmshore Road, Haslingden passing through Irwell Vale on the Definitive Map and Statement of Public rights of Way as shown on the Committee Plans between points 1-B-C-D, D-E and points D-F-G-H-I-J-K
3. That being satisfied that the higher test for confirmation can be met the Orders be promoted to confirmation.

**6. Wildlife and Countryside Act 1981
Definitive Map Modification Order Investigation
Application to upgrade Euxton Footpaths 37, 38 and 39 (Culbeck Lane) to Restricted Byway
File No. 804-574**

A report was presented on an application to upgrade Euxton Footpaths 37, 38 and 39, otherwise known as Culbeck Lane, to Restricted Byway, in accordance with file no. 804-574.

The Committee was informed that an application to upgrade Euxton Footpaths 37, 38 and 39, known as Culbeck Lane, to byway open to all traffic was considered by the Public Rights of Way Sub-Committee on 15th November 1995 and rejected.

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 statements 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, it was proposed and seconded that the application to upgrade Euxton Footpaths 37, 38 and 39, known as

Culbeck Lane, to Restricted Byway, in accordance with file no. 804-574 be not accepted, to which the following amendment was proposed and seconded, that the application to upgrade Euxton Footpaths 37, 38 and 39, known as Culbeck Lane, to Restricted Byway, in accordance with file no. 804-574 be accepted. On being put to the vote the amendment was lost. The original proposal was then voted upon and carried and it was therefore:

Resolved: That the application to upgrade Euxton Footpaths 37, 38 and 39, known as Culbeck Lane, to Restricted Byway, in accordance with file no. 804-574 be not accepted.

7. Urgent Business

An item of urgent business relating to an application to record a transfer of a right of common held in gross was presented at the meeting.

The Committee was informed that these rights in gross were determined by the Commons and Town Greens Sub-Committee at its meeting in September 2011.

It was agreed that this matter be determined at the meeting to enable longstanding financial and legal issues to be resolved prior to the next meeting of the Committee which was not until 8 June 2016.

Details of the application and supporting evidence received from the applicant, were presented both as part of the report and at the meeting.

The Committee agreed that the application was well founded and that it be accepted and a transfer of the right of common be recorded in the Commons Register.

Resolved: That the application be accepted and the transfer of rights in gross be recorded in the Commons Register in accordance with the Commons Registration (England) Regulations 2014 that Mr Paul John France and Mr Mark Kelsall France are entitled to the right to graze 79 and a half sheepgates over the whole of CL23.

8. Date of Next Meeting

It was noted that the next meeting of the Committee will be held at 10:30am on the Wednesday 8th June 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