

Lancashire County Council

Regulatory Committee

Minutes of the Meeting held on Wednesday, 27th July, 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	C Henig
I Brown	R Shewan
A Clempson	D Stansfield
B Dawson	D Whipp
G Gooch	P White
P Hayhurst	B Yates

1. Apologies.

Apologies were received from County Councillor Julie Gibson.

2. Disclosure of Pecuniary and Non-Pecuniary Interests.

County Councillors David Whipp and Paul White declared a non-pecuniary interest in Item 5 as they were both members of Pendle Borough Council.

3. Minutes of the last meeting.

Resolved: That the minutes of the meeting held on 6 April 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. Definitive Map Modification Order Investigation Addition of public footpath from Railway Street to Cross Street Car Park, Brierfield, Pendle Borough

A report was presented on an application for the addition on to the Definitive Map and Statement of Public Rights of Way of a public footpath from Railway Street to Cross Street Car Park, Brierfield, in accordance with File No. 804-501.

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 a public footpath from Railway Street to Cross Street Car Park, Brierfield be accepted in part:
 - a) A-B-C-D-E to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with File No. 804-501, to be accepted; and
 - b) E-F-G to be not accepted.
2. That an Order be made pursuant to Section 53(2)(b) and Section 53(3)(b) and/or Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add a public footpath from Railway Street to Cross Street Car Park, Brierfield on the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plan between points A-B-C-D-E.
3. That being satisfied that the higher test for confirmation can be met the Order be promoted to confirmation.

6. Proposed Diversion of Part of Great Harwood Footpath 1, Hyndburn Borough

A report was presented on the proposed diversion of part of Great Harwood Footpath 1, Hyndburn Borough.

Consultations had been carried out and no adverse comments on the proposal had been received apart from one from National Grid who initially objected to the proposals. National Grid had a gas pipeline which crossed beneath the line of the proposed diversion. Its initial objection was on the grounds that the level of protection currently afforded to the apparatus it had in the subject land might be

diminished notwithstanding Paragraph 4, Schedule 12, Part II of the Highways Act 1980. National Grid subsequently withdrew its objection because it had identified that it had no record of apparatus in the immediate vicinity of the enquiry.

Having considered all of the information set out in the report and presented at the meeting, it was agreed that an Order should be made but taking advice in Annex 'C' into account that the Authority took a neutral stance with respect to confirmation.

Resolved:

1. That an Order be made under Section 119 of the Highways Act 1980 to divert part of Great Harwood Footpath 1, from the route shown by a bold continuous line and marked A-B to the route shown by a bold dashed line and marked A-C-B on the plan.
2. That in the event of no objections being received, the Order be confirmed and in the event of objections being received and not withdrawn, the Order be sent to the Secretary of State and the Authority take a neutral stance with respect to its confirmation.
3. That provision be included in the Order 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 diversion.

7. Proposed Diversion of Bacup Footpath 640, Rossendale Borough

A report was presented on the proposed diversion of Bacup Footpath 640, Rossendale Borough.

The necessary consultations had been carried out and no adverse comments had been received. Local rights of way user groups had also been consulted.

Having considered all the information set out in the report and presented at the meeting, it was agreed that an Order should be made but taking advice in Annex 'C' into account that the Authority promoted it to confirmation.

Resolved:

1. That an Order be made under Section 119 of the Highways Act 1980 to divert Bacup Footpath 640, from the route shown by a bold continuous line and marked A-B to the route shown by a bold dashed line and marked C-B on the attached plan.
2. That in the event of no objections being received, the Order be confirmed and in the event of objections being received and not withdrawn, the Order

be sent to the Secretary of State and the Authority promote it to confirmation.

3. That provision be included in the Order 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 diversion.

8. Commons Act 2006, The Commons Registration (England) Regulations 2014, Regulation 43

A report was presented on an application from John Douglas James Welbank and Sylvia Margaret Welbank for a Declaration of Entitlement to record the rights to graze 45 sheep on CL23, rights entry 4.

Details of the application and supporting evidence received from the applicant, together with a summary of the law relating to applications in respect of common land were presented both as part of the report and at the meeting.

The Committee agreed that the application was well founded, the appropriate amendment to the register be made and the application be made.

Resolved: That the application be accepted in part and a Declaration of Entitlement be recorded in the Commons Register in accordance with The Commons Registration 2014 and that Mr John Douglas James Welbank and Mrs Sylvia Margaret Welbank are entitled to exercise the part of the right attached to Ireby Green, Ireby, namely the right to graze 45 sheep gaits over CL23.

9. Urgent Business

There were no items of Urgent Business.

10. Date of Next Meeting

It was noted that the next meeting of the Committee will be held at 10:30am on the Wednesday 28th September 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