

**THE LANCASHIRE COUNTY COUNCIL  
WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III  
THE LANCASHIRE COUNTY COUNCIL PUBLIC FOOTPATH FROM BANKS ROAD  
TO STATION ROAD, NORTH MEOLS, WEST LANCASHIRE BOROUGH  
(DEFINITIVE MAP MODIFICATION) ORDER 2014**

**STANCE**

The Lancashire County Council, following the decision of the Regulatory Committee on 26<sup>th</sup> March 2014, are supporting the above Order.

## **Lancashire County Council**

### **Regulatory Committee**

**Minutes of the Meeting held on Wednesday, 26th March, 2014 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	G Molineux
I Brown	N Penney
A Clempson	D T Smith
D Clifford	D Stansfield
B Dawson	D Whipp
P Hayhurst	B Yates
C Henig	

County Councillor J Gibson was replaced by County Councillor N Penney for this meeting only.

#### **1. Apologies.**

No apologies for absence were presented at the meeting.

#### **2. Disclosure of Pecuniary and Non-Pecuniary Interests.**

There were no disclosures of interest in relation to matters appearing on the agenda.

#### **3. Minutes of the last meeting.**

**Resolved:** That the Minutes of the meeting held on the 5<sup>th</sup> February, 2014 are confirmed as an accurate record and signed by the Chair.

#### **4. Consideration of the Authority's role in connection with access to Common Land.**

A report was presented regarding the suggested procedure to be adopted in relation to the investigation of unauthorised works, encroachment or obstructions on Registered Common Land which affected public access, prior to any action being considered by the Committee.

Mrs Turner informed the meeting it was often assumed that the County Council was responsible for dealing with any unauthorised works on common land when in reality the Authority was one of a number of parties that could take action under the statutory provisions.

When considering the report the Committee noted decisions taken at meetings in April and November 2009 regarding enforcement action together with a request from the Complaints Committee for the role of the authority and others in protecting access to common land to be reviewed.

Having discussed the suggested procedure there was general agreement amongst the members of the Committee that only those matters that the Executive Director for Environment Directorate, in conjunction with the County Secretary and Solicitor, considered sufficiently in the public interests, and for which there were sufficient resources to pursue enforcement, would be brought to the Committee. It was also suggested that the Chair of the Committee be consulted in those circumstances where it was felt that a report should be brought to the Committee.

**Resolved:** That the Executive Director for Environment be authorised to:

1. Investigate alleged unauthorised works, encroachments and obstructions or unlawful interference on Common Land or Town/Village Green.
2. Consider the effect on rights on Common Land and Town/ Village Green and to collect relevant evidence and information and responses and evaluate resource implications.
3. Present a report to the Committee where, in conjunction with the County Secretary and Solicitor and the Chair, it is felt that action by the County Council under S41 or S45 of the Commons Act 2006 may be appropriate.

**5. Guidance.**

A report was presented regarding Guidance for members of the Committee on the law regarding 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 in connection with the above, as set out in Annexes 'A', 'B' and 'C' of the report presented, is noted.

6. **Wildlife and Countryside Act 1981**  
**Claimed Public Footpath from Wardley's Lane to the Salt Marsh,**  
**Stalmine-with-Staynall, Wyre Borough.**  
**Claim No. 804/522**

A report was presented regarding an application for a public footpath from Wardley's Lane to the salt marsh at Stalmine-with-Staynall in Wyre Borough, to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with Claim No. 804/522.

*County Councillor P Hayhurst joined the meeting at 10.50am.*

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) was presented both as part of the report and at the meeting.

In considering the report the Committee examined the documentary evidence presented, including aerial photographs from 1960, 1988 and 2000. It was suggested that a route may have existed from the landing stage to north of the claimed route in a north easterly direction to Wardleys Lane, though it was acknowledged that the route and associated steps were located north of the termination of the claimed route and did not appear to provide an access point. The Committee also considered the user evidence which had been received, particularly with regard to the period between 1987 and 2007 and in relation to the claimed access points, information from owners and the potential impact of gates, fencing and parked vehicles on the ability of users to have walked the claimed route over the period concerned.

Having considered all of the information presented the Committee felt that there was insufficient evidence from which dedication could be reasonably alleged under the provisions of S31 of the Highways Act or inference at Common Law and so it was agreed that an Order should not be made in respect of the claimed route.

**Resolved:** That the proposal for a public footpath from Wardley's Lane to the salt marsh at Stalmine-with-Staynall in Wyre Borough to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with Claim No. 804/522, be not accepted.

7. **Wildlife and Countryside Act 1981  
Claimed Public Footpath from Banks Road to Station Road, North Meols, West Lancashire Borough  
Claim No. 804/529**

A report was presented in relation to an application for a public footpath from Banks Road to Station Road in North Meols, to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with Claim No. 804/529.

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) was presented both as part of the report and at the meeting.

In considering the claim the Committee discussed the documentary evidence presented and were advised that the boundary line shown at point B on the plan did not actually exist on the ground and was in reality at point C as shown on the aerial photograph from 2010. The user evidence received in relation to the period between 1978 and 1988, together with evidence from the objector was also considered.

Having examined all of the information presented the Committee felt that there was sufficient evidence from which a dedication could be reasonably alleged under the provisions of S31 of the Highways Act and by inference at Common Law and that it was appropriate that an Order be made and promoted to confirmation.

**Resolved:**

1. That the proposal for a public footpath from Banks Road to Station Road in North Meols, West Lancashire, to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with Claim No. 804/529, be accepted.
2. That an Order be made pursuant to Section 53 (3)(b) and/or 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add to the Definitive Map and Statement of Public Rights of Way a Public Footpath from Banks Road (Grid Reference SD 3796 2086) to Station Road (SD 3826 2032), North Meols for a distance of approximately 610 metres and shown between points A-B-C-D-E-F-G-H-I on the plan set out in the report.
3. That, being satisfied that the higher test for confirming the said Order can be satisfied, the said Order be promoted to confirmation if necessary by sending it to the Secretary of State.
  
8. **Wildlife and Countryside Act 1981**  
**Claimed Public Footpath from Bescar Brow Lane to Public Footpath 14a Scarisbrick, West Lancashire Borough**  
**Claim No. 804/544**

A report was presented in connection with an application for a Public Footpath from Bescar Brow Lane, Scarisbrick to Public Footpath 14a Scarisbrick in West Lancashire Borough, to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with Claim No. 804/544.

# Notice of Decision



## Application for a Modification Order

### Wildlife and Countryside Act 1981

The Definitive Map and Statement of Public Rights of Way for the County of Lancashire

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#### Name and Address of Claimant

North Meols Parish Council, 25 Irton Road, Southport, PR9 9DY

#### Particulars of Claim

Claim number: 804/529 (5.46089)

Date of determination of the claim: 26<sup>th</sup> March 2014

#### Modification Claimed

Claimed Public Footpath from Banks Road to Station Road, North Meols, West Lancashire

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#### Particulars of the Decision

In pursuance of their powers and duties under the Wildlife and Countryside Act 1981 and in accordance with Section 53(5) and Schedule 14 of the 1981 Act, Lancashire County Council have investigated the matters referred to in the Claim set out above.

Notice is hereby given that Lancashire County Council have determined to make an Order to modify The Definitive Map and Statement of Public Rights of Way for the County of Lancashire in accordance with the claim.

The reason for the County Council's decision is:

The Regulatory Committee, having examined all of the evidence presented felt that there was sufficient evidence from which a dedication could be reasonably alleged under the provisions of S31 of the Highways Act and by inference at Common Law and that it was appropriate that an Order be made and promoted to confirmation.

Date: 9<sup>th</sup> May 2014

Signed:   
(County Secretary and Solicitor)

**NB: Important guidance notes are provided overleaf**

Ian Fisher  
County Secretary & Solicitor  
Lancashire County Council  
County Hall  
Preston, PR1 8XJ

## Guidance Notes

1. Where the County Council decide **to make an Order**, steps will be taken to prepare the Order to bring this decision into effect. At that time, a copy of the Order and plan together with a Notice giving details of the Order will be sent to you and details will also be published in the local press and displayed on site.
2. It is important to note that this Order has no legal effect until such time as it has been confirmed by the Local Authority and until that time, the route has the same legal status as it does today.
3. Where the County Council decided **not to make an Order**, the Applicant may, in accordance with Paragraph 4 to Schedule 14 of the Wildlife and Countryside Act 1981, **AT ANY TIME WITHIN 28 DAYS AFTER THE SERVICE ON HIM OF THE NOTICE OF THE DECISION**, serve a Notice of Appeal against that decision on the Secretary of State and the County Council.
4. Your appeal should be made to:

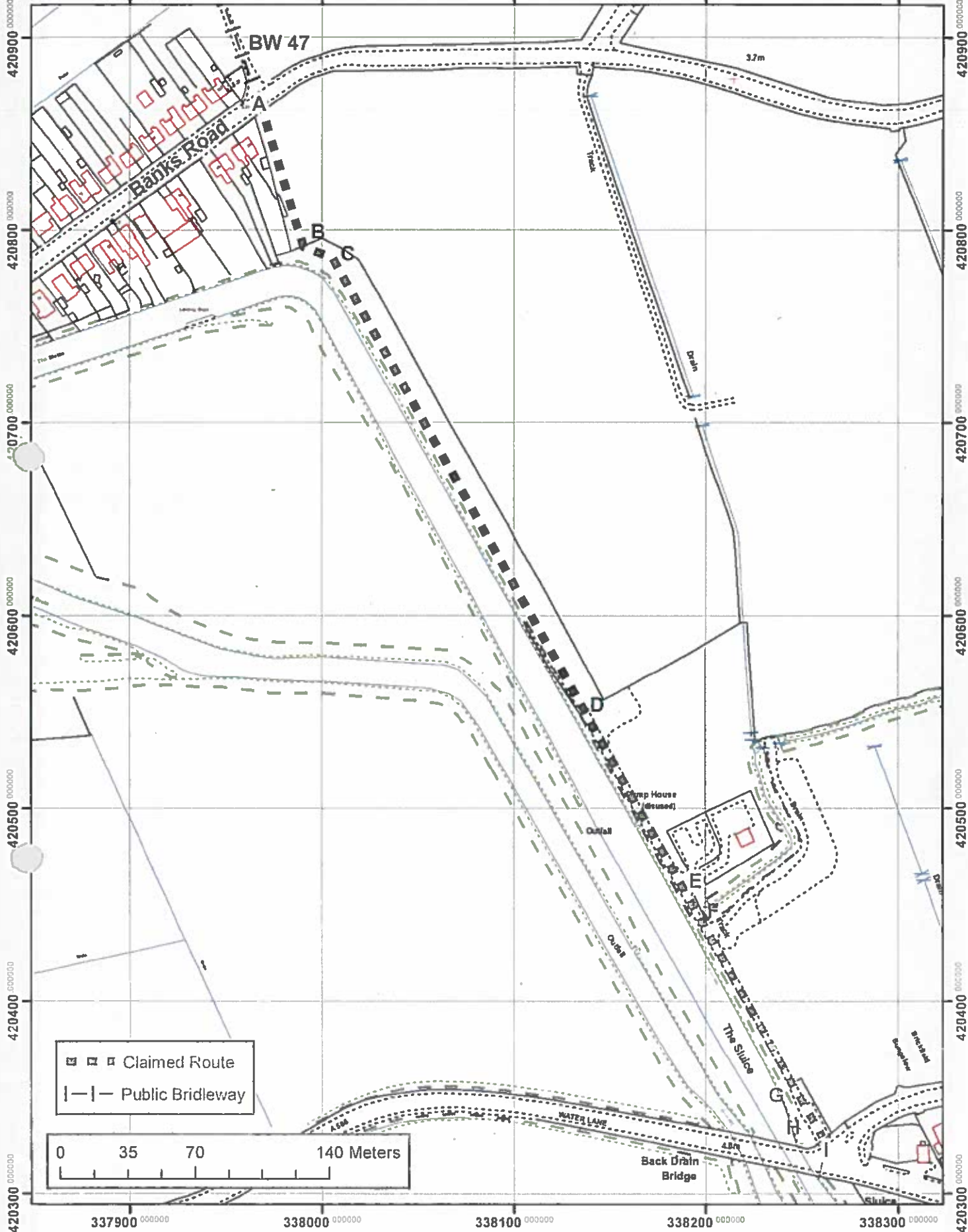
Rights of Way Team,  
The Planning Inspectorate,  
Room 3/25, Hawk Wing,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol  
BS1 6PN

5. A copy of the Notice of appeal must also be sent to the County Council:

The County Secretary and Solicitor  
(REF: LSG4/5.46089/MB)  
County Hall  
Preston  
PR1 8XJ

6. If, on considering the Appeal, the Secretary of State considers that an Order should be made, he will direct the County Council to make an Order accordingly.

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<p>Lancashire County Council</p>	<p>Jo Turton Executive Director for the Environment</p>	<p>Wildlife and Countryside Act 1981 Claimed Public Footpath from Banks Road to Station Road, North Meols, West Lancashire District - Claim 804/529</p>	<p>1:2,500</p>	
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The digitised Rights of Way information should be used for guidance only as its accuracy cannot be guaranteed. Rights of Way information must be verified on the current Definitive Map before being supplied or used for any purpose.

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