

**THE LANCASHIRE COUNTY COUNCIL
WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III
THE LANCASHIRE COUNTY COUNCIL
(SAWLEY ROAD TO GREEN END, GRINDLETON)
DEFINITIVE MAP MODIFICATION ORDER 2015**

STANCE

The Lancashire County Council, following the decision of the Regulatory Committee on 09 September 2015, are supporting the above Order.

Lancashire County Council

Regulatory Committee

Minutes of the Meeting held on Wednesday, 9th September, 2015 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 Gooch
L Beavers	N Penney
I Brown	R Shewan
A Clempson	D Westley
D Clifford	D Whipp
B Dawson	B Yates

County Councillors N Penney and D Westley replaced County Councillors C Henig and D Stansfield respectively.

1. Apologies.

No apologies were presented.

2. Disclosure of Pecuniary and Non-Pecuniary Interests.

None were disclosed.

3. Minutes of the meeting held on 1 July 2015

Resolved: That the minutes of the meeting held on 1 July 2015 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 a Public Footpath from Sawley Road to the Friends'
Meeting House on the Parish Boundary, Grindleton Parish, Ribble
Valley
File No. 804-550**

A report was presented on an application for the addition of a public footpath to the Definitive Map and Statement from Sawley Road, Grindleton to the Friends' Meeting House on the parish boundary, Grindleton, Ribble Valley, file reference 804-550.

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 presented, the Committee agreed that taking all the relevant evidence into account, there was sufficient evidence that an Order should be made and promoted to confirmation.

Resolved:

1. That the application for a public footpath from Sawley Road, Grindleton to the Friends' Meeting House on the parish boundary (file no. 804-550) be accepted.
2. That an Order be made pursuant to Section 53 (2)(b) and Section 53 (3)(b) and Section 53 (c)(i) of the Wildlife and Countryside Act 1981 to add a public footpath from Sawley Road, Grindleton to the junction of Public Footpaths 5 Sawley and 44 Grindleton by the Friends' Meeting House on the parish boundary to the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plan between points A-B-C.
3. That being satisfied that the higher test for confirmation can be met the Order be promoted to confirmation.

**6. Wildlife and Countryside Act 1981
Definitive Map Modification Order Investigation
Addition of a public footpath from Gisburn Road to the junction of
Public Footpaths 38, 39 and 41 Blacko, Borough of Pendle
File No. 804-559**

A report was presented on an application for the addition to the Definitive Map and Statement of a public footpath from Gisburn Road to the junction of Public Footpaths 38, 39 and 41 Blacko, Pendle Borough (File reference 804-559).

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 presented, the Committee agreed that taking all the relevant evidence into account, there was sufficient evidence that an Order should be made and promoted to confirmation.

Resolved:

1. That the application for a public footpath from Gisburn Road to the junction of Public Footpaths 38, 39 and 41 Blacko (reference 804-559) be accepted.
2. That an Order be made pursuant to Section 53 (2)(b) and Section 53 (3)(b) and/or Section 53 (c)(i) of the Wildlife and Countryside Act 1981 to add a public footpath from Gisburn Road to the junction of Public Footpaths 38, 39 and 41 Blacko, Pendle Borough to the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plan between points A-B-C-D.
3. That being satisfied that the higher test for confirmation can be met the Order be promoted to confirmation.

7. Decision On Appeal

Wildlife and Countryside Act 1981

Definitive Map Modification Order Applications

1. Application to add a Public Footpath from Laund Lane (Haslingden BOAT 134) to Haslingden Footpath 109, Rossendale Borough

File No. 804-551

2. Application to add a Public Footpath in a circuitous route, starting and ending at a point on Laund Lane (Haslingden BOAT 134), Rossendale Borough

File No. 804-55

A report was presented on a decision on an Appeal made under Section 53 and Schedule 14 of The Wildlife and Countryside Act 1981 against the refusal to make a Definitive Map Modification Order had been received from the Secretary of State for Environment, Food and Rural Affairs.

At their meeting on the 17th December 2014 the Regulatory Committee considered a report for Claim Nos 804-551 and 804-552 for the addition of two Public Footpaths.

1. From Laund Lane (Haslingden BOAT 134) to Haslingden 109, Rossendale Borough as shown between points A-H-B-C-G on attached committee plan
2. In a circuitous route, starting and ending at a point on Laund Lane (Haslingden BOAT 134), Rossendale Borough as shown between points C-D-E-F-H-A on the attached committee plan.

The Committee resolved that the claims were not accepted. Both applicants appealed against the refusal to the Secretary of State for Environment, Food and Rural Affairs. After receiving both appeals it was decided between the Secretary of State and the Order Making Authority that both the appeals would be dealt with together and by the same Inspector. The Secretary of State for Environment, Food and Rural Affairs had allowed the appeals and directed Lancashire County Council to make the Order.

Details of the Decision on Appeal were presented both as part of the report and by the officers at the meeting.

Having examined all of the information presented, the Committee agreed that an Order should be made as directed and the Order confirmed if there were no objections to it. However, if there were objections the Authority were to take a neutral stance.

Resolved:

1. That the Report be noted.
2. That, in the light of the Secretary of State for Environment, Food and Rural Affairs' decision to uphold the Appeal lodged in respect of Claim Nos 804-551 and 804-552, an Order be made pursuant to Section 53 (2)(b) and Section 53 (3)(c)(i) of The Wildlife and Countryside Act 1981 to add to the Definitive Map and Statement of Public Rights of Way by adding a public footpath:
 - (a) from Laund Lane (Haslingden BOAT 134) to Haslingden Footpath 109, Rossendale Borough as shown between points A-H-B-C-G on the attached plan
 - (b) in a circuitous route, starting and ending at a point on Laund Lane (Haslingden BOAT 134), Rossendale Borough as shown between points C-D-E-F-H-A on the attached plan.
3. That should no objections be received the Order be confirmed, but if objections are received the County Council as Order Making Authority submit the Order to the Secretary of State for formal determination, but the County Council shall notify the Secretary of State that it does not actively

support the Order and to adopt a 'neutral stance' as regards confirmation of the Order.

9. Date of Next Meeting

It was noted that the next meeting of the Committee will be held at 10:30am on the Wednesday 21st October 2015 in Cabinet Room 'B' – The Diamond Jubilee Room at County Hall, Preston.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

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

Name and Address of Claimant

Ian Nicol
Footpath Secretary, Clitheroe Ramblers, 52a Lowergate, Clitheroe, Lancashire, BB7 1AD

Particulars of Claim

Claim number: 804/550 (5.50817)

Date of determination of the claim: 9th September 2015

Modification Claimed

Addition of a Public Footpath from Sawley Road to the Friends' Meeting House on the Parish Boundary, Grindleton Parish, Ribble Valley

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 application.

The reason for the County Council's decision is:

The Regulatory Committee, having examined all of the information presented, the Committee agreed that taking all the relevant evidence into account, there was sufficient evidence that an Order should be made and promoted to confirmation.

Date: 16th October 2015

Signed:

A handwritten signature in black ink, appearing to read "John Lee".

(Principal Lawyer, Highways, Environment & Planning
For and on behalf of the Director of Governance, Finance and Public Services)

NB: Important guidance notes are provided overleaf

Ian Young
Director of Governance, Finance and Public Services
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 Director of Governance, Finance and Public Services
(REF: LSG4/PROW/5.50817/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.