

HIGHWAYS AND TRANSPORTATION COMMITTEE
PUBLIC RIGHTS OF WAY SUB-COMMITTEE

Meeting held on Wednesday, 26th March, 1997, at 10.30 a.m. at County Hall, Preston.

MINUTES

PRESENT:-

County Councillor J R Toon (Chairman)

County Councillors

C R Baily	C R Grills
T E Burns	R Mutch
H Caunce	Ms N D Penney
J K Charnley	Mrs P M Quinton
C W Cheetham	G W Roper
E M Fail	G W Slynn
J French	D B Stanley
K A Young	

MINUTES - 22ND JANUARY, 1997

50. RESOLVED:- That the Minutes of the Meeting held on the 22nd January, 1997, be confirmed and signed by the Chairman.

WILDLIFE AND COUNTRYSIDE ACT 1981
CLAIMED UPGRADING TO BRIDLEWAY OF PUBLIC FOOTPATHS
NOS. 43 AND 44, FOULRIDGE, PENDLE BOROUGH
CLAIM NO. 804/230

It was reported that the claim was for the upgrading to the status of bridleway of Public Footpaths Nos. 43 and 44 Foulridge, Pendle Borough, on the Definitive Map and Statement of Public Rights of Way, in accordance with the procedure laid down in the Wildlife and Countryside Act, 1981. Details of the claim and the evidence for and against it and a summary of the law relating to the continuous review of the Definitive Map and Statement of Public Rights of Way (in the form of an appendix) were presented.

51. RESOLVED:-

- (1) That the claim for the upgrading to the status of bridleway of Public Footpaths Nos. 43 and 44, Foulridge, Pendle Borough, on the Definitive Map and Statement of Public Rights of Way (Claim No. 804/230) be accepted; and
- (2) That an Order be made pursuant to Section 53(2)(b) and Section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981 to upgrade to the status of bridleway on the Definitive Map and Statement of Public Rights of Way Public Footpaths Nos. 43 and 44, Foulridge, Pendle Borough, from a point on Skipton Old Road, north-east of Cragg Farm, in a general easterly direction for a distance of approximately 1230 metres, to a point on Cob Lane, at the junction with Public Footpath Nos. 55A and 59, (GR.8939 4287 to 9061 4296).

WILDLIFE AND COUNTRYSIDE ACT 1981

CLAIMED UPGRADING TO BRIDLEWAY OF PUBLIC FOOTPATH NO. 168, COLNE
PENDLE BOROUGH

CLAIM NO. 804/236

It was reported that the claim was for the upgrading to the status of bridleway of Public Footpath No. 168, Colne, Pendle Borough, on the Definitive Map and Statement of Public Rights of Way, in accordance with the procedure laid down in the Wildlife and Countryside Act, 1981. Details of the claim and the evidence for and against it and a summary of the law relating to the continuous review of the Definitive Map and Statement of Public Rights of Way (in the form of an appendix) were presented.

52. RESOLVED:- That the claim for the upgrading to the status of bridleway of Public Footpath No. 168, Colne, Pendle Borough, (GR.8794 4016 to 8724 4095), on the Definitive Map and Statement of Public Rights of Way (Claim No. 804/236) be not accepted.

WILDLIFE AND COUNTRYSIDE ACT 1981

CLAIMED VARIATION OF THE PARTICULARS RELATING TO PUBLIC FOOTPATH
NO.47, FOULRIDGE, PENDLE BOROUGH, BY PROVIDING FOR THE ROUTE TO
BE SHOWN ALONG A LINE TO THE SOUTH OF THE CURRENT DEFINITIVE
ROUTE

CLAIM NO. 804/287

It was reported that the claim was for the variation of the particulars contained in the Definitive Map and Statement of Public Rights of Way relating to Public Footpath No. 47, Foulridge, Pendle Borough, by providing for the route to be shown along a line to the south of the current Definitive route, in accordance with the procedure laid down in the Wildlife and Countryside Act, 1981. Details of the claim and the evidence for and against it and a summary of the law relating to the continuous review of the Definitive Map and Statement of Public Rights of Way (in the form of an appendix) were presented.

53. RESOLVED:-

- (1) That the claim for the variation of the particulars contained in the Definitive Map and Statement of Public Rights of Way relating to Public Footpath No. 47, Foulridge, Pendle Borough, by providing for the route to be shown along a line (A-B on the plan referred to in the report) to the south of the current Definitive route (C-D on the plan referred to in the report), (Claim No. 804/287) be accepted; and
- (2) That an Order be made, pursuant to Section 53(2)(b) and Sections 53(3)(c)(i) and (iii) and 4(a) of the Wildlife and Countryside Act 1981 to vary the particulars contained in the Definitive Map and Statement of Public Rights of Way by (a) deleting Public Footpath No. 47, Foulridge, which commences at a point on Skipton New Road and extends in a general easterly direction, passing to the north of Meadow View, to a point on Skipton Old Road, a distance of approximately 85 metres, (GR. 8912 4264 to 8921 4264); and (b) adding the route to the south of the current Definitive route which commences at a point on Skipton New Road and extends in a general easterly direction, passing to the north of the garage and The Willows, to a point on Skipton Old Road, a distance of approximately 60 metres, (GR. 8911 4259 to 8917 4258); and

- (3) In the event of the claim being accepted and the Modification Order being subsequently made, in accordance with (1) and (2) above, and in the event of the Modification Order being subsequently confirmed, that the County Council submit The Lancashire County Council (Definitive Map and Statement of Public Rights of Way) (Definitive Map Modification) (No. 11) Order 1996 to the Secretary of State for the Environment for formal determination, but withdraw their support for the Order.

WILDLIFE AND COUNTRYSIDE ACT 1981

CLAIMED PUBLIC FOOTPATH FROM WEST LEIGH ROAD TO PUBLIC FOOTPATH

NO. 66, BLACKBURN, BLACKBURN BOROUGH

CLAIM NO. 804/274

It was reported that the claim was for a public footpath from a point on West Leigh Road to Public Footpath No. 66, Blackburn, Blackburn Borough, to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with the procedure laid down in the Wildlife and Countryside Act, 1981. Details of the claim and the evidence for and against it and a summary of the law relating to the continuous review of the Definitive Map and Statement of Public Rights of Way (in the form of an appendix) were presented.

54. RESOLVED:- That the claim for a public footpath from West Leigh Road to Public Footpath No. 66, Blackburn, Blackburn Borough, (GR.6734 2953 to 6737 2945), to be added to the Definitive Map and Statement of Public Rights of Way (Claim No. 804/274) be not accepted.

WILDLIFE AND COUNTRYSIDE ACT 1981

CLAIMED PUBLIC FOOTPATH FROM LONDON ROAD TO WINERY LANE,

WALTON-LE-DALE, SOUTH RIBBLE BOROUGH

CLAIM NO. 804/260

It was reported that the claim was for a public footpath from London Road to Winery Lane, Walton-Le-Dale, South Ribble Borough, to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with the procedure laid down in the Wildlife and Countryside Act, 1981. Details of the claim and the evidence for and against it and a summary of the law relating to the continuous review of the Definitive Map and Statement of Public Rights of Way (in the form of an appendix) were presented.

55. RESOLVED:- That the claim for a public footpath from London Road to Winery Lane, Walton-le-Dale, South Ribble Borough, (GR.5531 2862 to 5506 2818), to be added to the Definitive Map and Statement of Public Rights of Way (Claim No. 804/260) be not accepted.

WILDLIFE AND COUNTRYSIDE ACT 1981

- a) CLAIMED UPGRADING TO BRIDLEWAY OF PUBLIC FOOTPATHS NOS. 47 AND 48 (PART) NORTH MEOLS, WEST LANCASHIRE DISTRICT
b) CLAIMED BRIDLEWAY TO THE NORTH OF, AND PARALLEL TO, PUBLIC FOOTPATHS NOS. 48 (PART) AND 49 (PART), NORTH MEOLS, WEST LANCASHIRE DISTRICT
c) CLAIMED UPGRADING TO BRIDLEWAY OF PUBLIC FOOTPATH NO. 49 (PART) NORTH MEOLS, WEST LANCASHIRE DISTRICT
CLAIM NO. 804/268

It was reported that the claim was for:-

- a) the upgrading to the status of bridleway of Public Footpaths Nos. 47 and 48 (part), North Meols, West Lancashire District
b) the addition of a bridleway to the north of, and parallel to, Public Footpaths Nos. 48 (part) and 49 (part), North Meols, West Lancashire District
c) the upgrading to the status of bridleway of Public Footpath No. 49 (part), North Meols, West Lancashire District

on the Definitive Map and Statement of Public Rights of Way, in accordance with the procedure laid down in the Wildlife and Countryside Act, 1981. Details of the claim and the evidence for and against it and a summary of the law relating to the continuous review of the Definitive Map and Statement of Public Rights of Way (in the form of an appendix) were presented.

56. RESOLVED:-

(1) That the claim for:-

- (a) the upgrading to the status of bridleway of Public Footpaths Nos. 47 and 48 (part), North Meols, West Lancashire District; and
(b) the addition of a bridleway to the north of, and parallel to, Public Footpaths Nos. 48 (part) and 49 (part), North Meols, West Lancashire District; and
(c) the upgrading to the status of bridleway of Public Footpath No. 49 (part), North Meols, West Lancashire District

on the Definitive Map and Statement of Public Rights of Way, in accordance with Claim No. 804/268, be accepted; and

(2) That an Order be made, pursuant to Section 53 (2)(b) and Sections 53 (3)(c)(i) and (ii) of the Wildlife and Countryside Act, 1981:-

- (a) to upgrade to the status of bridleway on the Definitive Map and Statement of Public Rights of Way, Public Footpaths Nos. 47 and 48 (part), North Meols, from a point on Ralph's Wife's Lane/Banks Road, adjacent to No. 105, following Public Footpaths Nos. 47 and 48 (part) to a point at Cross Bank Cottage, a total distance of approximately 1170 metres, (GR. 3797 2087 to 3860 2178); and

- (b) to add to the Definitive Map and Statement of Public Rights of Way, a bridleway to the north of, and parallel to, Public Footpaths Nos. 48 (part) and 49 (part), North Meols, from a point at Cross Bank Cottage to a point approximately 237 metres west of New Lane Pace, opposite Marsh Road, a total distance of approximately 840 metres, (GR. 3860 2178 to 3944 2191); and
- (c) to upgrade to the status of bridleway on the Definitive Map and Statement of Public Rights of Way, Public Footpath No. 49 (part), North Meols, from a point on Public Footpath No. 49, following Public Footpath No. 49 (part) to a point on New Lane Pace, opposite Marsh Road, a total distance of approximately 237 metres, (GR. 3944 2191 to 3966 2190).

HIGHWAYS ACT 1980 - SECTION 119

PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH NO. 30 BOLTON-BY-BOWLAND,
RIBBLE VALLEY BOROUGH

It was reported that the County Surveyor was considering a proposal for an Order to be made under Section 119 of the Highways Act 1980 to divert part of Public Footpath No 30, in the Parish of Bolton-by-Bowland, Ribble Valley Borough.

Details of the proposed diversion were presented. The proposal was considered acceptable from a highway aspect and met the criteria for a diversion under Section 119 of the Highways Act 1980, ie that, in the interests of the landowner, lessee or occupier of land crossed by the path, or of the public, it was expedient that the path should be diverted.

In view of the public benefit, and the cost savings on provision and future maintenance of the smaller footbridge, it was considered to be justifiable that the County Council should bear all the costs involved in the Order-making procedures.

The section of the path proposed to be diverted and also that in respect of the proposed alternative route is in the ownership of a Mrs Bosonet, who had confirmed that she would have no objection to the proposal.

The necessary consultation with the Statutory Undertakers had been carried out, though all replies had not yet been received. It was not anticipated that any adverse comment would be received from any consultees. The Ribble Valley Borough Council and the Bolton-by-Bowland Parish Council had also been consulted and, similarly, formal responses were awaited. The Ramblers' Association had similarly been involved in the discussions and had given its support to the proposal. The Peak and Northern Footpaths Society had been consulted and a response was awaited.

57. RESOLVED:-

- (1) That, subject to the satisfactory conclusion of outstanding consultations, an Order be made, under Section 119 of the Highways Act 1980, to divert that part of Public Footpath No 30 in the Parish of Bolton-by-Bowland, from the route shown by a solid black line and marked A-B-C-D on the plan referred to in the report, to the route shown by a black dotted line and marked E-F-G-H-D on the plan, and in the event of no objections being received, the Order be confirmed.

- (2) That in the event of the Order being confirmed, a further Order be made pursuant to Section 53 (2)(b) and (3)(a)(i) of the Wildlife and Countryside Act 1981 to amend the Definitive Map and Statement of Public Rights of Way to reflect the coming into operation of the Order under Section 119 Highways Act, 1980, whereby part of Public Footpath No. 30, in the Parish of Bolton-by-Bowland, Ribble Valley Borough, is diverted.

HIGHWAYS ACT 1980 - SECTION 119

PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH NO. 22 SIMONSTONE RIBBLE VALLEY BOROUGH

It was reported that a request had been received from Messrs Ingham & Yorke (land agents for the Huntroyde Estate) for an Order to be made under Section 119 of the Highways Act 1980, to divert part of Public Footpath No.22 in the Parish of Simonstone, Ribble Valley Borough.

Details of the proposed diversion were presented. The proposal was considered acceptable from a highway aspect and met the criteria for a diversion under Section 119 of the Highways Act 1980, ie that in the interests of the landowner, lessee or occupier of land crossed by the path or of the public, it was expedient that the path should be diverted.

The applicant was the owner of the section of Public Footpath No. 22 to be diverted and also that in respect of the proposed alternative route.

The applicant had agreed to pay all advertising charges incurred by the County Council in the Order-making procedures and all other costs in providing a satisfactory alternative route.

The necessary consultation with the Statutory Undertakers, the Ramblers' association and the Peak and Northern Footpaths Society had been carried out and no adverse comments had been received. Similarly, the Ribble Valley Borough Council and Simonstone Parish Council had also been contacted and had raised no objection.

58. RESOLVED:-

- (1) That an Order be made, under Section 119 of the Highways Act 1980, to divert that part of Public Footpath No 22 in the Parish of Simonstone, from the route shown by a solid black line and marked A-B on the plan referred to in the report, to the route shown by a black dotted line and marked C-B on the plan, and in the event of no objections being received, the Order be confirmed.
- (2) That in the event of the Order being confirmed, a further Order be made pursuant to Section 53(2)(b) and (3)(a)(i) of the Wildlife and Countryside Act 1981, to amend the Definitive Map and Statement of Public Rights of Way to reflect the coming into operation of the Order under Section 119 Highways Act, 1980, whereby part of Public Footpath No. 22 in the Parish of Simonstone, Ribble Valley Borough, is diverted.

HIGHWAYS ACT 1980 - SECTION 119

PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH NO.21, HALSALL, WEST LANCASHIRE DISTRICT

It was reported that a request had been received from Mrs K Leatherbarrow of Halsall Hill, Mere Lane, Halsall for an Order to be made under Section 119 of the Highways Act 1980, to divert part of Public Footpath No.21 in the Parish of Halsall, West Lancashire District.

Details of the proposed diversion were presented. The proposal was considered acceptable from a highway aspect and met the criteria for a diversion under Section 119 of the Highways Act 1980, ie that in the interests of the landowner, lessee or occupier of land crossed by the path or of the public, it was expedient that the path should be diverted.

The section of the path proposed to be diverted and also that in respect of the proposed alternative route was in the ownership of the Church Commissioners who had confirmed that they would have no objections to the proposal. The tenant farmer, Mr Mawdesly of Poplar Farm, Station Road, Barton, had also confirmed that he would have no objection to the proposal.

The applicant had agreed to pay all advertising charges incurred by the County Council in the Order-making procedures and all other costs in providing a satisfactory alternative route.

The necessary consultation with the Statutory Undertakers, and the Peak and Northern Footpaths Society had been carried out and no adverse comments had been received. Similarly, the West Lancashire District Council and Halsall Parish Council had also been contacted and had raised no objection.

The Ramblers' Association and the West Lancashire Footpath Group had similarly been consulted and had objected to the proposal on the grounds that the diversion, if successful, would result in a footpath which would be substantially less convenient and enjoyable to the public in comparison to the current definitive route.

59. RESOLVED:-

That, subject to the County Surveyor being satisfied that the proposed alternative route will be in no way less commodious or convenient for public use, and in particular:-

- i) that the width of the proposed alternative route be a minimum of 2 metres throughout;
- ii) that measures are taken to ensure that the field edge length of the proposed alternative route (points D-C on plan referred to in the report) cannot be adversely disturbed by ploughing or planting of crops;
- iii) that a suitable crossing of the ditch (point D on plan referred to in the report) be provided which will not create an undue future maintenance liability for the County Council;
- iv) that assurances be obtained that no materials which could be detrimental to the enjoyment of the route by the public will be kept immediately adjacent to the proposed alternative route;

- (1) an Order be made, under Section 119 of the Highways Act 1980, to divert that part of Public Footpath No. 21 in the Parish of Halsall, from the route shown by a solid black line and marked A-B on the plan referred to in the report, to the route shown by a black dotted line and marked A-D-C-B on the plan, and in the event of no objections being received, the Order be confirmed.
- (2) That in the event of the Order being confirmed, a further Order be made pursuant to Section 53 (2)(b) and (3)(a)(i) of the Wildlife and Countryside Act 1981, to amend the Definitive Map and Statement of Public Rights of Way to reflect the coming into operation of the Order under Section 119 Highways Act 1980, whereby part of Public Footpath No. 21 in the Parish of Halsall, West Lancashire District, is diverted.

WILDLIFE AND COUNTRYSIDE ACT 1981

CONFIRMATION OF DEFINITIVE MAP MODIFICATION ORDER

It was reported that the Secretary of State for the Environment, following a Public Inquiry, had confirmed without modification "The Lancashire County Council (Definitive Map and Statement of Public Rights of Way) (Definitive Map Modification) (No. 13) Order 1991".

The Lancashire County Council (Definitive Map and Statement of Public Rights of Way) (Definitive Map Modification) (No. 13) Order 1991, made under Section 53 and Schedule 15 of the Wildlife and Countryside Act 1981, as confirmed by the Secretary of State for the Environment, adds a footpath from a point on Public Footpath No. 109 Haslingden to a point where Public Footpath No. 77 Haslingden meets Public Footpath No. 115 Rawtenstall, Borough of Rossendale, to the Definitive Map and Statement of Public Rights of Way, a distance of approximately 1430 metres.

60. RESOLVED:- That the Report be noted.

WILDLIFE AND COUNTRYSIDE ACT 1981

CONFIRMATION OF DEFINITIVE MAP MODIFICATION ORDER

It was reported that the Secretary of State for the Environment, following a Public Inquiry, had confirmed without modification "The Lancashire County Council (Definitive Map and Statement of Public Rights of Way) (Definitive Map Modification) (No. 4) Order 1992".

The Lancashire County Council (Definitive Map and Statement of Public Rights of Way) (Definitive Map Modification) (No. 4) Order 1992, made under Section 53 and Schedule 15 of the Wildlife and Countryside Act 1981, as confirmed by the Secretary of State for the Environment, adds a footpath from a point on Public Footpath No. 1, Livesey, immediately to the south of 'Springfield' and 'Nook Cottage' to a point on Firtrees Drive, Livesey, Borough of Blackburn, to the Definitive Map and Statement of Public Rights of Way, a distance of approximately 325 metres.

61. RESOLVED:- That the report be noted.

WILDLIFE AND COUNTRYSIDE ACT 1981
NON-CONFIRMATION OF DEFINITIVE MAP MODIFICATION ORDER

It was reported that the Secretary of State for the Environment did not confirm 'The Lancashire County Council (Definitive Map and Statement of Public Rights of Way) (Definitive Map Modification) (No. 8) Order 1991', the effect of which would have been to add a byway open to all traffic approximately 240 metres in length from No. 12, Ten Row, Glasson Dock, to The Custom House, Glasson Dock, Thurnham, City of Lancaster, to the Definitive Map and Statement of Public Rights of Way.

The principal ground for the decision was that the claimants, Thurnham Parish Council, and the County Council had withdrawn support for the Order.

62. RESOLVED:- That the report be noted.

PUBLIC RIGHTS OF WAY AND ACCESS FORUM

It was reported that the last meeting of the Public Rights of Way and Access Forum was held on the 3rd March, 1997, and a copy of the Minutes of that meeting were presented for the information of the Sub-Committee.

63. RESOLVED:- That the report be noted.

COUNTY COUNCIL ELECTIONS - 1ST MAY, 1997
TRANSACTION OF URGENT BUSINESS

The arrangements for dealing with matters of urgency which may arise prior to the next ordinary meeting of the Sub-Committee to be held on the 25th June, 1997, were reported.

64. RESOLVED:- That the appropriate Chief Officers be authorised to deal with matters of urgency which cannot await the next meeting following consultation with the Chairman and Vice-Chairman of the Sub-Committee, and the Spokesmen of the other political groups be informed of matters so dealt with as soon as practicable thereafter.

DATE OF NEXT MEETING

It was reported that the next meeting of the Sub-Committee was due to be held on Wednesday, 25th June, 1997, at 10.30 am.

G A JOHNSON
Chief Executive/Clerk

County Hall
PRESTON

