

**THE LANCASHIRE COUNTY COUNCIL  
WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III  
THE LANCASHIRE COUNTY COUNCIL  
(DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY)  
(DEFINITIVE MAP MODIFICATION) (NO.11) ORDER 2007**

**STANCE**

The Lancashire County Council, following the decision of the Regulatory Committee on 13<sup>th</sup> February 2013, are supporting the above Order.

## Lancashire County Council

### Regulatory Committee

Meeting held on Wednesday 10 October 2007 at 10.30 a.m. in Cabinet Room 'B' at County Hall, Preston

#### Minutes

Present: County Councillor F J Williams (Chair)

#### County Councillors

M Barron	D O'Toole <sup>1</sup>
M Calvert	Mrs L Oades
F Heyworth	T Ormrod
C Holtom	K Riley
B Mutch	B Wilkinson

1. County Councillor D O'Toole replaced County Councillor J Eaton

Apologies were received from County Councillors A Thornton and P Wilson.

#### Disclosure of Personal/Prejudicial Interests

County Councillor F Heyworth declared a personal, non-prejudicial interest in item 4 - Claimed Public Footpath from Kellet Lane to Ranglet Road, Bamber Bridge, South Ribble Borough, Claim No. 804/454, on the grounds that the matter under consideration fell within the division that he represents as a County Councillor.

County Councillor L Oades declared a personal, non-prejudicial interest in item 7 - Highways Act 1980 – Section 119 Proposed diversion of part of Public Footpath No. 3, Weeton-with-Preese and part of Public Footpath No.7, Singleton, Fylde Borough, as she is a member of Fylde Borough Council.

#### Minutes of the Meeting held on the 15 August 2007

27. **Resolved:** That the Minutes of the meeting held on the 15 August 2007 be confirmed and signed by the Chair.

## **Annexes A and B**

Guidance on the law relating to the continuous review of the Definitive Map and Statement of Public Rights of Way and in relation to certain Orders to be made under the Highways Act 1980 was presented in the form of Annexes A and B.

**28. Resolved:** That the revised Guidance be noted.

### **Wildlife And Countryside Act 1981**

**Claimed Public Footpath from Kellet Lane to Ranglet Road, Bamber Bridge, South Ribble Borough.**

**Claim No. 804/454**

A report was presented on the claim for a Public Footpath extending from a point at GR 5794 2504 on Kellet Lane, Bamber Bridge, running in a general north westerly direction for a distance of 52 metres adjacent to Unit 468 Ranglet Road, to a point on Ranglet Road, Bamber Bridge, at GR 5791 2508, and shown between points A – B on the plan referred to in the report, to be added to the Definitive Map and Statement of Public Rights of Way.

Details of the claim and the evidence for 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.

The Committee having taken all the evidence into account felt that on balance there was sufficient evidence from which a dedication of this route as a public footpath could be deemed or inferred and that the claim be accepted.

**29. Resolved:**

- i. That the claim for a Public Footpath from Kellet Lane to Ranglet Road, Bamber Bridge, South Ribble Borough, to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with Claim No. 804/454, be accepted.
- ii. That 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 a Footpath from Kellet Lane, Bamber Bridge to Ranglet Road, Bamber Bridge for a distance of approximately 52 metres (GR 5794 2504 to GR 5791 2508) and shown between points A – B on the plan referred to in the report.

**Lancashire County Council**

**Regulatory Committee**

**Minutes of the Meeting held on Wednesday, 13th February, 2013 at 10.30am  
in Cabinet Room 'B' - County Hall, Preston**

**Present:**

County Councillor Tony Jones (Chair)

**County Councillors**

F De Molfetta	P Malpas
M Devaney	N Penney
P Hayhurst	M Skilling
J Jackson	D Westley
A Knox	

County Councillor T Sharratt attended the meeting under Standing Order 19(1).

**1. Apologies**

Apologies for absence were received from County Councillor J Eaton.

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

None were disclosed.

**3. Minutes of the meeting held on 11 December 2012**

**Resolved:** That the Minutes of the meeting held on the 11 December 2012 be confirmed and signed by the Chair.

**4. Guidance**

Guidance on the law relating to the continuous review of the Definitive Map and Statement of Public Rights of Way and to the basic guidance on the law relating to certain Orders to be made under the Highways Act 1980 were presented in the form of Annexes 'A' and 'B' respectively.

**Resolved:** That the guidance as set out at Annexes 'A' and 'B' be noted.

- 5. Highways Act 1980 - Section 119  
Wildlife and Countryside Act 1981 - Section 53A  
Proposed diversion of Part of Public Footpath No. 29 Bolton By  
Bowland, Ribble Valley Borough.**

It was considered that given the evidence on how the claimed route and other parts of Ashworth Lane have been shown and dealt with historically, that an intention to dedicate it as a footpath may on balance be inferred to have occurred several decades ago and that the claim be accepted.

**Resolved:**

1. That the application for a public footpath from Malvern Road to Malvern Avenue, Frenchwood, Preston City, to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with Claim No. 804/497, be accepted.
2. That 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 a public footpath from Malvern Road for a distance of approximately 110 metres to Malvern Avenue shown between points A to B on the plan referred to 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 submitting it to the Secretary of State.

**8. Wildlife And Countryside Act 1981  
Claimed Public Footpath from Kellet Lane to Ranglet Road, Bamber  
Bridge, South Ribble Borough  
Claim No. 804/454**

At their meeting held on the 10 October 2007, the Regulatory Committee resolved to make an Order to add a Public Footpath from Kellet Lane to Ranglet Road, Bamber Bridge, South Ribble Borough to the Definitive Map and Statement of Public Rights of Way.

It was reported that an objection had been received to the making of the Order and therefore in accordance with statutory provisions, the Order would be submitted to the Secretary of State for determination.

It was considered that no additional evidence contained within the objection had been brought which would cause concern as to whether the Order was capable of confirmation. Therefore, it was proposed to notify the Secretary of State that the County Council supported the Order and promote it to confirmation. This could mean that officers would attend a Public Hearing or Inquiry as required.

In accordance with Standing Order No. 19(1), the Chair informed the Committee that he had received a request from County Councillor T Sharratt to speak to the Committee in relation to this item. The Committee agreed to the request.

County Councillor Sharratt informed the committee that he had submitted the Claim on behalf of local residents and intended to bring further similar Claims on behalf of his constituents in the future. He reminded the committee of the user

evidence which indicated use of the route over a period of time and how the route was constructed by the Development Corporation as a link path and expressed dissatisfaction at the length of time it was taking to promote the Order to confirmation. He also expressed dissatisfaction that he had only learned of the meeting at short notice, leaving insufficient time to consult his constituents.

**Resolved:** That the County Council as Order Making Authority, should submit The Lancashire County Council (Definitive Map and Statement of Public Rights of Way (Definitive Map Modification) (No 11) Order 2007 to the Secretary of State for Environment, Food and Rural Affairs for formal determination, and said Order be promoted to confirmation.

**9. Wildlife and Countryside Act 1981  
Claimed Public Footpath from St Paul's Terrace to Edisford Road,  
Clitheroe, Ribble Valley Borough  
Claim No. 804/516**

A report was presented on the claim for a public footpath from St Paul's Terrace to Edisford Road, Clitheroe, Ribble Valley Borough to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with Claim No. 804/516

The proposal was that the route shown A-F on the plan referred to in the report had already become a footpath at law and ought to be added to the Definitive Map and Statement of Public Rights of Way.

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 in the report and at the meeting.

Some discussion was had at the meeting relating to map and documentary evidence including: The Tithe Map and Tithe Award or Apportionment of 1842, Ordnance Survey maps from 1848 to 1977, Aerial photographs from 1945 to 2009, photographs taken by the applicant in 2004 and 2011, a planning application from 1980, the Definitive Map records from 1950 to 1960, user evidence from 15 people and details of one letter of representation received from the Ward Councillor, Clitheroe Town Council.

Further discussion was had around the consecrated land at section C-F on the Plan. The committee was informed that a right of way may only be dedicated over consecrated land subject to it being authorised by the grant of an appropriate faculty by the Consistory Court. In this case, given the land owners consultation response, it was assumed that no such faculty had been granted. The Committee was therefore advised that on the basis of the information available at the time of writing, a footpath on the claimed route from point C to F on the plan could not be deemed to have been dedicated.

## **Lancashire County Council**

### **Regulatory Committee**

Meeting held on Wednesday 10 October 2007 at 10.30 a.m. in Cabinet Room 'B' at County Hall, Preston

### **Minutes**

Present: County Councillor F J Williams (Chair)

#### **County Councillors**

M Barron	D O'Toole <sup>1</sup>
M Calvert	Mrs L Oades
F Heyworth	T Ormrod
C Holtom	K Riley
B Mutch	B Wilkinson

1. County Councillor D O'Toole replaced County Councillor J Eaton

Apologies were received from County Councillors A Thornton and P Wilson.

### **Disclosure of Personal/Prejudicial Interests**

County Councillor F Heyworth declared a personal, non-prejudicial interest in item 4 - Claimed Public Footpath from Kellet Lane to Ranglet Road, Bamber Bridge, South Ribble Borough, Claim No. 804/454, on the grounds that the matter under consideration fell within the division that he represents as a County Councillor.

County Councillor L Oades declared a personal, non-prejudicial interest in item 7 - Highways Act 1980 – Section 119 Proposed diversion of part of Public Footpath No. 3, Weeton-with-Preese and part of Public Footpath No.7, Singleton, Fylde Borough, as she is a member of Fylde Borough Council.

### **Minutes of the Meeting held on the 15 August 2007**

27. **Resolved:** That the Minutes of the meeting held on the 15 August 2007 be confirmed and signed by the Chair.

## **Annexes A and B**

Guidance on the law relating to the continuous review of the Definitive Map and Statement of Public Rights of Way and in relation to certain Orders to be made under the Highways Act 1980 was presented in the form of Annexes A and B.

**28. Resolved:** That the revised Guidance be noted.

### **Wildlife And Countryside Act 1981**

#### **Claimed Public Footpath from Kellet Lane to Ranglet Road, Bamber Bridge, South Ribble Borough.**

**Claim No. 804/454**

A report was presented on the claim for a Public Footpath extending from a point at GR 5794 2504 on Kellet Lane, Bamber Bridge, running in a general north westerly direction for a distance of 52 metres adjacent to Unit 468 Ranglet Road, to a point on Ranglet Road, Bamber Bridge, at GR 5791 2508, and shown between points A – B on the plan referred to in the report, to be added to the Definitive Map and Statement of Public Rights of Way.

Details of the claim and the evidence for 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.

The Committee having taken all the evidence into account felt that on balance there was sufficient evidence from which a dedication of this route as a public footpath could be deemed or inferred and that the claim be accepted.

**29. Resolved:**

- i. That the claim for a Public Footpath from Kellet Lane to Ranglet Road, Bamber Bridge, South Ribble Borough, to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with Claim No. 804/454, be accepted.
- ii. That 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 a Footpath from Kellet Lane, Bamber Bridge to Ranglet Road, Bamber Bridge for a distance of approximately 52 metres (GR 5794 2504 to GR 5791 2508) and shown between points A – B on the plan referred to in the report.



Notice of ACCEPTANCE of Claim



Name and Address of Claimant

Mr T E Sharratt  
14 Coupe Green  
Hoghton  
Preston  
PR5 0JR

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PARTICULARS OF CLAIM

Date of Determination of the Claim

10<sup>th</sup> October 2007

Claim No.

804/454

Details of Claim

Claimed public footpath from Kellet Lane to Ranglet Road, Bamber Bridge, Borough of South Ribble

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PARTICULARS OF DECISION

In pursuance of their powers and duties under the Wildlife and Countryside Act, 1981, the Lancashire County Council have investigated the matters referred to in the Claim No. 804/454, the details of which are indicated above.

Notice is hereby given that the Lancashire County Council have determined TO MAKE an Order to modify the Definitive Map and Statement to which the Claim relates, in accordance with Section 53 (2) (b) of the Wildlife and Countryside Act, 1981.

A Notice of the making of the Order will follow in due course.

Date ..... 11<sup>th</sup> October 2007 .....

Signed .....  .....  
(County Secretary & Solicitor)

County Secretary & Solicitor  
Lancashire County Council  
P O Box 78  
County Hall  
PRESTON