

**THE LANCASHIRE COUNTY COUNCIL
WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III**

**THE LANCASHIRE COUNTY COUNCIL
UPGRADING TO RESTRICTED BYWAY OF FOOTPATHS RAMSBOTTOM 208
(SALES'S LANE) AND RAMSBOTTOM 245, ROSSENDALE BOROUGH
DEFINITIVE MAP MODIFICATION ORDER 2016**

STANCE

The Lancashire County Council, following the decision of the Regulatory Committee on 24th February 2016, are supporting the above Order.

Lancashire County Council

Regulatory Committee

Minutes of the Meeting held on Wednesday, 24th February, 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
D Clifford	D Whipp
B Dawson	P White
J Gibson	B Yates
G Gooch	

1. Apologies.

Apologies were received from County Councillor Paul Hayhurst.

2. Disclosure of Pecuniary and Non-Pecuniary Interests.

None were disclosed.

3. Minutes of the meeting held on 13 January 2016

Resolved: That the minutes of the meeting held on 13 January 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. Wildlife and Countryside Act 1981
Definitive Map Modification Order Investigation
Application to record part of Thwaite Brow Lane and Mount Pleasant Lane, in the parishes of Carnforth & Bolton-le-Sands, District of Lancaster as a public bridleway
File No. 804-566**

A report was presented on an application for a public bridleway along part of Thwaite Brow Lane and Mount Pleasant Lane, in the parishes of Carnforth and Bolton-le-Sands, Lancaster District, in accordance with file no. 804-566.

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 an Order should be made and promoted to confirmation.

Resolved:

1. That the application for a public bridleway along part of Thwaite Brow Lane and Mount Pleasant Lane, Carnforth and Bolton-le-Sands, Lancaster District in accordance with file no. 804-566, be accepted in part only.
2. That the section A-B on the plan remain recorded on the List of Streets as within the highway width of the A6 Lancaster Road and the section M-N remain recorded as vehicular highway recorded on the List of Streets. Neither of the sections have the characteristics to be able to be recorded as Byway Open to All Traffic on the Definitive Map and statement.
3. That an Order(s) be made pursuant to Section 53 (2)(b) and section 53 (3)(b) and Section 53 (c)(i)(ii) and (iii) of the Wildlife and Countryside Act 1981 to upgrade Carnforth Footpath 9 (part), Carnforth Footpath 10 and Bolton-le-Sands Footpath 19 to Bridleway (section C-M on the plan) and also the addition of public bridleway between points B and C, addition of byway open to all traffic between points N-Q on the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plan and to alter the particulars on the Definitive Statement.
4. That being satisfied that the tests for confirmation can be met the Order be promoted to confirmation.

**6. Wildlife and Countryside Act 1981
Definitive Map Modification Order Investigation
Upgrading from Public Footpath to Bridleway of Sales's Lane from
County Boundary to Buckhurst Road and upgrading of Ramsbottom
245 from Sales's Lane to Croston Close Road, Ramsbottom,
Rossendale Borough
File No. 804-547**

A report was presented on an application for Ramsbottom Footpath 208 (Sales's Lane) to be upgraded from footpath to bridleway from the County Boundary to Ramsbottom Footpath 207 (Buckhurst Road) and for Ramsbottom Footpath 245 to be updated from footpath to bridleway from Ramsbottom Footpath 208 (Sales's Lane) to Ramsbottom Footpath 206 (Croston Close Lane), in accordance with file no. 804-547.

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 an Order should be made and promoted to confirmation.

Resolved:

1. That the application in accordance with File Ref. 804-547 for Ramsbottom Footpath 208 (Sales's Lane) to be upgraded from footpath to bridleway be not accepted but instead the upgrade be to restricted byway.
2. That the application in accordance with File ref. 804-547 for Ramsbottom Footpath 245 to be upgraded from footpath to bridleway be not accepted but instead the upgrade be to restricted byway.
3. 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 Ramsbottom Footpath 208 (Sales's Lane) to Restricted Byway on the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plans between points A-B-C-D-E-F-G-H-I.
4. 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 Ramsbottom Footpath 245 to Restricted Byway on the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plans between points D-J-K-L.

5. That being satisfied that the test for confirmation can be met the Order(s) be promoted to confirmation.

**7. Highways Act 1980 - Section 119
Wildlife and Countryside Act 1981 - Section 53A
Proposed Diversion of Parts of Charnock Richard Footpaths 10 and
11, Chorley Borough.**

A report was presented on the proposed diversion of parts of Charnock Richard Footpaths 10 and 11, Chorley Borough.

Consultations had been carried out and no adverse comments had been received apart from one from National Grid regarding access to an underground gas supply. National Grid was informed that access would not be affected by the diversion. The diversion still had to meet the statutory requirements and the Committee was informed that the diversion was in the interests of the landowners.

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 take 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 Charnock Richard Footpaths 10 and 11, from the routes shown by bold continuous lines to the routes shown as bold broken lines as shown on the plan. The effect would be as follows:
 - footpath 10 A-J-B-D would be diverted to the line A-S-R-Q-P-C-B,
 - footpath 10 G-H would be diverted to the line L-H,
 - footpath 11 E-D would be diverted to the line E-C,
 - footpath 11 D-G-F would be diverted to the line B-F, and
 - footpath 11 M-N would be diverted to the line M-L-O-N.
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.

**8. Highways Act 1980 - Section 119
Wildlife and Countryside Act 1981 - Section 53A
Proposed Diversion of Part of Rimington Footpath 14, Ribble Valley
Borough.**

A report was presented on the proposed diversion of part of Rimington Footpath 14, Ribble Valley Borough.

Consultations had been carried out and no adverse comments had been received. The diversion still had to meet the statutory requirements and the Committee was informed that the diversion was in the interest of the landowner.

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 take 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 Rimington Footpath 14, from the route shown by a bold continuous line and marked A-B to the route shown by a bold broken 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 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.

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 6th April 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

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

Forest of Rossendale Bridleways Association, 2 Baxenden House, Baxenden Fold, Accrington, Lancashire, BB5 2RU

Particulars of Claim

Claim number: 804/547 (5.49999)
Date of determination of the claim: 24th February 2016

Modification Claimed

Upgrading from Public Footpath to Bridleway of Sales's Lane from County Boundary to Buckhurst Road and upgrading of Ramsbottom 245 from Sales's Lane to Croston Close Road, Ramsbottom, Rossendale Borough

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 taken all relevant evidence into account, determined that that taking all the relevant evidence into account, there was sufficient evidence that an Order should be made and promoted to confirmation to upgrade Ramsbottom Footpath 208 (Sales's Lane) to Restricted Byway on the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plans between points A-B-C-D-E-F-G-H-I and to upgrade Ramsbottom Footpath 245 to Restricted Byway on the Definitive Map and Statement of Public Rights of Way as shown on the Committee Plans between points D-J-K-L.

Date: 6th April 2016

Signed:
(Principal Lawyer for Highways, Planning and Environment for and on behalf of
The Director Governance, Finance and Public Services)

NB: Important guidance notes are provided overleaf

Ian Young
Director 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 Governance, Finance and Public Services
(REF: LSG4/5.49999/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.