

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

**THE LANCASHIRE COUNTY COUNCIL (FOOTPATH FROM CLITHEROE STREET  
TO GUY STREET, PADIHAM, BURNLEY) DEFINITIVE MAP MODIFICATION  
ORDER 2017**

**STANCE**

The Lancashire County Council, following the decision of the Regulatory Committee on 28 September 2016, are supporting the above Order and will continue to support the Order if an Inquiry or Hearing is held.

## Lancashire County Council

### Regulatory Committee

**Minutes of the Meeting held on Wednesday, 28th September, 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	D Stansfield
I Brown	D Westley
A Clempson	D Whipp
D Clifford	P White
B Dawson	B Yates
N Penney	

County Councillors Niki Penney and David Westley replaced County Councillors Ron Shewan and Graham Gooch respectively.

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

Apologies were received from County Councillors Julie Gibson, Paul Hayhurst and Chris Henig.

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

None were disclosed.

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

**Resolved:** That the minutes of the meeting held on 27 July 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  
Addition of a Byway Open to all Traffic on Highgate Lane, Bryning  
with Warton, Fylde  
File No. 804-580**

A report was presented on an application for the addition of a byway open to all traffic on part of Highgate Lane, Bryning with Warton, Fylde, in accordance with file no. 804-580.

Details of the claim and the evidence related 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 insufficient evidence for the application to be accepted.

**Resolved:** That the application for a byway open to all traffic on part of Highgate Lane, Bryning with Warton, Fylde, to be shown on the Definitive Map and Statement of Public Rights of Way and shown on the Committee Plan between points A – B, in accordance with File No. 804-580, be not accepted.

**6. Wildlife and Countryside Act 1981  
Definitive Map Modification Order Investigation  
Addition of a public footpath from Clitheroe Street to Guy Street,  
Padiham, Burnley  
File No. 804-579**

A report was presented on an application of a public footpath from Clitheroe Street to Guy Street, Padiham, Burnley, in accordance with File No. 804-559.

Details of the claim and the evidence related 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 be made and promoted to confirmation.

**Resolved:**

1. That the application to the addition of a public footpath from Clitheroe Street to Guy Street, in accordance with File No. 804-559, be accepted.
2. That an Order be made pursuant to Section 53(2)(b) and Section 53 (3)(b) and/or 53 (c)(i) of the Wildlife and Countryside Act 1981 to add a public footpath from Clitheroe Street to Guy Street, Padiham, on 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.

**7. Wildlife and Countryside Act 1981  
Definitive Map Modification Order Investigation  
Addition of a public footpath from two points on Public Footpath 5  
Wilpshire to a junction with Longsight Road/A59, Wilpshire, Ribble  
Valley  
File No. 804-567**

A report was presented on an application of a public footpath from two points on Public Footpath 5 Wilpshire to a junction with Longsight Road/A59, Wilpshire, Ribble Valley, in accordance with File No. 804-567.

Details of the claim and the evidence related 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.

Members were informed that two statements of user evidence had been omitted from the report. Summaries of these two statements were presented at the meeting to Members. A letter from Nigel Evans MP was also presented to Members stating his objections to the proposals.

Under Standing Order 19(1), County Councillor Alan Schofield was permitted to address the Committee.

Having examined all of the information provided, the Committee agreed that taking all the relevant evidence into account, there was insufficient evidence that the application be able to be accepted.

**Resolved:** That the application for the addition of a public footpath from two points on Public Footpath 5, Wilpshire, to a junction with Longsight Road/A59, Wilpshire, Ribble Valley in accordance with File No. 804-567, be not accepted.

**8. Wildlife and Countryside Act 1981  
Definitive Map Modification Order Investigation  
Upgrading to Bridleway of Footpaths 1 (part) and 8 (part) Chorley,  
known as Common Bank Lane  
File No. 804-575**

.A report was presented on an application for the upgrading to Bridleway of parts of Footpaths 1 and 8 Chorley, known as Common Bank Lane, in accordance with File No. 804-575.

Details of the claim and the evidence related 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.

Regulatory Committee had considered an application to upgrade part of the route under investigation in 2002 with further evidence considered in 2003 together with an application to upgrade a greater length of Public Footpath 1. The application was rejected and copies of both reports were presented at the meeting.

The Committee had to consider all relevant evidence but also the the user and consider the intention of the owner  
Having examined all of the information provided, the Committee agreed that taking all the relevant evidence into account, the decision on the application be deferred. The previous report from 2003, which was appended to the report. referred to more user evidence and to Chorley Borough Council supporting the application at that time as landowners for much of the lane. This time Chorley Borough Council had said nothing. The Committee asked that officers contact Chorley Borough Council again

**Resolved:** That the decision on the application to upgrade to Bridleway parts of Footpaths 1 and 8 Chorley, in accordance with File No. 804-575, be deferred.

**9. Wildlife and Countryside Act 1981  
Definitive Map Modification Order Investigation  
Deletion of part of Footpath 130 Ramsbottom at Irwell Vale**

**Addition of Footpath across Irwell Vale Bridge at Irwell Vale  
File No. 804-548b**

A report was presented on the investigation into the deletion of part of Footpath 130 Ramsbottom at Irwell Vale from the Definitive Map and Statement in accordance with File No. 804-548b.

Details of the investigation and the evidence related 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 the Orders be made and one be promoted to confirmation but that the other one wait until an earlier Order be determined.

**Resolved:**

1. That an Order be made pursuant to section 53 (2)(b) and Section 53 (3)(c)(iii) to delete from the Definitive Map and Statement of Public Rights of Way the footpath from a point on Footpath 130 Ramsbottom at grid reference SD 7923 2021 for a distance of approximately 30 metres to SD 7922 2024 in the River Irwell and shown between points A-B on the plan referred to in the report.
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 footpath from a point on Footpath 130 Ramsbottom (SD 7923 2021) for a distance of approximately 30 metres north westerly across the surface of Irwell Vale Bridge (SD 7920 2023) and shown between points A-C on the plan referred to in the report.
3. That being satisfied that the tests for confirming said Order at 1 above could be satisfied, the said Order be promoted to confirmation.
4. The Officers await the outcome of the confirmation decision on the Order made to add a bridleway on the line A-C ("the Bridleway Order") and should the Bridleway Order not be confirmed such as a bridleway is not added to the Definitive Map and Statement between points A and C the Order at 2 above be promoted to confirmation. If the Bridleway Order is confirmed such as a bridleway is added to the Definitive Map and Statement between points A and C the Order at 2 above be processed for non-confirmation.

**10. Highways Act 1980 - Section 119A Rail Crossing Diversion Order  
Wildlife and Countryside Act 1981 - Section 53A  
Proposed Diversion of Part of Adlington Footpath 5, Chorley  
Borough.**

A report was presented on an application that Lancashire County Council had received from Network Rail to divert part of Adlington Footpath 5, Chorley Borough, in connection with its proposal to replace the Bradshaw Fields level crossing with a stepped footbridge.

The necessary consultations had been carried out and no objections or adverse comments on the proposal had been received.

Having considered all 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 in respect to the confirmation.

**Resolved:**

1. That an Order be made under Section 119A of the Highways Act 1980 to divert part of Adlington Footpath 5, from the route shown by a bold continuous line and marked A-B on the plan, to the route shown by a bold dashed line and marked A-C-D-B.
2. That in the event of no objections being received, the Order be confirmed and in the event of no 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.

**11. Highways Act 1980 - Section 119  
Wildlife and Countryside Act 1981 - Section 53A  
Proposed Diversion of Parts of Rimington Footpath 23, Ribble Valley  
Borough**

A report was presented on the proposed diversion of parts of Rimington Footpath 23, Ribble Valley Borough. Lancashire County Council had received a request from the owners of Rimington Hall, Rimington Lane, Rimington, Clitheroe, BB7

4DP for an Order to be made under Section 119 of the Highways Act 1980 to divert parts of Rimington Footpath 23.

The necessary consultations had been carried out and no objections or adverse comments had been received.

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 took a neutral stance with respect to confirmation.

**Resolved:**

1. That an Order be made under Section 119 of the Highways Act 1980 to divert parts of Rimington Footpath 23, from the routes shown by bold continuous lines and marked A-B and C-D-E-F to the routes shown by bold dashed lines marked A-G and H-J-K-F on the 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 the 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.

**12. Urgent Business**

There were no items of Urgent Business.

**13. Date of Next Meeting**

It was noted that the next meeting of the Committee will be held at 10:30am on the Wednesday 16<sup>th</sup> November 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

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#### Name and Address of Claimant

Stephen Hughes Town Clerk, Padiham Town Hall, Burnley Road, Padiham, BB12 8BS

#### Particulars of Claim

Claim number: 804/579 (888.340)

Date of determination of the claim: 28<sup>th</sup> September, 2016

#### Modification Claimed

ADDITION OF PUBLIC FOOTPATH FROM CLITHEROE STREET TO GUY STREET,  
PADIHAM, BURNLEY

#### 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 information provided, agreed that taking all relevant evidence into account, that there was sufficient evidence that an Order should be made and promoted to confirmation.

Date: 9<sup>th</sup> November, 2016

Signed:

A handwritten signature in black ink, appearing to read "Ian Young".

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For the Director of Governance Finance & Public Services

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

Ian Young  
Director of Governance Finance & 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:

Department of the Environment Food and Rural Affairs  
National Rights of Way Casework Team  
Citygate  
Gallowgate  
Newcastle upon Tyne  
NE1 4WH  
(0191) 2013300

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

Director of Governance Finance & Public Services  
(REF: LSG4/PROW/)  
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.