

Regulatory Committee

Meeting to be held on 17 December 2014

Electoral Division affected: Preston North and Preston Rural
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Wildlife and Countryside Act 1981

Application for deletion of part of Public Footpath no. 3 Broughton, Preston City from the Definitive Map and Statement.

Addition of Public Footpath from stile adjacent to Sandyforth Lane, Broughton, to Lightfoot Lane, Fulwood, Preston City

File Nos. 804-498 & 804-511

(Annex 'A' refers) (Appendices A and B refer)

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Executive Summary

The deletion of part of Public Footpath No. 3 Broughton, from the Definitive Map and Statement of Public Rights of Way and the addition of a public footpath from the stile adjacent to Sandyforth Lane, Broughton, to Lightfoot Lane, Fulwood to the Definitive Map and Statement of Public Rights of Way, in accordance with File No. 804/489 & 804-511.

Recommendation

1. That 'The Lancashire County Council Definitive Map and Statement of Public Rights of Way Deletion of Part of Footpath No. 3 Broughton and Addition of a Footpath from Sandyforth Lane to Lightfoot Lane (Definitive Map Modification) Order 2014' made pursuant to the Committee decision on 30 October 2013 in relation to:

The deletion of part of Public Footpath No. 3 Broughton, from the Definitive Map and Statement of Public Rights of Way and the addition of a public footpath from the stile adjacent to Sandyforth Lane, Broughton, to Lightfoot Lane, Fulwood to be submitted to the Planning Inspectorate for non-confirmation or rejection due to the Order Map containing the incorrect notation to depict the Order route.

2. That a further Order be made pursuant to Section 53 (2)(b) Section 53 (c)(i) and Section 53(3)(c)(iii) of the Wildlife and Countryside Act 1981 to delete part of Public Footpath No. 3 Broughton and to add a public footpath from the stile adjacent to Sandyforth Lane, Broughton, to Lightfoot Lane, Fulwood on

the Definitive Map and Statement of Public Rights of Way using the correct notation on the Order plan.

3. That being satisfied that the higher test for confirmation can be met the newly made Order be promoted to confirmation, if necessary at a public inquiry.

Background

Committee at its meeting on 30 October 2013 considered the report attached as Appendix A and accepted the claim for the deletion of part of Public Footpath No. 3 Broughton and the recommendation that an order should be made to delete part of Public Footpath No. 3 Broughton and to add a public footpath from the stile adjacent to Sandyforth Lane, Broughton, to Lightfoot Lane, Fulwood to the Definitive Map and Statement of Public Rights of Way.

An Order was made on 26 February 2014 and an objection received from a local resident, the main points of his objection include that point G on the plan is incorrect so the line of the route is shown incorrectly on the Order Map and where the path used to run the sign post is still there. The path goes through a golf driving range, cricket pitch, rugby pitch and his garden and drive.

As the objection has not been withdrawn Lancashire Council Council cannot confirm the Order and must submit it to the Planning Inspectorate for determination.

However, it is now realised that the Order Map contains the incorrect notation depicting the Order route to be deleted and the Planning Inspectorate will probably not accept the 2014 Order as made.

The Order Map for the deletion part of the Order contains the incorrect notation to depict the route to be deleted. The notation which should have been used on the Order Map to show both the public footpath to be added and deleted as either a purple line, a continuous line with short bars at intervals or by a broken black line with short intervals. The Order map however, shows the public footpath which is to be deleted as a solid black line instead, and as such this does not comply with the Regulations. Officers had been keen to show the route to be deleted as different from the one being added but had not used a correct notation for the path to be deleted.

Committee should note that as the Order Map is part of the Order it is not possible for the Order Making Authority to make modifications to the Order once it has been made and advertised without it being referred to the Planning Inspectorate. It is suggested to the Committee that in the circumstances the current Order (attached as appendix B) will not be capable of being confirmed. It is advised that this Order be submitted to the Planning Inspectorate and its rejection be expected.

As the authority still has evidence concerning a footpath at this location, the making of a new Order should properly be considered.

It is therefore suggested to Committee that a new Order be made and the 2014 Order be submitted to the Planning Inspectorate requesting it is not to be confirmed. This course of action would resolve the issue of the incorrect notation and would clarify the modifications to be made to the Definitive Statement should the deletion and addition both be confirmed.

Committee it is advised that no further evidence has come to light or information from any objector which would alter the evaluation of evidence and recommendations made in the Committee Report of 30 October 2013, as attached as Appendix A and Committee should note that the content of the report has not been repeated for the purposes of this report however, the entire report considered by Committee on 30 October 2013 is applicable and as a result Committee should note that all the advice and assessment of the evidence will need to be considered again in deciding this matter.

Taking all the evidence into account it is suggested to Committee to accept the claim to make a new Order and if made promote to confirmation, if necessary at public inquiry.

Alternative options to be considered - N/A

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Directorate/Tel
All documents on File Ref: 804-511	Various	Megan Brindle , 01772 535604, County Secretary and Solicitors Group

Reason for inclusion in Part II, if appropriate

N/A