

# General Purposes Committee

Agenda and Reports

For consideration on

## Thursday, 18th October 2007

In Committee Room 1, Town Hall, Chorley

At 5.00 pm



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## Chief Executive's Office

Please ask for: Gordon Banks  
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Date: 8 October 2007

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**Chief Executive:** Donna Hall

**Chorley**  
Council

Town Hall  
Market Street  
Chorley  
Lancashire  
PR7 1DP

Dear Councillor

### **GENERAL PURPOSES COMMITTEE - THURSDAY, 18TH OCTOBER 2007**

You are invited to attend a meeting of the General Purposes Committee to be held in Committee Room 1, Town Hall, Chorley on Thursday, 18th October 2007 commencing at 5.00 pm.

#### **AGENDA**

1. **Apologies for absence**
2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3. **Minutes (Pages 1 - 2)**

To confirm as a correct record the Minutes of the meeting of the General Purposes Committee held on 15 March 2007 (enclosed)

4. **Highways Act 1980 - Section 119 Proposed Diversion of Part of Public Footpath No. 25, Bretherton (Pages 3 - 6)**

Report of Corporate Director of Governance (enclosed)

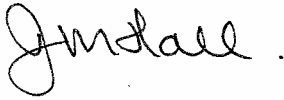
5. **Highways Act 1980 - Sections 26 and 119 Proposed Diversion of Parts of Public Footpath Nos. 44, 45, 46 and 48, Coppull and Creation of a New Length of Public Footpath, Coppull, Chorley Borough (Pages 7 - 12)**

Report of Corporate Director of Governance (enclosed)

Continued....

6. **Wildlife and Countryside Act 1981 Claim for Definitive Map Modification Order Application No 804.455. Fairview Adlington - Request for Dedication of Right of Way (Pages 13 - 18)**  
Report of Corporate Director of Governance (enclosed)
7. **Highways Act 1970 - Section 25 Proposed Creation of Bridleways - West Pennine Link with the Pennine Bridleway National Trail (Pages 19 - 22)**  
Report of Corporate Director of Governance (enclosed)
8. **Town and Country Planning Act 1990 - Proposed Extinguishment of Part of Public Footpath No 5, Adlington at Highfield Road North (Pages 23 - 30)**  
Report of Corporate Director of Governance (enclosed)
9. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Chief Executive

### **Distribution**

1. Agenda and reports to all Members of the General Purposes Committee (Councillor Peter Goldsworthy (Chair), Councillor Pat Case (Vice-Chair), Councillors Nora Ball, Judith Boothman, Magda Cullens, Dennis Edgerley, Anthony Gee, Mrs Marie Gray, Catherine Hoyle, Kevin Joyce, Hasina Khan, Marion Lowe, Peter Malpas, Mick Muncaster, Rosie Russell, Joyce Snape and Mary Wilson) for attendance.
2. Agenda and reports to Donna Hall (Chief Executive), Paul Morris (Executive Director - Corporate and Customer (Deputy Chief Executive)), Andrew Docherty (Corporate Director of Governance), Gordon Bankes (Democratic Services Officer) and Giordan Fong for attendance.

**This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.**

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون  
کیجئے: 01257 515823

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**General Purposes Committee****Thursday, 15 March 2007**

**Present:** Councillor (Chair), Councillor (Vice Chair) and Councillors Peter Baker, Ken Ball, Thomas Bedford, Dennis Edgerley, Catherine Hoyle, Hasina Khan, Marion Lowe, Peter Malpas and Edward Smith

**07.GP.07 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Magda Cullens, Margaret Lees, Michael Muncaster and Ralph Snape.

**07.GP.08 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interest by any Member on any of the agenda items.

**07.GP.09 MINUTES**

**RESOLVED - That the meeting of the General Purposes Committee held on 7 February 2007 be confirmed as a correct record for signature by the Chair.**

**07.GP.10 HIGHWAYS ACT 1980 - SECTIONS 118 AND 119 PROPOSED DIVERSION OF PARTS OF PUBLIC FOOTPATH NO 76 AND NO 80 COPPULL AND EXTINGUISHMENT OF PART OF PUBLIC FOOTPATH NO 79 COPPULL, CHORLEY BOROUGH**

The Director of Customer, Democratic and Legal Services submitted a report requesting the Committee to consider a proposal submitted by Lancashire County Council for the diversion of a length of Public Footpath No 76 Coppull and a length of Public Footpath No 80 Coppull in conjunction with the extinguishments of a length of Public footpath No 79 Coppull.

The Committee (minute 07.GP.06 7 February 2007 refers) initially considered the proposal, but resolved to defer a decision until Coppull Parish Council has had the opportunity to consider the proposal. The report indicated that the Parish Council has now met and offered no objection to the proposal.

**RESOLVED 1. That no objection be raised to the making by Lancashire County Council of a Public Path Extinguishment Order under Section 118 of the Highways Act 1980, for the purpose of extinguishing a length of Public Footpath No. 79, Coppull, as indicated on the submitted map attached to the report, as it runs north from point F to point B.**

**2. That no objections be raised to the making by Lancashire County Council of a Public Path Diversion Order under Section 119 of the Highways Act 1980, for the purpose of diverting lengths of Public Footpaths Nos. 76 and 80 from their current routes leading to/through Bogburn Hall Farm on to new routes to the south of the farm buildings.**

**07.GP.11 HIGHWAYS ACT 1980 - SECTION 26 AND 118 PROPOSED CREATION OF PUBLIC FOOTPATH AND EXTINGUISHMENT OF PART OF PUBLIC FOOTPATHS NOS. 6 AND 8 ULNES WALTON, CHORLEY BOROUGH**

The Director of Customer, Democratic and Legal Services submitted a report requesting the Committee to consider a proposal submitted by Lancashire County

Council for the creation of a public footpath in conjunction with the extinguishments of a length of Public Footpath Nos. 6 and 8 Ulnes Walton.

The report indicated that the length of Footpath No 8 that ran directly along the river bank had been washed away due to flooding. Because of the tendency of the river to overflow its banks at this location, the County Council considered that, in order to preserve the Public Footpath system in this area, the best solution was to extinguish the majority of Footpath No 8 and create a replacement footpath further to the south on ground not vulnerable to flooding.

**RESOLVED 1. That no objection be raised to the making by Lancashire County Council of a Public Path Extinguishment Order under Section 118 of the Highways Act 1980, for the purpose (i) of extinguishing a length of Public Footpath No. 8 Ulnes Walton, as shown by the solid black line A-B-C-D-E-F-G-H-I-J-K on the submitted map, and (ii) of extinguishing a small length of Public Footpath No. 6 as shown by the solid black line L-J.**

**2. That no objection be raised to the making by Lancashire County Council of a Public Path Creation Order under Section 26 of the Highways Act 1980, for the purpose (i) of creating a new replacement Public Footpath on a route to the south of the existing line of Public Footpath No. 8, as shown by the broken black line A-N-M-L-K on the submitted map, and (ii) of creating a linking footpath from what will be the new line of Public Footpath no. 8 and Public Footpath No 16A, as shown by the broken black line M-G on the submitted map.**

**07.GP.12 WILDLIFE AND COUNTRYSIDE ACT 1981 - PART III CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER APPLICATION NO. 804/449 (BRINSCALL, WHEELTON AND HEAPEY)**

The Director of Customer, Democratic and Legal Services submitted a report requesting the Committee to consider a claim submitted to Lancashire County Council for the status of Bridleway to be conferred on Dick Lane, Brinscall and for the status of Public Footpath Nos. 3, 22 and 29 Wheelton to be changed to that of a Bridleway.

The claim had been lodged with Lancashire County Council under Part III of the Wildlife and Countryside Act 1981 on the basis that the "claimed" route had been used by the public at large for horse riding purposes for more than 20 years without interruption. In accordance with paragraph 3 of Schedule 14 of the Wildlife and Countryside Act 1981, the County Council are obliged to investigate the claim and to consult with every local authority in whose area the claimed way was situated.

The evidence submitted to Lancashire County Council indicated 21 evidence of use forms, indicating knowledge and use of the route by horse riders for more than 20 years, photographic evidence and historical map and other documentary evidence.

The Committee were of the view that there are a number of riding establishments in the area and that these had been considered in the County Council consultation.

**RESOLVED - That no objection be made to the claim for the grant of bridleway status being conferred on Dick Lane, Brinscall and for the status of Public Footpath Nos. 3,22(part) and 29 (part) Wheelton, and on a short length of unnamed road/track running south to Chapel Lane/Four Lanes End, Heapey.**

Chair





Report of	Meeting	Date
Corporate Director of Governance	General Purposes Committee	18/10/07

**HIGHWAYS ACT 1980 – SECTION 119  
 PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH NO.  
 25, BRETHERTON, CHORLEY BOROUGH**

**PURPOSE OF REPORT**

1. To consider a proposal submitted by Lancashire County Council for the diversion of part of Public Footpath No. 25, Bretherton.

**RECOMMENDATION(S)**

2. That no objection be raised to the making by Lancashire County Council of a Public Path Diversion Order under Section 119 of the Highways Act 1980, for the purpose of diverting a length of Public Footpath No. 25, Bretherton from its current route in the vicinity of Barrowford House onto a new route sited further to the south and east of the said dwelling.

**REASONS FOR RECOMMENDATION(S)**

3. The reason proposed for the footpath diversion represents one of the commonest put forward, i.e. the desire to take a right of way out of the middle of residential / working buildings and re-route it around the periphery of such a site. The Council has, however, no direct information on public usage of the footpath or of land ownerships in the area. The Council, whilst not averse to the proposal, is not seeking to promote the proposal and would have no evidence to offer should the proposal result in the calling of a public local inquiry. In the circumstances, the decision to raise no objection to the proposed diversion does not detract from the merits of that proposal or commit the Council to support a proposal about which it has no information.

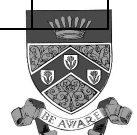
**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

4. The only other alternative available would have been to oppose the proposed diversion, for which course of action the Council has no apparent grounds.

**CORPORATE PRIORITIES**

5. This report does not relate to any of the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
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Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	

**BACKGROUND**

6. The site concerned is located in an entirely rural setting in Bretherton close to the borough boundary with West Lancs District Council. Public Footpath No. 25 Bretherton represents an isolated length of public footpath running cross country between Eyes Lane and Lock Lane. (The area is situated between the Rufford branch of the Leeds-Liverpool Canal and the A.59 in Tarleton).

**DETAILS OF PROPOSAL**

7. The length of footpath forming the subject of the diversion proposal runs southwards for a short distance along the east side of Eyes Lane and thence runs in a north-westerly direction for some 200 metres across a field to Barrowford House, whence it runs along the access track leading to/from the said dwelling in a westerly direction for approximately 50 metres to the junction of Sollom Lane with Lock Lane. The existing route is marked by the solid black line **A-B-C-D-E** on the map attached.

8. The proposed diversion would result in the route of the footpath following a line running in a south-westerly direction along the field boundary adjoining the westerly side of Eyes Lane, and thence in a north-westerly direction running along the inside of the field boundary adjoining the north side of Sollom Lane to the area of its junction with Lock Lane. The effect of this would be to remove the route of the path both from the vicinity of Barrowford House and from its track running across the middle of a field and essentially place a long a route fringing the field boundary further to the south and east of Barrowford House. The length of footpath to be diverted is marked by the broken black line **F-C-G-H**.

**IMPLICATIONS OF REPORT**

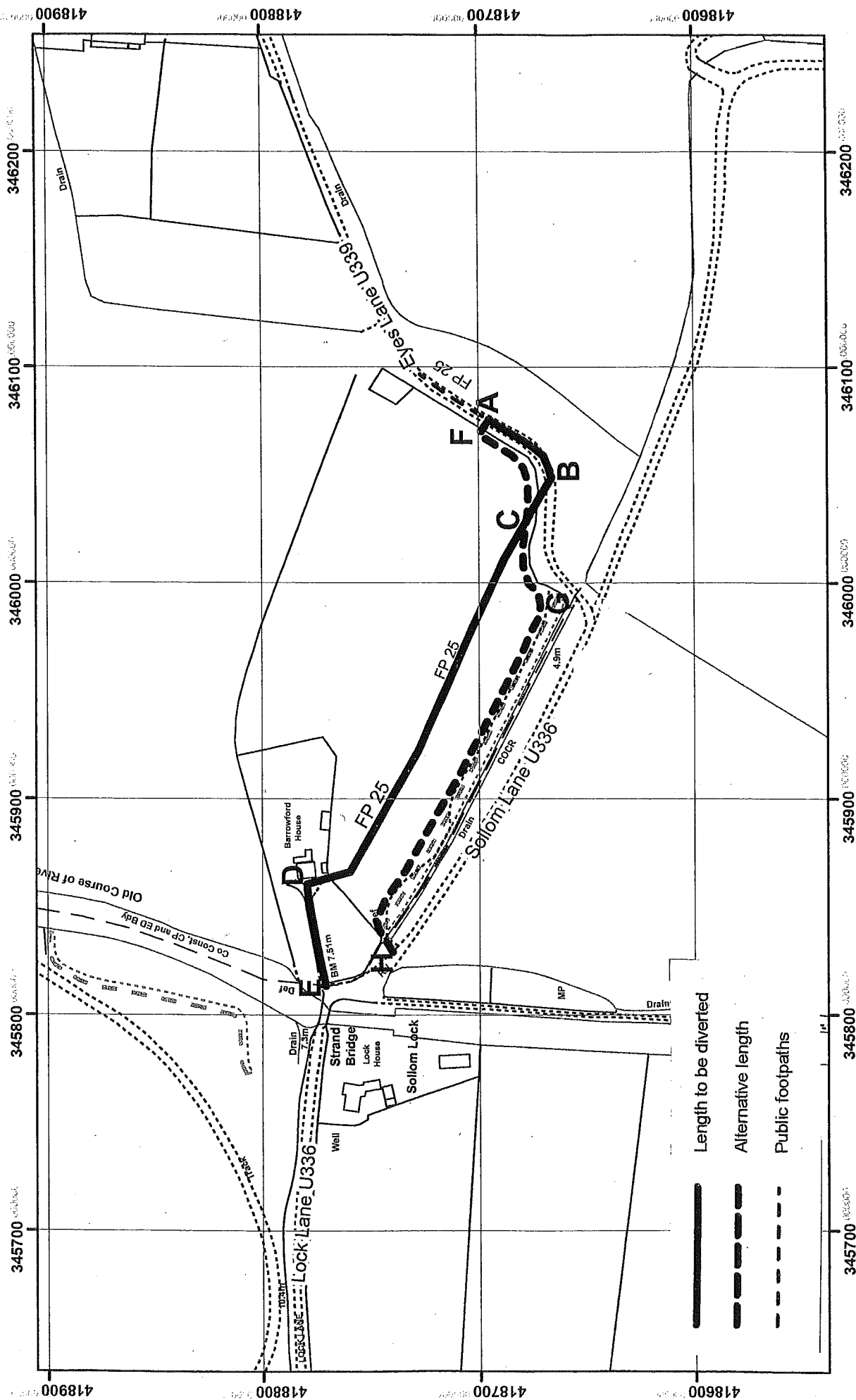
9. This report does not have any implications in relation to the following areas:


Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal			

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<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Letter from Lancashire County Council together with map	3 August 2007	601	Town Hall, Chorley

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
G Fong	5169	18 September 2007	



	<p><b>G. Harding B.Eng., C.Eng., FICE., FIHT., MCML, Environment Director</b></p> <p><b>HIGHWAYS ACT 1980 SECTIONS 119.</b></p> <p><b>PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH NO. 25, BRETHERTON, CHORLEY BOROUGH.</b></p>	<p>1:2,500</p>
<p>The digitised Rights of Way information should be used for guidance only as its accuracy cannot be guaranteed. Rights of Way information must be verified on the current Definitive Map before being supplied or used for any purpose.</p> <p>This Map is reproduced from Ordnance Survey material with the permission of Her Majesty's Stationary Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 10023320</p>		

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Report of	Meeting	Date
Corporate Director of Governance	General Purposes Committee	18/10/07

**HIGHWAYS ACT 1980  
PROPOSED DIVERSION OF PARTS OF PUBLIC FOOTPATH  
NOS 44, 45, 46 AND 48, COPPULL, AND THE CREATION OF A  
NEW LENGTH OF PUBLIC FOOTPATH, COPPULL, CHORLEY  
BOROUGH**

**PURPOSE OF REPORT**

1. To consider a proposal submitted by Lancashire County Council for the diversion of parts of Public Footpaths No. 44, 45, 46 and 48 Coppull, in conjunction with the creation of a new length of Public Footpath.

**RECOMMENDATION(S)**

2. That no objection be raised to the making by Lancashire County Council of a Public Path Diversion Order under Section 119 of the Highways Act 1980, for the purpose of diverting lengths of Public Footpaths Nos. 44, 45, 46 and 48 Coppull from their current routes in the vicinity of Highfield Farm on to new routes sited further to the west and south of the farm buildings, in conjunction with the creation of a new length of Public Footpath.

**REASONS FOR RECOMMENDATION(S)**

3. The reason proposed for the footpath diversions and the footpath creation represents one of the commonest put forward, i.e. the desire to take a right of way out of the middle of residential / working buildings and re-route it around the periphery of such a site. The Council has, however, no direct information on public usage of the footpath or of land ownerships in the area. The Council, whilst not averse to the proposal, is not seeking to promote the proposal and would have no evidence to offer should the proposal result in the calling of a public local inquiry. In the circumstances, the decision to raise no objection to the proposed extinguishment/diversion does not detract from the merits of that proposal or commit the Council to support a proposal about which it has no information.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

4. The only other alternative available would have been to oppose the proposed extinguishment/diversions, for which course of action the Council has no apparent grounds.

**CORPORATE PRIORITIES**

5. This report does not relate to any of the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	

**BACKGROUND**

6. Highfield Farm lies to the north of Jolly Tar Lane. Four public footpaths run towards the farm, Public Footpath No. 44 from the north, Public Footpath No. 45 from the west, Public Footpath No. 48 from the south and Public Footpath No. 47 from the east. Public Footpath No. 46 runs across the southern frontage of farm buildings providing a connecting link with Public Footpath Nos. 44 and 45 on the west and Public Footpaths No. 47 and 48 on the east. The owners of the farm now seek to have the footpath diverted, so as to remove them from the immediate vicinity of the farm buildings.

**DETAILS**

7. The proposals are as follows:

- (i) **Public Footpath No. 44, Coppull:** existing route marked by the solid black line A–B–C to be diverted onto a line sited further to the west of the farm, marked by the broken black line A–G–H.
- (ii) **Public Footpath No. 45, Coppull:** existing route marked by the solid black line L–G–C to be diverted onto a line sited further to the south-west of the farm, marked by the broken black line L–M–H.
- (iii) **Public Footpath No. 46, Coppull:** existing route marked by the solid black line C–D to be diverted on to a line sited further to the south and west of the farm, marked by the broken black line H–I.
- (iv) **Public Footpath No. 48, Coppull:** existing route currently running northwards from Jolly Tar Lane along the access track leading towards Highfield Farm as marked by the solid black line F–E–D to be diverted on to a new line running along the west side of the access track, as marked by the broken black line K–J–I.
- (v) **New Footpath to be created:** the route of **Public Footpath No. 47** Coppull to be extended westwards to cross the access track leading towards Highfield Farm, as marked by the broken black line E–J, so as to effect a junction with the new line of Public Footpath No. 48 as detailed above.

**IMPLICATIONS OF REPORT**

8. This report does not have any implications in relation to the following areas:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal			

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<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Letter from Lancashire County Council together with map	3 August 2007	601	Town Hall, Chorley

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
G Fong	5169	17 September 2007	

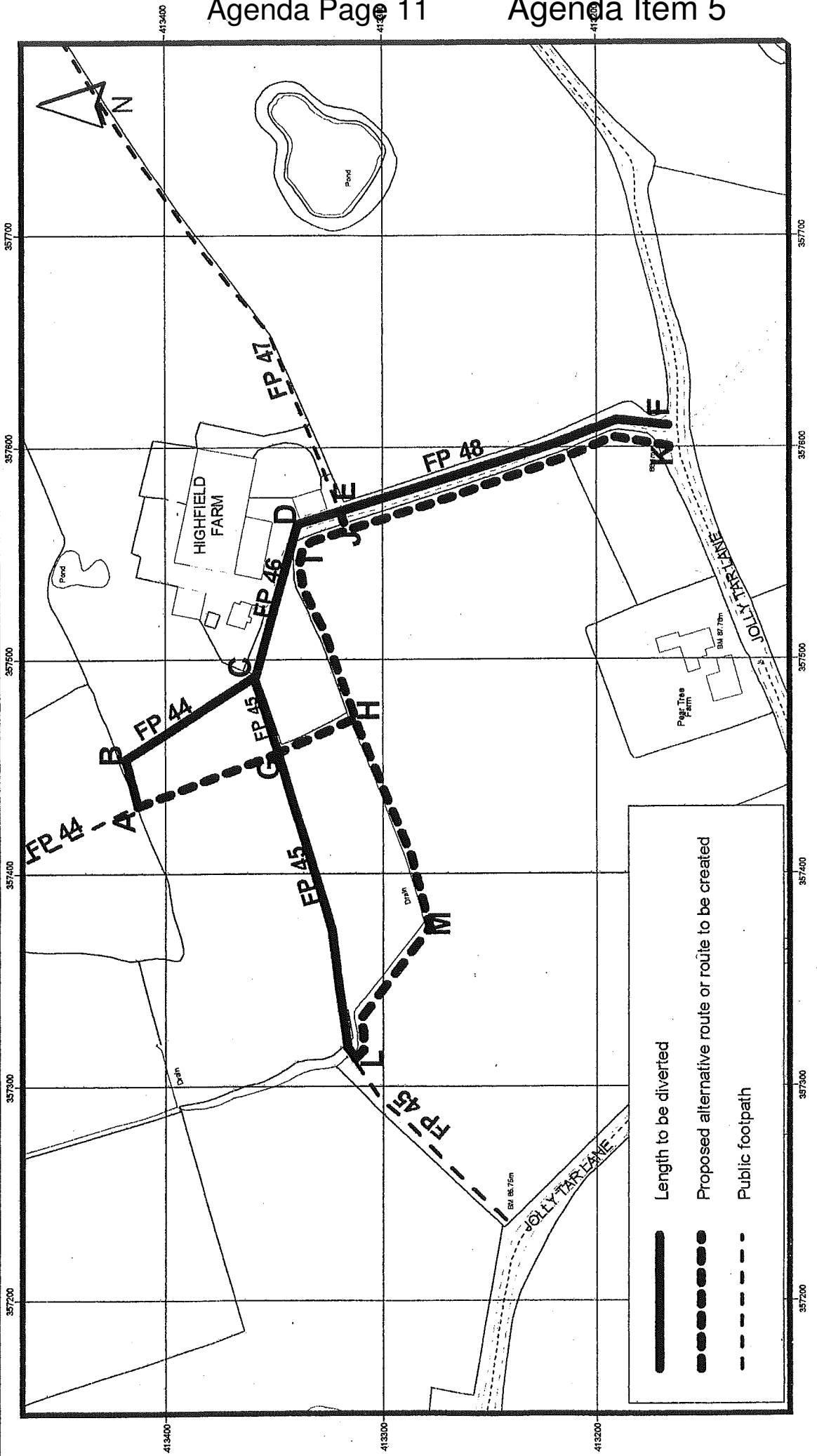
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Highways Act 1980, Section 19 and Section 26.  
Proposed diversion of part of Public Footpath Nos. 44 and 45, Public Footpath Nos. 46 and 48 and creation of a length of Public Footpath, Coppull, Chorley Borough.

G. Harding B Eng, FICE, FIHT, MIMgt, Director, Environment Directorate.  
P.O. Box 9, Guild House, Cross Street, Preston. PR1 8RD



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Report of	Meeting	Date
Corporate Director of Governance	General Purposes Committee	18/10/07

**FOOTPATH AT FAIRVIEW FARM, ADLINGTON  
WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM FOR  
DEFINITIVE MAP MODIFICATION ORDER, APPLICATION  
NO.804.455**

**PURPOSE OF REPORT**

1. To consider a request from Lancashire County Council for the formal dedication of a footpath running from Highfield Road North, Adlington in a south-westerly direction to link up with Public Footpath No. 5, Adlington, where it crosses the Preston to Manchester Level crossing.

**RECOMMENDATION(S)**

2. That subject to consultation with The Trustees of Fairview Youth and Community Centre, the Council indicate its willingness in principle to dedicate the route that has come into being, running over the open land at the southern end of the Fairview estate.

**REASONS FOR RECOMMENDATION(S)**

3. The use by the public at large of a route across the parcel of land concerned, i.e. at the southern end of what was pasture land formerly forming part of Fairview Farm is undeniable. When presented with an application for a “claimed” footpath in respect of which it was highly probable that a Map Modification Order would be made was not considered unacceptable given the longstanding history of this footpath. The course of action now proposed by the County Council appears to give the Borough Council an element of choice, in that it can confirm usage of the route by way of entering a formal dedication agreement with the County Council (under which responsibility for the maintenance of the footpath would pass to the latter) or it can decline the invitation, which means that the “claim” for right of way might well fail. If the claim did not fail, then the Council as landowner would become responsible for the maintenance of the footpath. Although the public would not necessarily be disadvantaged by a refusal to accord formal recognition to the footpath, such action could also be construed as a refusal to acknowledge public usage of it and with it any willingness to see such usage afforded any kind of formal protection.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

4. The only other alternative available would have been to oppose in the first instance the “claimed” footpath and consequent making of a Map Modification Order, which probably have proved an unsustainable course of action given the known, longstanding use of the

path.

**CORPORATE PRIORITIES**

5. This report does not relate to any of the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	

**BACKGROUND**

6. At its meeting on 15 March 2007, the Committee was asked by Lancashire County Council for its views about claims lodged with the County Council under Part III of the Wildlife and Countryside Act 1981 for the conferral of public right of way status on the informal footpath that runs in a south-westerly direction from Highfield Road North, Adlington, to join with Public Footpath No.5 at the pedestrian level crossing over the Manchester-Preston rail-line (see plan attached). The claimants held that the footpath had been used by the public at large for more than 20 years without interruption.
7. The area over which the footpath runs was formerly part of Fair View Farm. A gap in the housing on the west side of Highfield Road North, between Nos. 15 and 17, allowed access to the land over which the footpath runs and it is known that that route being claimed has been used by local residents and the public at large for a considerable number of years. Indeed, when the development of Fair View Farm took place, the footpath was used as the official temporary route in place of Public Footpath No. 5 Adlington. In accordance with paragraph 3 of Schedule 14 of the Wildlife and Countryside Act 1981, the County Council are obliged to investigate the claim and to consult with every local authority in whose area the claimed path is situated. Accordingly, the County Council is requested the Borough Council's views of the above.
8. The evidence submitted to Lancashire County Council in support of the claim includes 11 evidence of use forms indicating knowledge and use of the route for more than 20 years. The Committee recognised that the claim reflected a long-standing public usage of the route concerned. Accordingly the Committee resolved that no objection be made to the conferral of public right of way status on the footpath under Part III of the Wildlife and Countryside Act 1981 on the basis that the path had been used for more than 20 years without interruption by the public at large.
9. However, the County Council on examining the claims now considers that the claims put forward do not actually represent the route previously walked, rather they simply reflects a route that has come into being since the construction of the Community Centre. Evidence held by the County Council, e.g. map evidence, recorded user evidence and aerial survey photographs indicate that the route traditionally used is now blocked by the presence of the Community Centre. The County Council considers that the "claimed" line probably does not reflect the previously used route and as such, with no legally recorded history of use, it is therefore quite possible that the claim may have to be rejected. If there had been legally recorded use, the County Council could have contemplated making a diversion Order instead of Map Modification Order, but in the absence of such recorded usage

there appears to be no grounds for making a diversion Order, i.e. you cannot divert what previously did not exist.

**DETAILS OF PROPOSAL**

- 10. As a way forward the County Council suggests that the “new” route that has come into being to accommodate the presence of the Community Centre, and which thus does not have the required 20-year history of use, be the subject of a formal dedication agreement between the Borough Council and the County Council. Clearly this places the onus on the Borough Council to recognise in formal terms that there is a right of way exists and should thereafter enjoy a protected status, which has implications for the management of the site. The County Council note that this would be a cost-free exercise and, more significantly, responsibility for the maintenance of the path would pass to the County Council. The lease entered into between Chorley Borough Council (as landlord) and The Trustees of Fairview Youth and Community Centre (as tenant) dated 18 August 2005, recognises the presence of the footpath and shows on the map attached the “proposed realigned footpath” running along the south side of the Community Centre site. Recognition of the presence and future usage of the footpath on an amended route is thus acknowledged, albeit somewhat indirectly.

**IMPLICATIONS OF REPORT**

- 11. This report does not have any implications in relation to the following areas:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal			

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DIRECTOR OF GOVERNANCE

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Letters from Lancashire County Council together with map	30 May 2007, 23 July 2007, 23 August 2007	862	Town Hall, Chorley

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
G Fong	5169	17 September 2007	

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G. Harding B Eng, C Eng, FICE, MIMgt. Director, Environment Directorate  
P.O. Box 9, Guild House, Cross Street, Preston, PR1 8RD



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Report of	Meeting	Date
Corporate Director of Governance	General Purposes Committee	18/10/07

**HIGHWAYS ACT 1980 – SECTION 25  
 PROPOSED CREATION OF BRIDLEWAYS – WEST PENNINE  
 LINK WITH THE BRIDLEWAY NATIONAL TRAIL**

**PURPOSE OF REPORT**

1. To consider proposals by Lancashire County Council for the creation of a network of bridleways in the Boroughs of Chorley, Hyndburn, Burnley and Rossendale as part of the West Pennine Link with the Pennine Bridleway National Trail.

**RECOMMENDATION(S)**

2. That no objection be raised to the proposal by Lancashire County Council for the creation of a bridleway at White Coppice, Anglezarke.

**REASONS FOR RECOMMENDATION(S)**

3. Conferring bridleway status on the claimed route would recognise and thus formally protect usage of the route for horse riders. The Council has, however, no direct information on such usage of the route/paths concerned. The Council, whilst not averse to the conferral of bridleway status on the path concerned, is not seeking to promote the claim and would have no evidence to offer should the claim result in the calling of a public local inquiry. In the circumstances, the decision to raise no objection to the claim does not detract from the merits of that claim or commit the Council to support a claim about which it has no information.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

4. The only other alternatives available would have been to endorse the claim, for which the Council has no evidence, or to oppose it, for which course of action the Council equally has no evidence.

**CORPORATE PRIORITIES**

5. This report does not relate to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity		Develop the character and feel of	



and life chance		Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	

**BACKGROUND**

- 6. The County Council is proposing the creation of public bridleways in the Boroughs of Chorley, Hynburn, Burnel and Rossendale. The overall trail being promoted forms part of the West Pennine Link with the Penine Bridleway National Trail. In its entirety the trail will run from Smithills Hall in Bolton through Rivington, Anglezarke and Brinscall to Blackburn with Darwen (over Darwen Moor) and thence through Green Haworth, Baxenden and over Hameldon Hill to Clowbridge Reservoir, from where trail will cross Stony Hill to join the National Trail at Red Moss.
- 7. In developing this trail it will be necessary to create bridleways over sections of the trail that do not currently carry any recorded public rights. Wherever possible the County Council proposes to enter into formal agreements with the owners of the land crossed by the trail to dedicate the route used as a bridleway. Bridleway creation Orders will, however, be made in respect of four areas – Anglezarke in Chorley, Oswaldtwistle and Accrington in Hyndburn, Hampton and Dunnockshaw in Burnley and Rawtenstall in Rossendale.

**DETAILS OF PROPOSAL**

- 8. The bridleway proposals in respect of Chorley, relate to the creation of only one bridleway. The County Council propose that this be created to run northwards from a point on Moor Road, Anglezarke for a distance of approximately 450 metres along the western side of The Goit, as shown by the solid black line 1-2-3-4-5 marked on the map attached. This route would in part be coincidental with the route of Public Footpath No. 6 (between points 3 and 4 on the map). Beyond the northern end of the proposed bridleway, horse-riders would continue their journey along a concessionary path.

**IMPLICATIONS OF REPORT**

- 9. This report does not have any implications in the following areas:


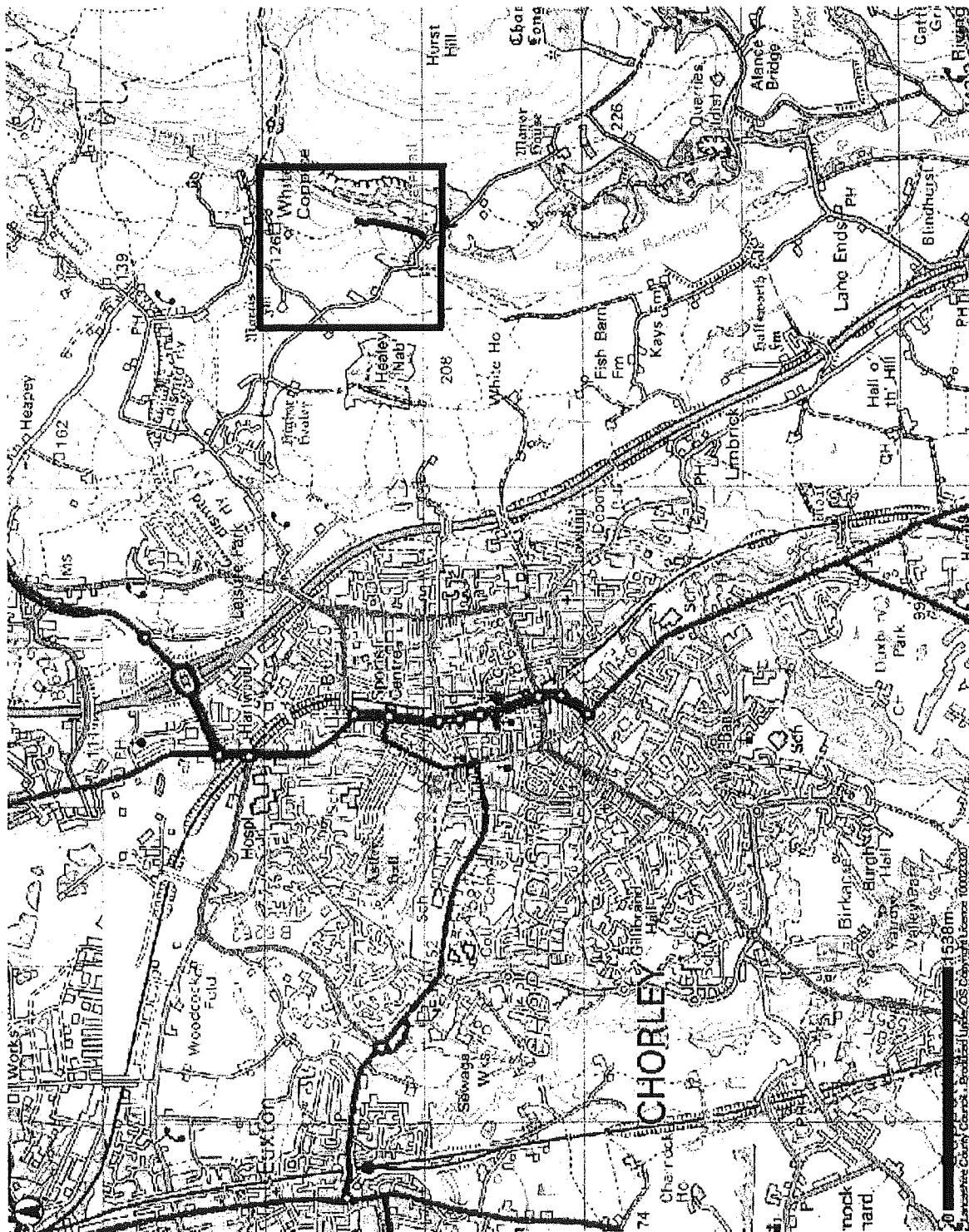
Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal			

ANDREW DOCHERTY  
CORPORATE DIRECTOR OF GOVERNANCE

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Letter and map from Lancashire County Council	31 July 2007	862	Town Hall, Market Street, Chorley

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
G Fong	5169	13 September 2007	

Districts  
 Other District/Authority  
 Lancashire Districts

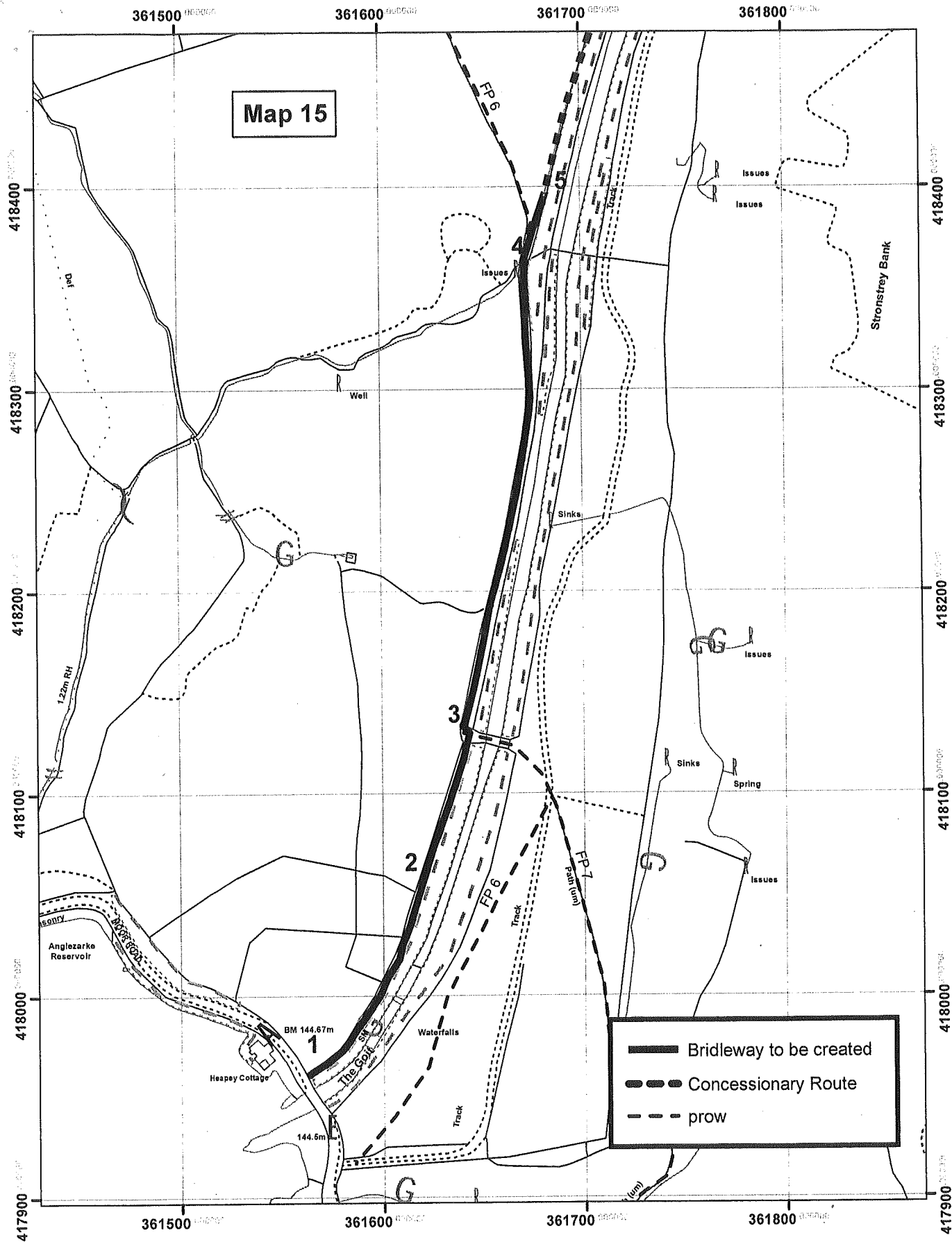



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Date: 25/07/2007





	<p>G. Harding B.Eng., C Eng., FICE., FIHT, MCMI. Environment Director</p>	<p>West Pennine Link Route Proposed bridledway creation at White Coppice</p>	<p>1:2,500</p>	<p>5</p>
<p>The digitised Rights of Way Information should be used for guidance only as its accuracy cannot be guaranteed. Rights of Way Information must be verified on the current Definitive Map before being supplied or used for any purpose.</p>				
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Report of	Meeting	Date
Corporate Director of Governance	General Purposes Committee	18/10/07

## **TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257 PROPOSED EXTINGUISHMENT OF PART OF PUBLIC FOOTPATH NO 5, ADLINGTON**

### **PURPOSE OF REPORT**

1. To consider an application submitted by the residents' of No. 24 Highfield Road North for the formal extinguishment of part of Public Footpath No. 5, Adlington.

### **RECOMMENDATION(S)**

2. That subject to formal consideration of the application a decision be made as to whether or not the Council approve the making of a Public Path Extinguishment Order pursuant to Section 257 of the Town and Country Planning Act 1990 in respect of an area of Footpath No. 5, Adlington, so as to enable development to be carried out in accordance with the grant of planning permission.

### **REASONS FOR RECOMMENDATION(S)**

3. The applicants are entitled to expect that “due consideration” be given to their application, without the Council’s consideration of the application having necessarily been predetermined by a recommendation made in advance of that process.

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

4. To have made a recommendation in support of the application would have been to prejudice the Committee’s attitude to what is a personal application for the benefit of the landowners, which in the nature of things would result in a clearly discernible effect on the public’s use of a long standing public right of way. On the other hand, to have recommended a refusal would equally have been to prejudice the issue, where the applicants have a lawful right to expect that their application should receive “due consideration.” This is especially so when viewed against a background where the Highway Authority has refrained to give any opinion on the acceptability or otherwise of the application.

### **CORPORATE PRIORITIES**

5. This report does not relate to any of the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	

**BACKGROUND**

- 6. Public Footpath No. 5 Adlington comprises two distinct lengths (1) the length running east-west from Chorley Road (A.673) through to Highfield Road North along the old carriage road known as Bradshaw Lane, and (2) the length that ran from Highfield Road North across pasture land belonging to Farivew Farm down to the level crossing on the Preston to Manchester line. The length of footpath concerned relates to (1) above.

**DETAILS OF PROPOSAL**

- 7. The length of footpath forming the subject of the application runs immediately adjacent to the north-facing flank frontage of No. 24 Highfield Road North. The footpath runs west from Chorley Road along a narrow track between Nos. 8 and 10 Chorley Road to emerge onto a broad tract of land, a remaining vestige of the old carriage road Bradshaw Lane. On reaching the rear (northern) boundary of 24 Croston Avenue the footpath enters a much narrower stretch bounded by the rear/side fences belonging to nos. 24 and 26 Croston Avenue and No. 24 Highfield Road North on the south, and by No. 6 Derby Place and No. 26 Highfield Road North on the north.
- 8. The footpath, when it reaches the north-eastern corner of 24 Highfield Road North, encounters a pinch point due to the angled alignment of the property, after which the width of the footpath once again broadens out as it runs in a westerly direction to join the back of (the adopted) footpath on Highfield Road North. The plot of land on which No. 24 stands is in the shape of a rectangle. The applicants would like to build a garage partly on land within the curtilage of the property and partly on the line of the footpath, the effect of which would be both to reduce the width of footpath available and canalise it on to a narrower line. In the process the plot on which No. 24 built would achieve something of splayed frontage as a result of the land concerned being brought within the curtilage of the property.
- 9. The obstacle to realising this, i.e. the building of the garage, is of course the presence of Public Footpath No. 5. Thus it is that the residents of No. 24 are making application for the extinguishment of that area of footpath that inhibits the proposed development. The applicants have met on site with representatives of Lancashire County Council (the Countryside Service) and a local councillor to discuss the acceptability or otherwise of their proposal. The County Council representatives, whilst noting the resultant effect on the footpath, i.e. its narrowing, would not represent the normal width of a footpath, i.e. below 2 metres, did not an opinion as to whether or the proposal would be acceptable in its effect.
- 10. Despite the loss of the Highways Partnership, unilaterally terminated by the County Council on 30 June 2006, it still falls to the Borough Council to decide upon applications made under the Town and Country Planning Act 1990 for the diversion or extinguishment of public rights of way pursuant to the grant of planning permission. Clearly, as part of that process, the Borough Council has to formally consult the County Council in their capacity as Highway Authority for the county, and it would be for the latter to indicate their agreement or otherwise to the proposal. If the County Council signalled its opposition,

then unless the Council was prepared to take the issue to local public inquiry, the application would in all likelihood probably founder on the opposition of the County Council. However, both in correspondence between the applicants and the County Council and in discussions between Council officers and officers of the Countryside Service, the County Council has adopted a something of neutral, wait-and see stance.

11. The making of a Public Path Extinguishment Order would result in the width of the footpath being reduced to something approaching three metres or so. There is no evidence to suggest how well or otherwise the footpath is used. It is possible that usage may have declined somewhat following the building of the Fairview estate, in that the public would have continued their journey over open pasture land (passing along the flank frontage of No. 35 Highfield Road), whereas now the alternatives (assuming a through walk down to the pedestrian level crossing over the railway line) take walkers into the estate or require them to walk further along Highfield Road North down to the gap between Nos. 15 and 17. The application, if granted, would still mean that a walkable route was preserved, if arguably of somewhat lesser facility than at present.

**IMPLICATIONS OF REPORT**

12. This report does not have any implications in relation to the following areas:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal			

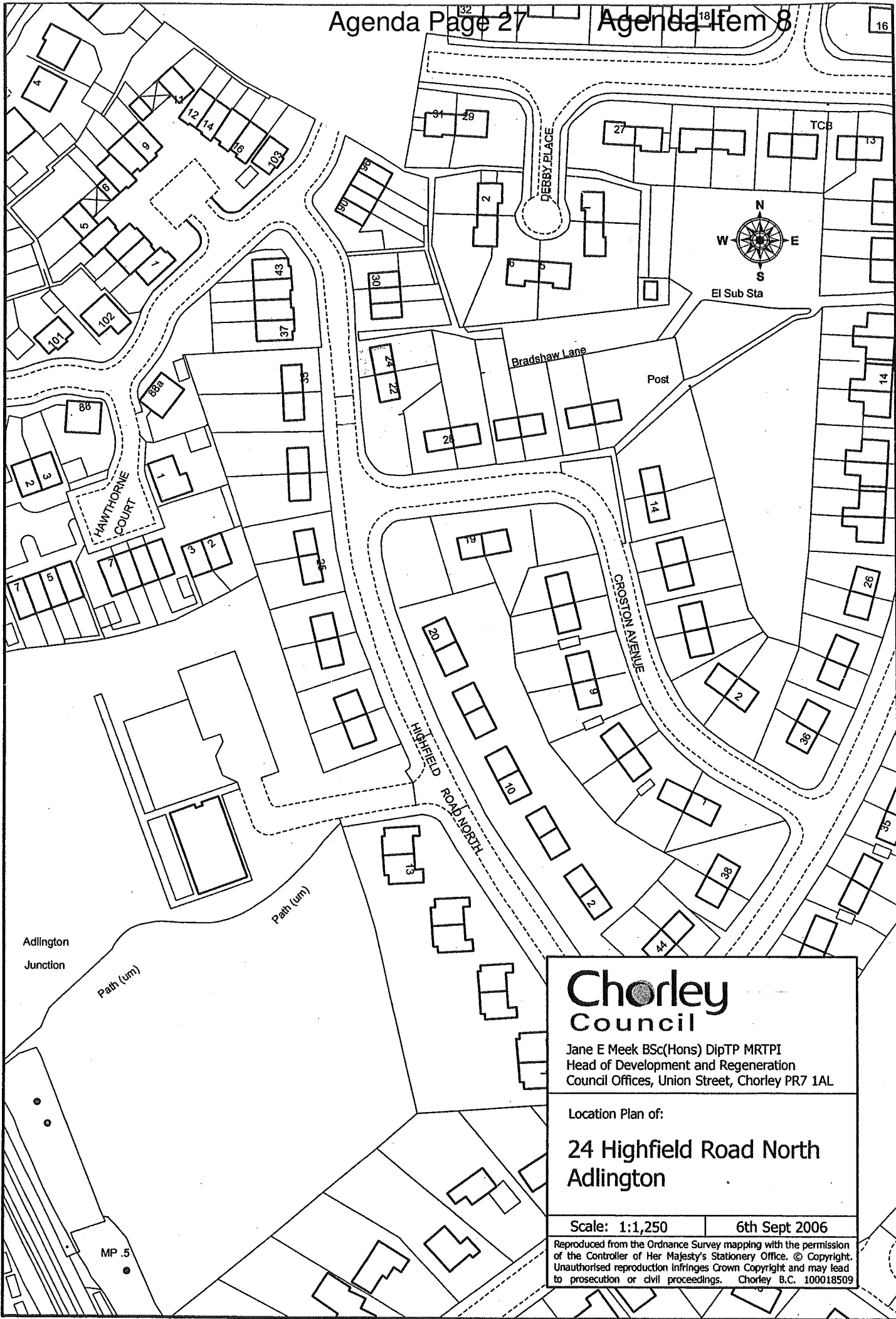
A DOCHERTY  
CORPORATE DIRECTOR OF GOVERNANCE

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Letter from residents of No. 24 Highfield Road North, Adlington	4 June 2007	863	Town Hall, Chorley

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
G Fong	5169	18 September 2007	

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**Chorley Council**  
 Jane E Meek BSc(Hons) DipTP MRTPI  
 Head of Development and Regeneration  
 Council Offices, Union Street, Chorley PR7 1AL

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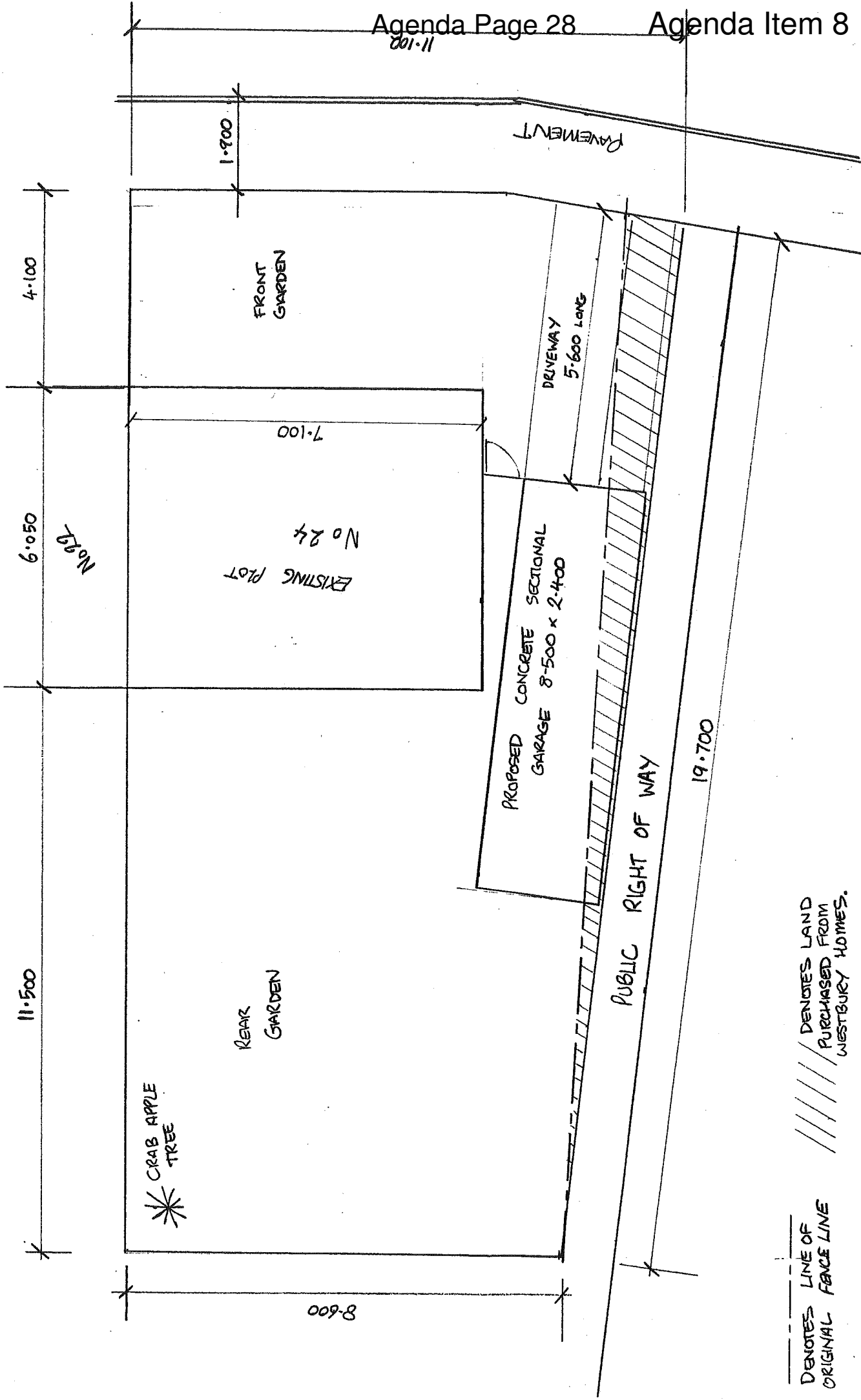
Location Plan of:

**24 Highfield Road North  
 Adlington**

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Scale: 1:1,250	6th Sept 2006
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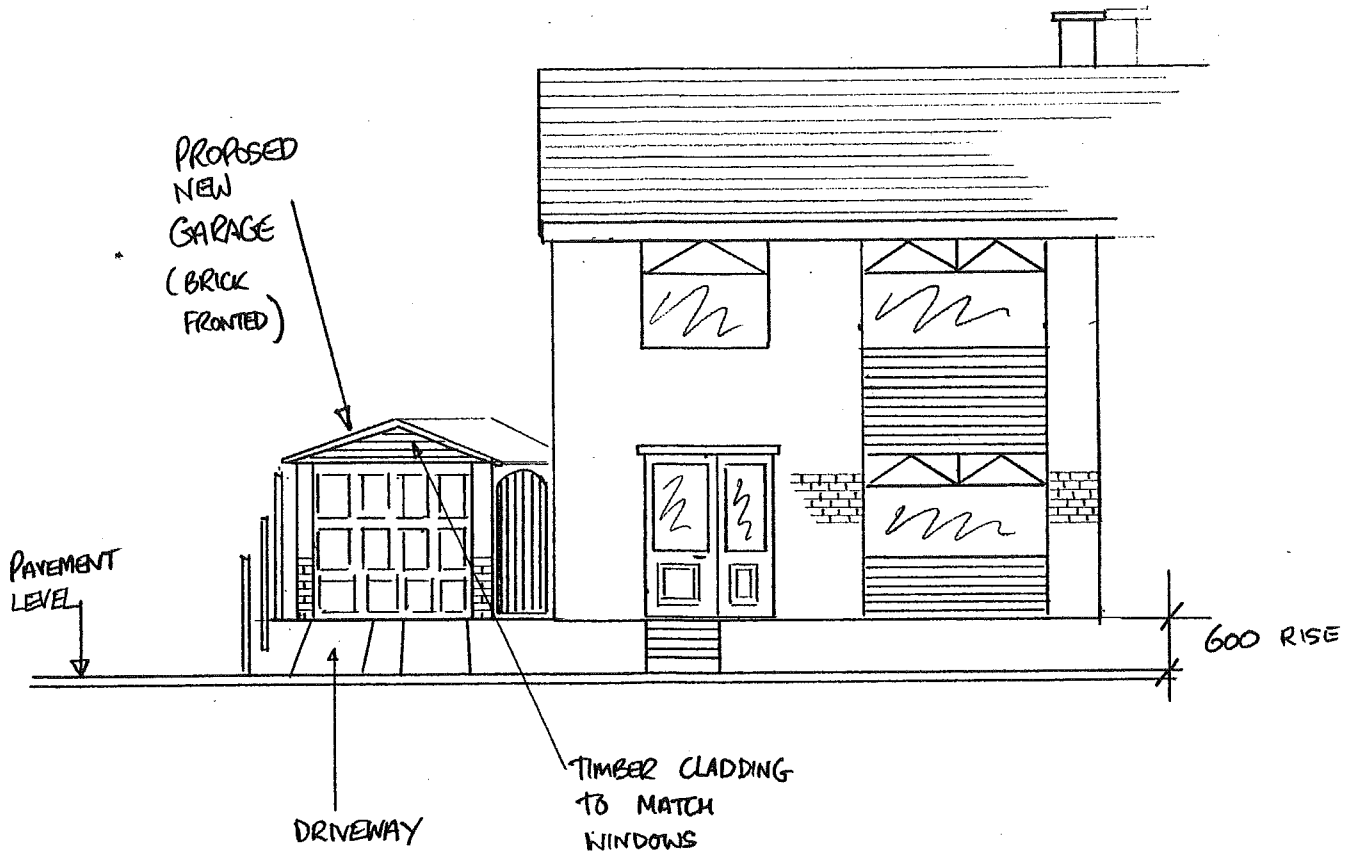


DENOTES LINE OF ORIGINAL FACE LINE  
 DENOTES LAND PURCHASED FROM WESTBURY HOMES.

PROPOSED NEW CONCRETE GARAGE WITH DRIVEWAY

SCALE 1:100

MR + MRS N. SHUFFLEBOTHAM  
 24 HIGHFIELD ROAD NORTH



FRONT ELEVATION

SCALE 1:100

MR + MRS N. SHUFFLEBOTHAM  
24 HIGHFIELD ROAD NORTH  
ADUNGTON PR6 9RN

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