



# General Purposes Committee

Agenda and Reports

For consideration on

Wednesday, 11th October  
2006

In the Committee Room, Town Hall, Chorley



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## Chief Executive's Office

Please ask for: Gordon Banks  
Direct Dial: (01257) 515123  
E-mail address: gordon.banks@chorley.gov.uk  
Date: 29 September 2006

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**Chief Executive:** Donna Hall

**Chorley**  
Council

Town Hall  
Market Street  
Chorley  
Lancashire  
PR7 1DP

Dear Councillor

## **GENERAL PURPOSES COMMITTEE - WEDNESDAY, 11TH OCTOBER 2006**

You are invited to attend a meeting of the General Purposes Committee to be held in the Committee Room, Town Hall, Chorley on Wednesday, 11th October 2006 commencing at 5.00 pm.

### **AGENDA**

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members of the Committee are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the Council Chamber and not seek to influence a decision on the matter.

3. **Minutes (Pages 1 - 4)**

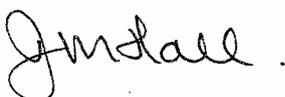
To confirm as a correct record the minutes of the General Purposes Committee held on the 7 June 2006 (enclosed)

4. **Highways Act 1980 - Section 118 Proposed Extinguishment of Part of Public of Public Footpath No.34 Withnell, and Creation of Public Footpath From Public Footpath No.38 To Public Footpath No37 Withnell, Chorley (Pages 5 - 10)**

Report of Director of Customer, Democratic and Legal Services (enclosed)

5. **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 Mrs Pat Case (Vice-Chair), Councillors Peter Baker, Kenneth Ball, Thomas Bedford, Magda Cullens, Dennis Edgerley, Catherine Hoyle, Hasina Khan, Margaret Lees, Marion Lowe, Peter Malpas, Michael Muncaster, Mark Perks, Edward Smith, Ralph Snape and John Wilson) for attendance.
2. Agenda and reports to Donna Hall (Chief Executive), Colin Campbell (Executive Director - Environment and Community (Deputy Chief Executive)), Andrew Docherty (Director of Customer, Democratic and Legal Services), Paul Morris (Executive Director - Corporate and Customer (Deputy Chief Executive)) and Gordon Bankes (Democratic Services Officer) for attendance.

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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 آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823

کیجئے:

**General Purposes Committee****Wednesday, 7 June 2006**

**Present:** Councillor Peter Goldsworthy (Chair), Councillor Mrs Pat Case (Vice Chair) and Councillors Peter Baker, Thomas Bedford, Magda Cullens, Dennis Edgerley, Catherine Hoyle, Hasina Khan, Margaret Lees, Michael Muncaster, Mark Perks, Edward Smith, Ralph Snape and John Wilson

**06.GP.25 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors M Lowe and P Malpas.

**06.GP.26 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interest by any Members in any of the meeting's agenda items.

**06.GP.27 MINUTES**

**RESOLVED - That the minutes of the meeting of the General Purposes Committee held on 8 March 2006 be confirmed as a correct record for signature by the Executive Leader.**

**06.GP.28 HIGHWAYS ACT 1980 - SECTION 119 - PROPOSED DIVERSION OF FOOTPATH NO.6 AT MAWDESLEY**

The Deputy Director of Legal Services submitted a report on a proposal presented to the Lancashire County Council to divert a length of Public Footpath No 6 which links Old Lane and Back Lane, Mawdesley.

The existing route of the footpath travelled through the site of Cedar House Farm, which was to be developed into a craft centre. An application had been lodged, therefore, for the diversion of the footpath onto a route that would skirt around the southern and western boundaries of the site.

The report contended that, as the Council did not possess any direct information on either the public use of the footpath or land ownerships in the area, it would be unreasonable to raise objection to the proposal.

**RESOLVED - That no objection be raised to the making of a Public Path Diversion Order by the Lancashire County Council under Section 199 of the Highways /Act 1980 for the purpose of diverting a 203 metre length of Public Footpath No 6 at Mawdesley, as indicated on the map attached to the submitted report, as it runs north-westwards from Old Lane through the middle of the Cedar Farm Craft Centre onto a new line running parallel to the existing route, but along a line that skirts the southern and western boundaries of the site.**

**06.GP.29 WILDLIFE AND COUNTRYSIDE AT 1981 - PART 111 - CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER (LIMBRICK)**

The Committee considered a report of the Deputy Director of Legal Services on a claim submitted to Lancashire County Council for the status of public footpath to be conferred on a path at Limbrick, Heath Charnock running from Dark Lane along the north bank of the River Yarrow through to Long Lane.

Several evidence of use forms alleging a long-standing and durable public usage of the footpath that had been lodged with the County Council.

The report confirmed that the Borough Council did not possess any evidence to refute the claim and a member of the Committee referred to significant anecdotal evidence to support the claimed public usage of the route.

**RESOLVED - That no objection be raised to the claim for the grant of public right of way status on the footpath running westwards from Back Lane along the north side of the River Yarrow through to Long Lane at Limbrick, Heath Charnock**

**06.GP.30 WILDLIFE AND COUNTRYSIDE ACT 1981 - PART 111 - CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER (CHORLEY)**

The Deputy Director of Legal Services presented a report on a claim lodged with Lancashire County Council for the status of public footpath to be conferred on a small path running along the southern side of the reservoir to the east of the M61 motorway in the vicinity of the former Healey Works which linked the eastern section of Public Footpath No 16 to the western section of the public footpath.

A number of evidence of use forms had been lodged with the County Council claiming a long-standing public usage of the route between the two public footpaths.

In addition, a further claim had been lodged for the conferral of public right of way status on a 'spur' path leading from the claimed path along the western and northern sides of the reservoir to reflect the alleged long-standing public usage of the scenic route.

The Council possessed no evidence to refute the claim.

A member of the Committee drew attention to the fact that a section of the footpath was being closed by a local fishing club for part of the day and requested the Officers to examine the situation.

**RESOLVED - That no objection be raised either to the claim for the grant of public right of way status on the footpath linking Public Footpath No 16 (West) and Public Footpath 16 (East), Chorley or to the claim for the grant of public right of way status on the 'spur' path leading north from the aforementioned path along the western and northern sides of the eastern reservoir.**

**06.GP.31 ESTABLISHMENT OF NEW PRINCIPAL OFFICER GRADES FROM PO.15 TO PO.18**

The Committee considered a report of the Director of Human Resources recommending the establishment of four new Principal Officer salary grades from PO15 to PO18 to reflect the available NJC pay scales up to spinal column point 55.

The creation of the four new Principal Officer grades would allow a greater degree of flexibility in the appointment of Principal Officers and support the recruitment and retention of high calibre staff. The new grades would be awarded to appropriate Principal Officers whose responsibilities warranted the higher salaries without assimilating the posts on Chief Officers grades, whose maximum salaries would be greater than spinal column point 55, thus creating a long term financial saving.

**RESOLVED - That approval be given to the introduction of Principal Officer grades PO15, PO16, PO17 and PO18 rising to a maximum of spinal column point 55.**

Chair

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Report of	Meeting	Date
Director of Customer, Democratic and Legal Services	General Purposes Committee	11/10/2006

**HIGHWAYS ACT 1980 – SECTION 118 PROPOSED EXTINGUISHMENT OF PART OF PUBLIC FOOTPATH NO. 34 WITHNELL, AND CREATION OF PUBLIC FOOTPATH FROM PUBLIC FOOTPATH NO. 38 TO PUBLIC FOOTPATH NO 37 WITHNELL**

**PURPOSE OF REPORT**

1. To consider a proposal submitted by Lancashire County Council for the diversion of a length of Public Footpath No. 34, Withnell, at Benson's Farm, Abbey Village, Withnell.

**CORPORATE PRIORITIES**

2. The report does not affect any corporate priorities.

**RISK ISSUES**

3. The report contains no risk issues for consideration by Members.

**BACKGROUND**

4. Public Footpath No. 34 Withnell forms a link between Footpath Nos. 37 and 38. The existing route of the footpath leads north from the access road serving Benson's Farm and runs through the yard/working area of the farm and thence assumes a north-westerly direction leading down to join up with Footpath No. 37. The existing route is marked by the bold black line A – B – C on the map attached, a distance of 155 metres. Note: Footpath No. 34 continues beyond point C in a north-westerly direction to join with Footpath No. 36 at the foot-bridge crossing the river Roddlesworth.
5. The proposal calls for the extinguishment of the length of path described above (as marked by the solid black line on the map) and its replacement by means of creating a new length of path. Where footpaths are removed from residential areas etc., the normal practice is to divert the existing footpath onto a new route. In this instance, however, the proposal involves utilising in part a length of Footpath no. 37 and then, in order to provide a route around the eastern end of the farm buildings, calls for the creation of a new length of footpath, marked by the broken black line D – E on the map.
6. The use of a footpath extinguishment Order in conjunction with the use of a footpath creation Order, is in essence another way of seeking to effect a diversion. The length of the diversion, between points D – E comprises 65 metres, although the wider "diversion" effected by the above proposal, i.e. D – E – C comprises 220 metres. The proposal is, in fact being promoted by the County Council. The County Council note that the existing line of footpath No. 34 involves using a fairly sharp incline, whereas the proposed length of

footpath to be created would use the line of an existing track with a somewhat less severe incline.

7. This application represents one of the commonest reasons for seeking a footpath diversion, namely to take the route of a footpath out of the middle of what is residential and/or working site and re-establish it on a new line close by, albeit in this instance this would be achieved by using in part the line of another existing path and in part through the creation of new length of path. The proposal is therefore in keeping with most other diversions that have been pursued in recent years.
8. The “diversion” following a route around the periphery of the Benson’s Farm site is, of course, somewhat longer than that of the existing route, i.e. by 65 metres, however, the County Council contend that new route reflects more public usage accurately and that bed of the proposed new path, utilising as it does an existing track, offers a better surface for walkers and will be brought up to a standard fit for public use. The County Council further contend that the proposal meets the criteria laid down in the Wildlife and Countryside Act 1981 as regards the creation of new footpaths.

#### **COMMENTS OF THE DIRECTOR OF FINANCE**

9. There are no comments by the Director of Finance

#### **COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

10. There are no comments by the Director of Human Resources.

#### **RECOMMENDATIONS**

11. 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 155-metre length of Public Footpath No. 34, Withnell, as indicated on the map attached to the report, as it runs north from Footpath No. 38 through the middle of the Benson’s Farm to its junction with Footpath No. 37.
12. 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 of providing a new route to replace that length of Public Footpath No. 34, Withnell, which the County Council propose be extinguished.

#### **REASONS FOR RECOMMENDATION**

13. The reason proposed for the footpath extinguishment/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**

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

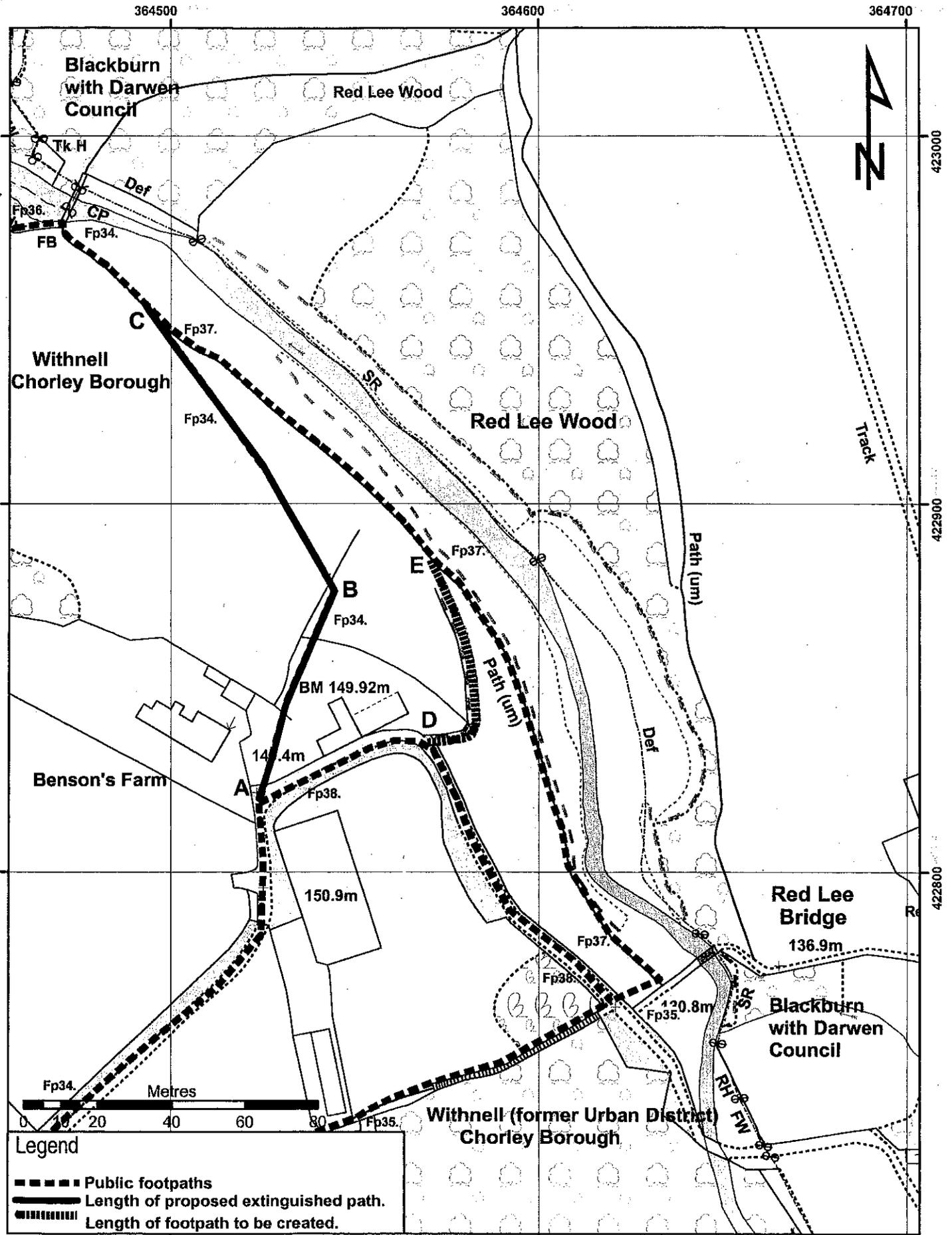
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DIRECTOR OF CUSTOMER, DEMOCRATIC AND LEGAL SERVICES

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Letters from Legal Services Group, Lancashire County Council	7 July 2006 31 July 2006 2 August 2006	862	Legal Services Unit, Town Hall, Chorley

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
G Fong	5169	26 September 2006	NEWREP

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Highways Act 1980, section 118 & 26. Proposed Extinguishment and Creation of part of Public Footpath No. 34, Withnell, Chorley Borough Council.

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