

Report of	Meeting	Date
Deputy Director of Legal Services	General Purposes Committee	07/06/06

WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER APPLICATION NO. 804/439 (LIMBRICK)

PURPOSE OF REPORT

1. To consider 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 Back Lane, along the north bank of the river Yarrow through to Long Lane.

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. The path forming the subject of the “claim,” runs westward from Back Lane, at Limbrick (in the vicinity of Brookside Cottage), and follows a route running along the north bank of the river Yarrow to come out at the junction of Back Lane with Long Lane and Cowling Lane (in the vicinity of Linesman Cottage). (See plan attached).
5. A claim has been lodged with Lancashire County Council under Part III of the Wildlife and Countryside Act 1981 for public right of way status to be conferred on the above footpath on the basis that the “claimed” footpath has been used for more than 20 years without interruption by the public at large. 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 requesting the Borough Council’s views of the above.
6. The claimed footpath, running along the north bank of the river Yarrow, forms an obvious route in the area, and in doing so facilitates the public being able to take a route by a river side as well as providing a shorter alternative to having to proceed by way of Back Lane. The evidence submitted to Lancashire County Council in support of the claim includes 24 evidence of use forms indicating knowledge and use of the route for up to 60 years. Thus claim probably reflects a long-standing public usage of the route concerned.

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COMMENTS OF THE DIRECTOR OF FINANCE

7.^{next no} There are no comments by the Director of Finance

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

8.^{next no} There are no comments by the Director of Human Resources.

RECOMMENDATIONS

9.^{ext no} That no objection be made 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.

REASONS FOR RECOMMENDATION

10. Conferring public right of way status on the claimed path would provide a formal footpath route between Back Lane and Long Lane at Limbrick. The Council has, however, no direct information on public usage of the path nor of land ownerships in the area. The Council, whilst not averse to the conferral of public right of way 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

11. The 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 has no apparent reason.

C HALLWOOD
DEPUTY DIRECTOR OF LEGAL SERVICES

Background Papers			
Document	Date	File	Place of Inspection
Letters from Legal Services Group, Lancashire County Council	8 March 2006	862	Legal Services Unit, Town Hall, Chorley

Report Author	Ext	Date	Doc ID
G Fong	5169	22 May 2006	NEWREP