

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. 804/430 (CHORLEY)

PURPOSE OF REPORT

1. To consider a claim submitted to Lancashire County Council for the status of public footpath to be conferred on a small path linking Public Footpath No. 16 (west) to Public Footpath No. 16 (east), Chorley, and on a “spur” running around the western and northern boundary of a reservoir.

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. 16 (west) runs along a north-south line east of (and parallel) to the M.61 Motorway to the site of the former Healey Works. Immediately to the north-east of the said site Footpath No. 16 (west) runs between two reservoirs, which were formerly associated with serving the Healey Works. Footpath no. 16 (east) runs along an east-west line, running due west from Healey Nab, towards the eastern reservoir, whence it turns southwards heading towards the site of the former Healey Works. It is at the site of the former Healey Works (to the south of the two reservoirs) that Footpaths Nos. 16 (west) and 16 (east) link up.
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 a short, “informal” section of footpath linking the two above public footpaths 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 south side of the eastern reservoir, forms an obvious link between two sets of rights of way in question, i.e. Footpath No. 16 (west) and Footpath No. 16 (east), and, in doing so, facilitates the public being able to make the

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shortest and most direct connection between the two footpaths, assuming that someone is proceeding south along Footpath No. 16 (west) and thence wishes to proceed eastwards along Footpath No. 16 (east), and vice versa – see plan attached. The evidence submitted to Lancashire County Council in support of the claim includes 15 evidence of use forms indicating knowledge and use of the route for up to 60 years. The claim thus probably reflects a long-standing public usage of a route between the two public footpaths.

7. In addition to the above claim, a further claim has also been lodged for the conferral of public right of way status on a “spur” path leading north from the “claimed” path and along the western and northern sides of the eastern reservoir. This claim presumably also reflects public usage of the said route in relation to a water feature, which may have some scenic value. It is, however, normally the case that a public right of way should end in a connection with another right of way or an adopted highway, rather than simply form a cul-de-sac.

COMMENTS OF THE DIRECTOR OF FINANCE

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

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

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

RECOMMENDATIONS

- 10.^{ext no} That no objection be made to the claim for the grant of public right of way status on the footpath linking Public Footpath Nos. 16 (west) and 16 (east), Chorley as detailed above, or to the grant of public right of way status on the “spur” path leading north from the “claimed” path along the western and northern sides of the eastern reservoir.

REASONS FOR RECOMMENDATION

11. Conferring public right of way status on the claimed path would join up the public footpath system in the area. 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

12. 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	6 January 2006	862	Legal Services Unit, Town Hall, Chorley

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