

Report of	Meeting	Date
Director of Customer, Democratic and Legal Services	General Purposes Committee	07/02/2007

## **WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER APPLICATION NO. 804/455 (ADLINGTON)**

### **PURPOSE OF REPORT**

1. To consider a claim submitted to Lancashire County Council for the status of public right of way to be conferred on a path at Fairview Farm, Adlington, running 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.

### **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 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 area over which the claimed 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 claimed footpath runs and it is known that this path has been used by local residents for a considerable number of years. Indeed, when the development of Fair View Farm took place, the claimed footpath was used as the official temporary route in place of Public Footpath No. 5 Adlington.
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. Issues relating to the use of Public Footpaths Nos. 5 and 6 Adlington have a long history and it has been long known to Council officers that route being claimed was being used by the public at large. 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. Thus the claim probably reflects a long-standing public usage of the route concerned.

## COMMENTS OF THE DIRECTOR OF FINANCE

7. There are no comments by the Director of Finance

## COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

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

## RECOMMENDATIONS

9. That no objection be made to the claim for the grant of public right of way status on the footpath running westwards from Highfield Road North to join with Public Footpath No. 5 Adlington at the point where it crosses the Manchester-Preston rail-line.

## REASONS FOR RECOMMENDATION

10. Conferring public right of way status on the claimed path would recognise useage of this route, which has been walked by the public for many years. The Council has, however, no direct information on public usage of the path. 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 equally has no evidence.

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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 County Secretary & Solicitor's Group, Lancashire County Council	8 November 2006	862	Legal Services Unit, Town Hall, Chorley

  

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
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