

Report of	Meeting	Date
Director of Customer, Democratic and Legal Services	General Purposes Committee	15/03/2007

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

### **PURPOSE OF REPORT**

1. To consider a claim submitted to Lancashire County Council for the status of Bridleway to be conferred on Dick Lane, Brinscall and on for the status of Public Footpaths Nos. 3, 22 and 29 Wheelton to be changed to that of a Bridleway.

### **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 route forming the subject of the “claim” runs from School Lane, Brinscall, southwards along Dick Lane, and thence in a generally southerly and south-westerly direction along a series of footpaths mainly in Wheelton, which are already public rights of way, all the way to Four Lane Ends at Chapel Lane, Heapey. Specifically, the claim relates to all of Dick Lane, that length of Public Footpath No. 29, Wheelton, situate between its junctions with Dick Lane and Footpath No. 22, Wheelton, that length of Footpath No. 22 Wheelton situate between its junction with the aforesaid footpath and Footpath No. 3 Wheelton, and all of No. 3 Wheelton for its entire length southwards to the parish boundary with Heapey. From the parish boundary, the claimed route then runs along a short stretch of unnamed road/track to Four Lanes End at Chapel Lane, Heapey (see plan attached).
5. A claim has been lodged with Lancashire County Council under Part III of the Wildlife and Countryside Act 1981 for the above route to have bridleway status conferred upon it on the basis that the “claimed” route has 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 is situated. Accordingly, the County Council is requesting the Borough Council’s formal views of the above.
6. The route concerned is certainly a long established and well used one by walkers. The claim seeks to assert evidence of an equivalent usage by horse riders. To this end, the evidence submitted to Lancashire County Council in support of the claim that the route should in fact be formally recognised as a bridleway, includes 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. Thus the claim probably reflects a long-standing usage of the route concerned for horse riding purposes.

7. It may be of interest to note that the Committee considered an identical claim at its meeting on 15 July 2003, on which occasion the Committee resolved that no objection be raised to the granting of the claim. The claim was, however, subsequently not granted by Lancashire County Council. This new claim purports to lay before the County Council fresh evidence of long-standing use of the above route by horse riders.

#### **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 bridleway status being conferred on Dick Lane, Brisncall, 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.

#### **REASONS FOR RECOMMENDATION**

10. Conferring bridleway status on the claimed route would recognise and thus formally protect usage of the route 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**

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	1 February 2007	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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