

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

HIGHWAYS ACT 1980 – SECTION 26 AND 118 PROPOSED CREATION OF PUBLIC FOOTPATH AND EXTINGUISHMENT OF PART OF PUBLIC FOOTPATHS NOS. 6 AND 8 ULNES WALTON, CHORLEY BOROUGH

PURPOSE OF REPORT

1. To consider a proposal submitted by Lancashire County Council for the creation of a Public Footpath in conjunction with the extinguishment of a length of Public Footpath Nos. 6 and 8 Ulnes Walton.

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. 8 Ulnes Walton currently runs from the junction of Ulnes Walton Lane with Holker Lane in an easterly direction parallel to and along the south bank of the river Lostock to a junction with Public Footpath No. 6 and thence beyond to a junction with Public Footpath No. 10. The length of Footpath No. 8 that runs directly along the river bank (between points B to I as shown on the map attached) has been washed away due to flooding. Because of the tendency of the river to overflow its banks at this location the County Council consider that, in order to preserve the public footpath system in this area, the best solution is to extinguish the majority of Public Footpath No. 8 and create a replacement footpath further to the south on ground not vulnerable to flooding.
5. The proposal thus calls for Public Footpath No. 8 Ulnes Walton, as shown by the solid black line **A-B-C-D-E-F-G-H-I-J-K** on the map attached, to be extinguished, and replaced by the creation of a new public footpath on route sited on a parallel line to the south as shown by the broken black line **A-N-M-L-K**.
6. Extinguishment of the above length of Footpath would sever the link with Public Footpath No.16A, which runs from the north to the river and a junction with Public Footpath No. 8 and accordingly the County Council propose that a further length of public footpath be created to maintain this link, as shown by the broken black line **M-G**. The extinguishment would also render redundant the northern most stretch of Public Footpath No. 6, as shown by the solid black line **L-J** and thus it is proposed that this length of footpath also be extinguished.

7. The effect of these proposals would be, as can be seen from the map attached, to shift the public footpath system in this area on to a line to the south. The proposal is being promoted by Lancashire County Council. The route is a popular one, well used by walkers and the County Council feel that the above proposal represents the best means of ensuring the public's ability to continue using the public footpaths in the area.

COMMENTS OF THE DIRECTOR OF FINANCE

8. There are no comments by the Director of Finance

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

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

RECOMMENDATIONS

10. 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 (i) of extinguishing a length of Public Footpath No. 8, Ulnes Walton, as shown by the solid black line **A-B-C-D-E-F-G-H-I-J-K** on the map attached, and (ii) of extinguishing a small length of Public Footpath No. 6 as shown by the solid black line **L-J**.
11. 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 (i) of creating a new replacement Public Footpath on a route to the south of the existing line of Public Footpath No. 8, as shown by the broken black line **A-N-M-L-K**, and (ii) of creating a linking footpath from what will be the new line of Public Footpath No. 8 and Public Footpath No. 16A, as shown by the broken black line **M-G** on the map attached.

REASONS FOR RECOMMENDATION

12. The proposal represents the most reasonable means of seeking to retain a walkable public footpath system in an area where environmental conditions, i.e. flooding, militate against the preservation of existing footpath routes.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

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

A DOCHERTY
DIRECTOR OF CUSTOMER, DEMOCRATIC AND LEGAL SERVICES

Background Papers			
Document	Date	File	Place of Inspection
Letters from County Secretary and Solicitor's Group, Lancashire County Council	8 February 2007	862	Legal Services Unit, Town Hall, Chorley

Report Author	Ext	Date	Doc ID
G Fong	5169	20 February 2007	NEWREP