

23. WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53 -  
APPLICATION FOR MODIFICATION ORDER TO DEFINITIVE MAP  
AND STATEMENT IN RESPECT OF ST. LUKES CHURCH ROAD  
AND ASSOCIATED WAYS, FORMBY

The Committee considered the report of the Technical Services Director on a request by the Formby Civic Society to include a number of lanes and tracks in western Formby on the definitive rights of way map and statement for the area.

RESOLVED :- (i) That the Head of Coast and Countryside and the Public Rights of Way Officer be authorised to consult with residents of Alexandra Road, Albert Road and St. Lukes Church Road to agree the proposed method and location of the access controls;

(ii) that, subject to a satisfactory outcome to the consultations referred to in (i) above, the Legal Director be authorised to make Public Path Creation Agreements under Section 25 of the Highways Act 1980 with the landowners of the following ways: -

- (a) Albert Road - Bridleway
- (b) Alexandra Road - Bridleway
- (c) St. Lukes Church Road, Bushbys Lane to Alexandra Road - Bridleway
- (d) St. Lukes Church Road, Alexandra Road to Range Lane - Bridleway
- (e) St. Lukes Church Road, Range Lane to Altcar footpath No. 5 - Public Footpath
- (f) Cambridge Road - Public Footpath
- (g) Range Lane - Bridleway
- (h) Two tracks connecting Albert Road to Alexandra Road, one to be a public footpath, the other to be removed from the claim
- (i) Extension of Albert Road to Shore - Bridleway
- (j) Bridleway on the western side of St. Lukes Church Road running from Range Lane to Albert Road;

(iii) that the Cabinet Member - Corporate Resources be requested to approve an increase in the annual Public Rights of Way Revenue Budget by the sum of £2,000, to enable the new routes to be properly maintained.

**24. WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53 -  
APPLICATION FOR MODIFICATION ORDER TO DEFINITIVE MAP  
AND STATEMENT IN RESPECT OF WICKS LANE, FORMBY**

The Committee considered the report of the Technical Services Director on an application by the Formby Civic Society for a section of Wicks Lane to be added as a public footpath to the definitive public rights of way map and statement for the area. The report also indicated that evidence had been obtained for the section to be designated as a bridleway.

**RESOLVED** :- (i) That the Legal Director be authorised to make a Modification Order to add a bridleway to the definitive map and statement, along Wicks Lane from its junction with Larkhill Lane to its junction with Formby Footpath Number 14;

(ii) that the Cabinet Member - Corporate Resources be requested to increase the annual Public Rights of Way Revenue Budget by £115 to enable the track to be properly maintained.

**25. INCOME GENERATION THROUGH THE SPONSORSHIP OF  
COUNCIL SITES AND FACILITIES**

**RESOLVED** :- That consideration of this matter be deferred until the next meeting of this Committee.

(Councillors Ibbs and Storey declared a personal interest in this matter as Members of the Planning Committee).

**Meeting: FORMBY AREA COMMITTEE**

**Date of Meeting:** 23<sup>rd</sup> SEPTEMBER 2004

**Title of Report:** WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53,  
APPLICATION FOR MODIFICATION ORDER TO DEFINITIVE  
MAP AND STATEMENT IN RESPECT OF ST. LUKES  
CHURCH ROAD AND ASSOCIATED WAYS.

**Report of:** P A WILLIAMS  
Technical Services Director

**Contact Officer:** Mrs V Hough  
(Telephone No.) 0151 934 4206

This report contains	Yes	No
<b>CONFIDENTIAL</b> Information/		√
<b>EXEMPT</b> information by virtue of paragraph(s)..... of Part 1 of Schedule 12A to the Local Government Act, 1972		√
Is the decision on this report <b>DELEGATED?</b>	√	

**Purpose of Report**

This report advises the current position in respect of the status of a number of lanes and tracks in western Formby. The lanes, including St Lukes Church Road, are the subject of a public rights of way claim by the Formby Civic Society to record them on the definitive map and statement for the area.

**Recommendation(s)**

It is recommended that:

- (i) The Head of Coast and Countryside and the Public Rights of Way Officer be authorised to consult with residents of Alexandra Road, Albert Road and St Lukes Church Road to agree the proposed method and location of the access controls;

and that subject to a satisfactory outcome to the consultations that:

- (ii) The Legal Services Director be authorised to make Public Path Creation Agreements under Section 25 of the Highways Act 1980 with the landowners of the following ways:
  1. Albert Road - Bridleway
  2. Alexandra Road - Bridleway
  3. St Lukes Church Road, Bushbys Lane to Alexandra Road - Bridleway

4. St Lukes Church Road, Alexandra Road to Range Lane - Bridleway
5. St Lukes Church Road, Range Lane to Altcar footpath No. 5 - Public Footpath
6. Cambridge Road - Public Footpath
7. Range Lane - Bridleway
8. Two Tracks connecting Albert Road to Alexandra Road, one to be a public footpath, the other to be removed from the claim
9. Extension of Albert Road to Shore - Bridleway
10. Bridleway on the western side of St Lukes Church Road running from Range Lane to Albert Road.

- (iii) That the Cabinet Member, Corporate Resources, be requested to increase the annual Public Rights of Way Revenue Budget by the sum of £2,000 for the maintenance of the new routes.

### **Corporate Objective Monitoring**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1.	Creating a Learning Community		√	
2.	Creating Safe Communities		√	
3.	Jobs and Prosperity		√	
4.	Improving Health and Well-Being	√		
5.	Environmental Sustainability	√		
6.	Creating Inclusive Communities	√		
7.	Improving the Quality of Council Services and Strengthening local Democracy	√		
8.	Children and Young People		√	

### **Financial Implications**

When the Public Path Creation Agreements are made then the Public Rights of Way Section will become responsible for the maintenance of the surface of the highways. This will put a considerable strain on the already overstretched Public Rights of Way Budget.

The total length of new routes to be dedicated is 5.3Km, an increase of 4.1% of the network, an equivalent percentage increase in the revenue budget would mean an increase of £2,000 is required to maintain these routes.

### **Departments consulted in the preparation of this Report**

Leisure Services - Coast and Countryside Section

## **List of background papers relied upon in the preparation of this Report**

Public Rights of Way Claim File, St Lukes Church Road, held in the Development Control Section of Technical Services.

### **1.0 BACKGROUND**

- 1.1 In December 1991 the Formby Society made applications under the provisions of the Wildlife and Countryside Act 1981 for Modification Orders to add a number of lanes in Formby to the definitive rights of way map and statement.
- 1.2 In line with the Councils published statement of priorities at the time, the applications were not considered until higher priority work had been carried out, i.e., the creation of definitive maps for Southport and Bootle and the updating of the definitive map for the former West Lancashire Rural District Council area of Sefton Borough.
- 1.3 A report to the Highways Committee on 5<sup>th</sup> September, 1994, considered the status of a number of lanes and tracks in western Formby which were the subject of the claim by the Formby Society, for their recording on the definitive rights of way map and statement for the area.
- 1.4 The evidence provided by the Formby Society was considered in a report which recommended that the Committee recognise the right of way status for the lanes and tracks, under Section 53 of the Wildlife and Countryside Act 1981, based on the available evidence to be as follows:-
  1. Albert Road - Byway Open to All Traffic (BOAT)
  2. Alexandra Road - BOAT
  3. St Lukes Church Road, Bushbys Lane to Alexandra Road - BOAT
  4. St Lukes Church Road, Alexandra Road to Range Lane - BOAT
  5. St Lukes Church Road, Range Lane to Altcar Footpath No.5 - Public Footpath
  6. Cambridge Road - BOAT
  7. Range Lane - BOAT
  8. Two Tracks connecting Albert Road to Alexandra Road - Public Footpaths
  9. Extension of Albert Road to Shore - Public Footpath
- 1.5 The report also recommended that consultation with interested parties, in line with the Governments Rights of Way Review Committee's guidelines, be carried out prior to order making and the results of the consultation reported to a future meeting. Also, the Director of Legal Services give notice of the Authority's decision on the application to the Formby Society, and or any other person to whom notice of the application was required to be served, in accordance with Schedule 14 to the 1981 Act.

- 1.6 A report to the Highways Committee on 6<sup>th</sup> March 1995 considered the results of the consultation with interested parties. Two objections had been received to the proposals, one that there may be an increase in use of the paths and resultant deterioration of the road surfaces and damage to flora and fauna, and the other that St Lukes Church Road and Range Lane are public footpaths and vehicles may only use it with the express permission of the landowner.
- 1.7 Evidence of equestrian use of the ways had been received but was not considered sufficient to warrant any of the ways proposed for recording as public footpaths being reconsidered as bridleways.
- 1.8 This report recommended the making of an Order under Section 53(2) and (3)(b) and (3)(c)(i) of the Wildlife and Countryside Act 1981 to add the ways and lanes to the definitive rights of way map and statement for the area, that notice of the Authority's decision on the application be given to the Formby Society, owners and occupiers as required under Schedule 14 of the 1981 Act and that the Secretary of State be requested to waive the requirement to serve notice on the owner/s (where they are not known) of land forming part of the claim in favour of erecting notices on site as permitted under Schedule 15 of the 1981 Act.
- 1.9 At this point no further action was taken, however, a letter on file dated 5<sup>th</sup> November 1997 states that the Council were committed to making the Order by 31<sup>st</sup> March 1998.

## **2.0 INFORMATION**

- 2.1 On appointment of a new Public Rights of Way Officer in September 2000, the Legal Department were asked what the current position was concerning the proposals, it would appear that they had not received an instructing memo asking that they make the Order.
- 2.2 The Legal Department then requested a number of documents, including a schedule of paths. A site investigation was carried out in order to prepare the required schedule, however, a number of the claimed paths were covered by the shifting sand dunes and were difficult or impossible to follow on the ground.
- 2.3 The requested information was passed to the Councils Legal Department in August 2002, however, they were asked to clarify the position in respect of those paths that were no longer evident on the ground and whether they would have to be reinstated.
- 2.4 Since the original application, however, the Council are now landowner for a large proportion of the routes concerned. In an effort to move the claims

forward discussions were held between the Public Rights Of Way Officer and the Head of Coast and Countryside.

- 2.5** Dave McAleavy, the Head of Coast and Countryside, advised of problems in the area with vehicular traffic accessing the site and causing nuisance and damage to the area. He was particularly concerned with the claimed status of Byway Open To All Traffic (BOAT) and asked that this be reduced to bridleway to enable vehicular traffic to be controlled.
- 2.6** The Public Rights of Way Officer, Val Hough, and Dave McAleavy visited representatives of the Formby Civic Society to discuss the claim and expressed the concerns over vehicular traffic. The Civic Society were receptive to the suggestion that the original claim be reduced from BOAT's to Bridleways.
- 2.7** New proposals were put forward to the Formby Civic Society that the status of the routes subject to the original claim be amended as follows:-
1. Albert Road - Bridleway (642m)
  2. Alexandra Road - Bridleway (860m)
  3. St Lukes Church Road, Bushbys Lane to Alexandra Road - Bridleway (337m)
  4. St Lukes Church Road, Alexandra Road to Range Lane - Bridleway (756m)
  5. St Lukes Church Road, Range Lane to Altcar footpath No. 5 - Bridleway (514m)
  6. Cambridge Road - Public Footpath (402m)
  7. Range Lane - Bridleway (647m)
  8. Two Tracks connecting Albert Road to Alexandra Road, one to be a public footpath, (195m) the other to be removed from the claim
  9. Extension of Albert Road to Shore - Bridleway (254m)
- 2.8** In addition to these changes it was also proposed to omit the footpath from the St Lukes end of Range Lane towards the shore line, dedicate a further Bridleway connecting Range Lane to Albert Road through Raven Meols Hills (700m), and to investigate the possibility of upgrading the existing Altcar Footpath No. 5 to a bridleway.

### **3.0 CONSULTATION**

- 3.1** The new proposals affect 4 land owners, these being the Council, Mr D Rimmer, Mrs Duerden and English Nature.
- 3.2** Early consultations with Dave McAleavy have assisted in the proposals and indications are that the amended claim is in line with the proposals planned by Coast and Countryside in this area.
- 3.3** Mr D Rimmer, Marsh Farm, Range Lane, is the registered owner of Range Lane. Mr Rimmer wrote in November 1990 that he had no objection to the

path. Mr Rimmer was consulted on the new proposals in August 2003 and he confirms that he has no objection in principle to Range Lane being a Bridleway. He did point out that a number of utilities need access for maintenance and that the lane is regularly used by English Nature to access their site at Cabin Hill.

- 3.4 Mrs Duerden, Asparagus Cottage, St Lukes Church Road, has also confirmed that she would have no objection to the path being dedicated as a Bridleway.
- 3.5 English Nature have responded to the proposals. Although this is not a formal objection they consider that the proposal is likely to have a significant effect to the Cabin Hill site by creating disturbance and therefore displacing birds. They are also concerned that users would create more litter and therefore increase the workload for reserve staff. Dave McAleavy has pointed out to Janette Easton of English Nature that the proposals are beneficial to the management of the area.

#### **4.0 CONCLUSIONS**

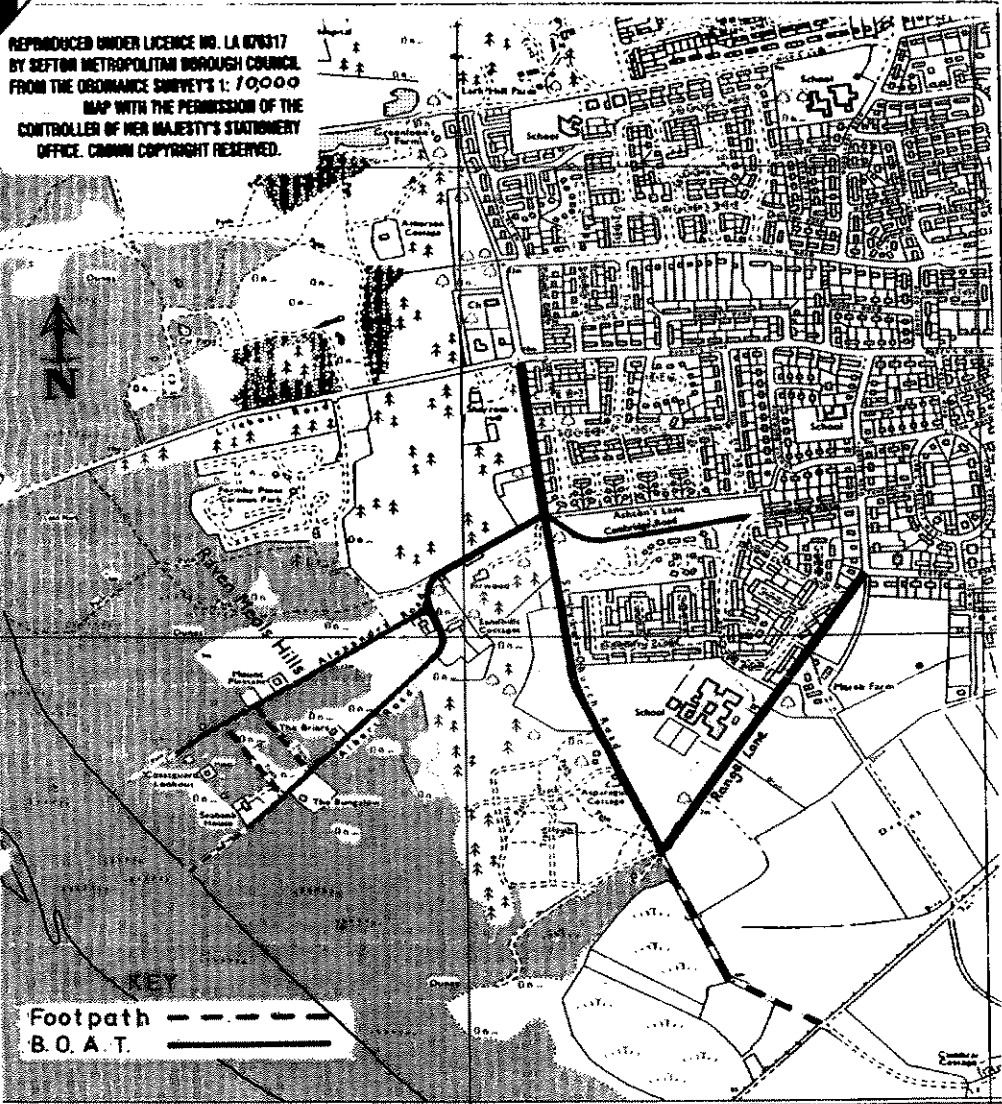
- 4.1 The original application proposed that St Lukes Church Road from Range Lane to its junction with Altcar Footpath No. 5 be a footpath. In view of the reservations of English Nature it is proposed that this remains the case and that Altcar Footpath No. 5 also remains as a footpath, in order that the application is not further delayed.
- 4.2 As all other landowners are in agreement with the proposals then Public Path Creation Agreements under The Highways Act 1980, Section 25 can be made.
- 4.3 Sefton Council wish to dedicate the ways under their ownership with limitations. These limitations include access controls at strategic points in the network in order to prevent misuse of the paths by vehicles. This will obviously have an effect on the residents of Alexandra Road, Albert Road and St Lukes Church Road who should be consulted before any limitations are noted in the Public Path Creation Agreement.
- 4.4 The upgrading of St Lukes Church Road from Range Lane to its junction with Altcar Footpath No. 5 should be further investigated in the future.

**SEFTON M.B.C.**



# MAP SHOWING ROUTE OF ORIGINAL PROPOSALS

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 FROM THE ORDNANCE SURVEY'S 1:10,000  
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## METROPOLITAN BOROUGH OF SEFTON

A. R. MOORE, F.R.I.C.S.  
 DIRECTOR OF TECHNICAL SERVICES

Drawn	Date	Scale
J.E.T.	18-10-94	1:10,000

Scheme PROPOSED ADDITIONS TO DEFINITIVE  
 RIGHTS OF WAY MAP & STATEMENT - FORMBY

Drawing No.  
 TSU/DC/ROW/0160/40

# MAP SHOWING ROUTE OF AMENDED PROPOSALS

