

Regulatory Committee

Meeting to be held on 18 November 2009

Part I - Item No. 4

Electoral Division affected:
West Craven

Wildlife and Countryside Act 1981

Claimed Bridleway from Rainhall Crescent, Barnoldswick, to Salterforth Lane, Salterforth, Borough of Pendle

Claim No. 804/465

(Annex 'A' refers)

Contact for further information:

Mrs Joanna Rushton, 01772 533427, County Secretary & Solicitor's Group

Mrs A Taylor, 01772 534608, Environment Directorate

Executive Summary

The claim for a Bridleway from Rainhall Crescent, Barnoldswick, to Salterforth Lane, Salterforth, Borough of Pendle, to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with Claim No. 804/465.

Recommendation

- i. That the Claim for a Bridleway from Rainhall Crescent, Barnoldswick, to Salterforth Lane, Salterforth, Borough of Pendle to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with Claim No. 804/465, be accepted.
- ii. That an Order be made pursuant to Section 53 (2) (b) and Section 53 (3) (c) (i) of the Wildlife and Countryside Act 1981 to add to the Definitive Map and Statement of Public Rights of Way a Bridleway from Rainhall Crescent, Barnoldswick to Salterforth Lane, Salterforth, Borough of Pendle for a distance of approximately 754 metres (GR8884 4716 to GR8889 4711 to GR8895 4667 to GR8908 4649) and shown between points A – B – C – D – E – F – G on the attached plans.

Background

A claim has been received for a Bridleway extending from a point at GR 8884 4716 at the junction of Rainhall Crescent, Barnoldswick and Public Footpath No. 22 Salterforth, Borough of Pendle, running in a general south easterly direction for a distance of 62 metres to GR 8889 4711, then in a general south westerly direction for a distance of 70 metres , then in a general south-southeasterly direction for a distance of 405 metres to its junction with Public Footpath No. 19 Salterforth at GR 8895 4667, and then running in a general south easterly direction for a distance of

217 metres to its junction with Public Footpath No. 14 Salterforth and Salterforth Lane, Salterforth, Borough of Pendle, at GR 8908 4649, and shown between points A – B – C – D – E – F - G on the attached plans, to be added to the Definitive Map and Statement of Public Rights of Way.

Consultations

Borough Council

Mr Tom Partridge of Pendle Borough Council is the applicant and the Borough Council is therefore in favour of this claim.

Parish Councils

Salterforth Parish Council and Barnoldswick Town Council were consulted.

Barnoldswick Town Council has no observations to make.

Salterforth Parish Council supports the claim, with the proviso that farm traffic would continue to have access. The Parish Council has provided some documentary evidence in support of the claim which had however already been submitted by the applicant and is detailed in Advice – County Secretary & Solicitor's Observations'.

Claimant/Landowners/Supporters/Objectors

The evidence submitted by the claimant/landowners/supporters/objectors and observations on those comments is included in 'Advice – County Secretary & Solicitor's Observations'.

Advice

Executive Director for the Environment's Observations

Site inspection

The claimed route starts at the junction of Rainhall Crescent, Ben Lane and Public Footpath no. 22 Salterforth at point A on the attached plan.

Rainhall Crescent and Ben Lane are tarmaced vehicular highways and are in part of an area of Coates that has been designated as a 20mph zone. Public Footpath no. 22 Salterforth meets the Junction of Ben Lane and Rainhall Crescent at Point A and is both signposted and waymarked to indicate the two sections of the route that leave point A and diverge to pass in an easterly and north easterly direction. The public footpath appears to be very well used with a worn track passing through a small pedestrian gate before the route splits. A 'Beat the Bounds' stone has been positioned at the start of the footpath and is clearly visible from point A.

The start of the claimed route is open and not gated and there are no signs indicating that it is private. The tarmac surface ceases after several metres and gives way to a compact stone surfaced track approximately 3 metres wide.

There are two road signs positioned at the start of the claimed route. The first is positioned in such a way as to indicate that if you are intending to travel along the claimed route you will be passing from a 20mph zone onto a route with a 30mph speed limit. Located in the grass verge (on the western side of the claimed route) is a second road sign that you will see if you come off the claimed route onto Ben Lane or Rainhall Crescent. This sign explains that you are entering the Coates 20mph zone.

From point A the claimed route extends in a south easterly direction for a distance of approximately 62 metres to point B. The surface of the route consists of compacted stone and is approximately 3 metres wide with some small potholes. On the eastern side the claimed route is fenced from the adjacent farm fields and on the western side it is bounded by the garden wall of the property known as The Arches.

At point B there is a field gate in the fence adjacent to the claimed route giving access to a field on the eastern side. From point B the claimed route turns to run in a south westerly direction for a distance of approximately 70 metres. The route is bounded by fences on both sides and continues as a 3 metre wide stone surfaced track. On the western side of the claimed route is a residential property called 'Windrush' that is accessed via the claimed route. Two stables are located in the grounds of the property and recent hoof prints could be seen in the surface of the claimed route.

From point C the claimed route continues in a south easterly direction passing through the site of an old quarry. To the east of the claimed route the old quarry has been in-filled and grassed over with air vents visible. The former landfill site is fenced off from the claimed route by wooden closed panelled fencing.

On the western side of the claimed route the quarry has not been filled and is shown on the plan titled 'Little Cut'. A wooden closed panel fence separates the claimed route from the old quarry but sections of the fence have fallen into disrepair.

At point D it is possible to access the 'Little Cut' by a series of wooden steps that have been constructed leading down to the bottom of the quarry. There is no indication that public access is allowed although access is available from the claimed route and appears to be reasonably well used. A sign in a tree on the western side of the claimed route suggests that there is no authorised public access to the quarry and reads, 'PRIVATE, Legal action may be taken against unauthorised persons found on this property', accompanied by a 'Danger' warning sign.

At point D the claimed route is crossed by a private access track from Higher Barnsay Farm to the west and a farm track providing access to the fields on the east.

The track from Higher Barnsay Farm appears to be well used by vehicles which then pass along the claimed route between point D and point E - a distance of approximately 57 metres. At point E a private access road leaves the eastern side of the claimed route to provide vehicular access to Rain Hall Farm.

Between points D and E the claimed route is approximately 3.5 metres wide with a compacted earth and stone surface.

From point E the claimed route continues in a more southerly direction along a 3 metre wide stone surfaced and compacted earth track. The claimed route is bounded on either side by fences and a number of field gates open onto the claimed route. There is evidence of equestrian use (hoof prints and manure) and evidence that the route is also used to move cattle between different fields.

The surface of the route is hard and compacted but on the day of inspection there were some large potholes filled with water and after heavy rain it would be necessary to wear wellingtons to pass through several of the puddles that extended the full width of the route.

At point F the claimed route is joined from the west by Public Footpath no. 19 Salterforth. A worn track of approximately 0.5 metres wide is evident in the undergrowth suggesting that there is regular use of this footpath from the claimed route.

From point F the claimed route continues in a south easterly direction for a further 217 metres to end at point G.

At point G the claimed route is joined from the east by Public Footpath no. 20 Salterforth and Public Footpath no. 14 Salterforth (which provides vehicular access to Kay Field Farm).

Public Footpath no. 14 Salterforth originally crossed the claimed route at point G but the western continuation of the public footpath was diverted in 2008 to a point 41 metres south east of point G on Salterforth Lane .

From the end of the claimed route at point G it is possible to continue in a south easterly direction along the tarmac section of Salterforth Lane which eventually leads down into Salterforth.

To summarise, the claimed route is approximately 754 metres long. There are no gates or barriers across the route and no signs indicating that the route is private. On the day of inspection there was evidence that the route had recently been used by horses and by vehicles and several walkers were witnessed on the route. On Salterforth Lane, approximately 588 metres south of point G and located in the grass verge adjacent to the lane is the 'Musghyll Guide Stone', referred to later in the report, which is located at the junction of Cross Lane, Salterforth Lane and Mucky Lane.

Map and documentary evidence

A variety of maps, plans and other documents were examined to try to find out when the claimed route came into being and to determine what its status might be.

The earliest map examined was found in a book of plans of the estate of Edward Parker dated 1765. It shows the 'Rain Hall estate' comprising 15 named fields in the

north of the parish of Salterforth. The 'explanation' or key to the map refers to 'High Roads', fences, footpaths and boggy ground. The claimed route is shown as a 'High Road' from point A to B and then continues as a straight line for some 40 metres before turning to the south-west to point D. The route then continues past point E to F and G. The 'High Road' does not follow the claimed route B – C – D as shown on the attached plan. However, the shape of the road with its sharp angles can be clearly identified, and some of the field boundaries on this map are still the same as those on modern maps. A gate has been drawn across the 'high road' at point G. (A stile has been drawn on the map at point G giving access to a 'footpath' that follows the route of Public Footpath no. 20 Salterforth). The field on the eastern side of the claimed route between points A and B, the same shape on this map as the field on the map attached, is named 'Dumphill' which is referred to later on in this report.

Jeffries Map of Yorkshire published in 1772 shows the village of Coates (to the north of the claimed route) with the house of 'Bagshaw Esq' and the village of Salterforth, but the claimed route is not shown.

Smith's map of 1817, a reprint of the 1808 edition, shows Coates Hall and the village of Salterforth but does not show the claimed route.

Teesdale and Stocking's Map of Yorkshire first published in 1817 and corrected in 1827 and 1828 shows the whole of the claimed route between Coates and Salterforth. The house 'Rain Hall' is also shown to the east. The map shows the Leeds and Liverpool Canal with a short dead-end branch and a quarry which corresponds with the 'Little Cut' to the west of the claimed route between points C and D, and a quarry which was later known as Rain Hall Rock. The route is shown as a 'cross road' in the 'explanation' or key to the map. It is not known what is meant by the term cross road. The only other kind of road or way shown are turnpike roads. Footpaths are not shown. As the map was produced for sale it is likely that all the routes shown on it were for the travelling public to use. The map does not show footpaths and so it is probable that all the roads shown on it would be accessible on horse-back at the very least.

There were no tithe assessments for Salterforth as tithes were commuted to payments in 1847.

The 6-inch Ordnance Survey map published in 1853 shows the claimed route. The route starts at point A at the junction of two lanes, Long Ing Lane to the south-west (now called Rainhall Crescent) and Salterforth Lane to the north-west (now called Ben Lane). Between points A and B the claimed route is edged on both sides with solid lines which would indicate that it was enclosed by walls, fences or hedges. This length is shown in the same way as the other two lanes and would appear to be a continuation of the part of Salterforth Lane to the north-west of point A. The route continues as an enclosed track or lane to point C and then crosses limestone quarry and canal branch called The Little Cut to point D. The OS shows the water carried under the route in a tunnel. This quarry was not shown on the plan of the Parker estate in 1765 – the 'High Road' shown on that map was a different direct line between points B and D. The direct line has now been quarried away and instead is the route across the stone land bridge. The claimed route continues to points E, F and G. The route is named as Salterforth Lane south of point E. (From point B the lane continues for approximately 40 metres before turning to the north-east to the

house Rain Hall. The track to the Hall is described as a 'bridle road' by the Ordnance Survey). Salterforth Lane is named at each end of the route.

The 6-inch Ordnance Survey map published in 1896 shows the claimed route. The route starts at point A at a right-angled bend between two enclosed lanes or tracks (which are not named on this edition of the map) which correspond with Ben Lane and Rainhall Crescent. From A a route is shown as a single pecked line to the east of a field boundary to point B and C indicating that the line of the claimed route was visible on the ground at the time of survey and was open to fields on the eastern side and not enclosed as on the earlier 1853 edition. It then crosses the rectangular quarry called Rain Hall Rock on this edition within which water is shown, called The Little Cut, which connects with the Leeds and Liverpool Canal. At the point where the claimed route crosses the quarry, the water is carried beneath the claimed route by means of a tunnel. The claimed route continues as a single pecked line to the east of the field boundaries, and therefore unfenced and open to the adjacent field on that side, to point G. South of the quarry the route is named as Salterforth Lane. There is a line drawn across the route at point G which would indicate some sort of barrier to passage such as a gate. From point G southwards the lane continues, now edged on both sides by solid lines (which would indicate field boundaries of fences, walls or hedges), to a junction with 2 other lanes where one branch is renamed as Mucky Lane and continues to join the road between Salterforth and Earby, whilst the other branch is called Cross Lane and leads into Salterforth village.

The 25-inch OS map published in 1911 shows the claimed route. It starts at point A at the junction of Ben Lane (not named) and Rainhall Crescent (named on this map as Long Ing Lane). It is shown in the same way as on the 1896 map as a route unfenced on the eastern side following field boundaries to point G. It crosses The Little Cut between points C and D under which a tunnel carries the canal. The route is again named as Salterforth Lane. There is a line across the route at point G, indicating the presence of a gate or similar barrier, and then the lane continues south-eastwards as an enclosed lane on both sides to the junction of Mucky Lane and Cross Lane.

Maps produced under the requirements of the 1910 Finance Act were obtained from The National Archives in London and examined. The act required all land in private ownership to be recorded so that it may be valued and owner taxed on any incremental value if the land was subsequently sold. The maps show land divided into parcels on which tax was levied, and the accompanying valuation books provide details of the value of each parcel of land, along with the name of the owner and tenant (where applicable). The Instruction No. 560 to the surveyors said that the parcels "should continue to be exclusive of the site of the external roadways". It is advised that roadways were said to be routes "subject to the rights of the public" and therefore exclusion of a route indicates that public use was known but not necessarily vehicular status. In this instance, whilst the two lanes at the start of the route at point A, and the continuation of Salterforth Lane south-eastwards from point G, are all shown excluded from adjacent parcels of land, the claimed route from A to G is within numbered land holdings. As part of the valuation process, landowners could claim a reduction in tax due if their land was crossed by a public right of way. The claimed route between points A and B, and D to G crosses land in one ownership. A deduction in tax is claimed for the presence of public footpaths. The

Ordnance Survey map used to record ownership shows a number of routes across the land which could be footpaths, including the claimed route, but it is not recorded which routes the owner recognised as public rights of way. There is no record of the acknowledgement of a public bridleway route. The part of the claimed route B – C – D was in another ownership. It is recorded that there was a 'public right of way over tunnel to Salterforth' and a reduction in tax due of £20 was claimed. The nature of the public right of way is not recorded.

The 6-inch OS map published in 1956 shows the claimed route. There have been some changes since the publication of the 1911 map. The whole of the claimed route is now shown enclosed on both sides with walls, fences or hedges. There are no barriers or gates across the route other than at point G. The route is still named as Salterforth Lane.

The 25-inch OS map published in 1964 shows that 2 gates or other barriers have been erected across the route where it passes over the canal tunnel between points C and D, whilst the gate at point G is no longer there.

The 25-inch OS map published in 1985 shows that the 2 gates or barriers between points C and D had been removed by the time the map was revised again.

Aerial photographs taken in c1945, 1968 and 2007 were examined but did not provide any additional information.

Canal plans and documents were searched to find specific material relating to the construction of the Little Cut, but none was found. Also, research was undertaken in the West Yorkshire archives to see if the claimed route was legally diverted or stopped-up at the quarter sessions or magistrates court, but no order was found.

The claimed route is referred to in the parish survey material transferred from West Riding of Yorkshire County Council to Lancashire County Council at the time of local government reorganisation in 1974. The parish map has not survived, but the descriptions of the paths shown on it do. These records contain a reference to 'Path 29' named as Salterforth Lane. It is described as starting from 'Rainhall Gate' and ending at 'Little Cut' with the status of bridlepath. It had no obstructions on it, was a 'rough metalled road' and had 'uninterrupted use for 50 years' recorded as the reason for the belief that it was a public route. Path 22 was also recorded as a bridlepath and named as 'Mucky Lane' running from Salterforth Lane to Cross Lane. Both of the sheets on which these paths are described have been crossed out. There are 3 public footpaths which join the claimed route, 2 at point A, 1 at point F and 2 at point G (some of these paths are branches of the same path). All these 3 paths are described in the parish survey information. Public Footpath no. 22 is described as joining Long Ing Lane (now Rainhill Crescent) at point A; Public Footpath no. 19 as starting at Salterforth Lane (point F) and Public Footpath no. 20 at point G as also starting at Salterforth Lane.

The lanes recorded as Salterforth Lane and Mucky Lane are not shown as public rights of way on the Draft Map of Skipton Rural District which was compiled from information supplied by its parish councils. The Draft Map was transferred to Lancashire County Council as well as the subsequent Provisional Map and final

Definitive Map. There is no reference to an objection being made to the absence of the route from public rights of way records in the material transferred to Lancashire County Council at local government reorganisation in 1974.

The claimed route does not cross a biological heritage site.

In summary, the claimed route has been shown on maps since 1765 (with the exception, in 1765, of the length B-C-D) when it was described as a 'high road' on a private estate map.. The route is also shown as a 'cross road' on Teesdale and Stocking's map of 1828. It is advised that it seems that the route was re-routed when the Rainhall Rock limestone quarry was expanded and a section of rock, carrying the claimed route was left untouched. A tunnel was dug through the rock to carry the waters of the Little Cut to the Leeds and Liverpool canal. Part of Public Footpath no. 20 also crossed the Little Cut further to the east (although this part of the quarry has subsequently been filled in as a public refuse landfill site). It is considered that as the path was recognised as a public right of way a bridge was constructed across the Little Cut to carry the right of way and also to allow farmers access to their fields on both sides of the quarry. The claimed route was not treated in the same way. It was not quarried away like Public Footpath no. 20 at all indicating again that it created an important public right of way.

The material produced under the requirements of the 1910 Finance Act shows that the owner of the route across the Little Cut regarded it as a public right of way.

In 1950 the parish council considered recording the claimed route in their public rights of way survey as a bridleway but changed their minds. Mucky Lane at the end of Salterforth Lane was going to be included as a bridleway as well, but this too was rejected. As public footpaths starting from the lane were included in the survey, and still remain on the Definitive Map, it is submitted that it is reasonable to suggest that these lanes were omitted from the record because it was thought that, although they were regarded as public routes, their status was thought to be higher than that of a bridleway.

County Secretary & Solicitor's Observations

Information from the Applicant

In support of the claim the Applicant has submitted 16 evidence of use forms indicating knowledge of the route for 40 years (2); 30-39 years (6); 20-29 years (5); 10-19 years (2); and less than 10 years (1).

The forms indicate use of the route on horseback for 40 years (1); 30-39 years (4); 20-29 years (3); 10-19 years (5); and less than 10 years (3)

Usage varies from 3 times per week to 20 times per year, and many of the users have also used the route on foot. Usage is mainly for leisure riding, as a way of linking Salterforth and Barnoldswick without having to use the busy main road, and as a link to another local bridleway routes.

All the users provide plans of the way and certify that they have always taken the same route. None has ever asked for or been given permission by anyone to use the route, none has been turned back or challenged, nor heard of any other user being challenged, and none has seen any signs limiting or prohibiting use of the route. None of the users mention any stiles, gates or other obstructions, except for one user who mentions 2 gates, although the location is not given and the gates did not prevent use of the route. None of the users has worked for or been a tenant of any owner of the route.

One user was told by the owner of Spen Head Farm (which is located at the southern end of Mucky Lane, the southerly continuation of Salterforth Lane) that the route was part of the old pack horse route from Lothersdale to Gisburn, and another who kept her horse stabled at Spen Head believed that it was a public highway. A further user believes that the route is an "ancient highway" with evidence dating back to 1769, with vehicular rights of way but recorded as a bridleway.

Further evidence is submitted by the applicant in the form of an extract of "History of the Ancient Musghyll Gate to Dumphill Gate Road", compiled by Earby and District Local History Society and published in 2003, the same document having been submitted by Salterforth Parish Council in support of the claim. The Environment Directorate notes that Musghyll Gate is at the southern end of the claim and Dumphill Gate at the northern end, with the way in between known locally as Rocky Tops. The field adjacent to the route on the east between points A and B is named as 'Dumhill' on the estate plan of 1765 mentioned earlier in this report. The article gives information relating to the history and maintenance of the route, and also refers to the "Musghyll Guide Stone", a milestone which it is alleged dates from the seventeenth century but which was some hundred years ago stolen from a location along the claimed route, and which was restored in 2002. Photographs of the newly installed stone are shown and the lettering is of an ancient style in the view of the applicant.

A copy of a plan of the estates of Ellen Smith of Fence End, Thornton, dated 1888, is also submitted. This shows the area, including the claimed route in 1888. The Environment Director comments that the map appears to have been reproduced from an 25-inch OS map with notes and colouring added by Earby and District Local History Society. One of these notes states that the 'original route' used to run between points B and D on the attached plan before the quarry was opened up in 1792. The Environment Director notes that this was the 'high road' route shown on the Parker estate plan of 1765 described above.

Also submitted are excerpts from the Manorial Court Rolls of 1769 and 1733.

The excerpt dated 17th April 1733 states "We also amerce every person who useth the way from Salterforth Town Stoops (Mucky Lane Stoops) to Barnoldswick-Coates within the jurisdiction of this court with cart and carriage and any other loads, not having a right there in mercy of the Lords, 4 shillings for each offence." The author of the book interprets this as meaning that if a traveller was from outside the parish or manor then they would have to pay for passage if caught on this road with cart, carriage or load, and that the money gained would have been used for the

maintenance of the local road network administered by the manorial court and constable for Salterforth.

The excerpt dated 6th April 1769 states 'We the jurors for the court of Barnoldswick present a piece of road from Musgill Gate to Dumphill Gate leading to Coates such a road is a bridle road belonging to Thomas Peel of Rainhall that the same be made a sufficient Hackney Causeway before ye first of July next'. The author believes that this extract from the manorial records is perhaps the most important as it shown that it was upgraded to a full carriage road – a Hackney Causeway. He further speculates that it may have been at this time that the Musghyll Guide stoop was commissioned and placed at the Cross Layne/Mucky Lane and Musghyll Gate junction to show travellers the direction to Salterforth and to Coates, but the stoop may date from much earlier. (Note that this road junction is approximately 588 metres further south along Salterforth Lane from point G at the southern end of the claimed route).

The author states that the road network in and around Salterforth was first tarred in 1924 by Skipton Rural District Council, and that Salterforth Lane was left as a dust/stone road because a new road had been built between Salterforth and Barnoldswick, and the maintenance and use of the old route therefore declined.

Information from the Owner

The Owner of all the land crossed by the claimed route, Mr J Dinsdale of Rainhall Farm, Salterforth, has replied though his agent objecting to the claim. In his deeds is an agreement dated 1863 (copy not provided) by which the owner of Rainhall Farm charged hauliers for use of the lane. He states that there is a ruin of a toll house on the Salterforth side of the track (the exact location of which has not been specified); a deed plan dated 1982 illustrates the lane as a private cart track, and a Deed dated 1918 also denotes the lane as a private cart road. The owner therefore considers that the lane is a private lane in his ownership and he has control over access.

Assessment of the Evidence

The Law - See Annex 'A'

In Support of the Claim

- User evidence – Use of the route on horseback.
- Strong historical documentary evidence
- Most of the route is shown on maps since 1765 (with the exception in 1765, of the length B-C-D)
- Parish Survey – description records and acknowledges status of bridleway from Rainhall Gate and ending at Little Cut.
- Acknowledgement of public use in 1910
- Excerpts from the manorial Court Rolls
- Extract of ' History of the Ancient Musghyll Gate to Dumphill Gate Road' and 'Musghyll Guide Stone'.

Against Accepting the Claim

- Information from present owner - charges
- 1910 documentation may indicate footpath only
- Route on map not exactly claimed line in 1765

Conclusion

The claim is that this route is an existing Bridleway and should be added to the Definitive Map and Statement of Public Rights of Way.

It is claimed that this route is already a bridleway and it is therefore advised that the Committee should consider, on balance, whether there is sufficient evidence from which to have its dedication inferred at Common Law from all the circumstances or for the criteria in Section 31 Highways Act 1980 for a deemed dedication to be satisfied based on sufficient twenty years "as of right" use to have taken place ending with this use being called into question.

Deemed dedication - Section 31 Highways Act 1980

16 evidence of use forms indicate knowledge of the claimed route, 13 of which indicate use of the route on horseback for a continuous period of 20 years or more. Usage of the route varies from 3 times per week to 20 times per year, and many of the users have also used the route on foot although it is suggested that evidence of use on foot cannot indicate dedication of a bridleway. All the users certify that they have always taken the same claimed route. One users was told the route was part of the old pack horse from Lothersdale to Gisburn, another user who kept her horse stabled at Spen Head believed the route was a public highway and a further user believed it as an 'ancient highway' with evidence dating back to 1769, with vehicular rights of way but recorded as a bridleway.

The owner has referred to his several documents (no copies provided) which indicate the owner of Rainhall Farm charged hauliers for use of the lane, a ruin of a toll house on the Salterforth side of the track, a deed plan dated 1982 illustrates the lane as a private cart track, and a Deed dated 1918 also denotes the lane as a private cart road. The owner therefore considers that the lane is a private lane in his ownership and he has control over access. It is suggested that reference to a private rights of way is not conclusive evidence that there is no public right over it. There are no other actions by the landowner demonstrating a lack of intention to dedicate a public route on the claimed line. One user who mentions 2 gates (corroborated by the OS Map published 1964 although a revised OS Map published 1985 shows the route free of any barriers or gates), the gates did not prevent use of the route. On the day of the site inspection, there was evidence that the route had recently been used by horses and by vehicles and several walkers were witnessed on the route.

The Committee may consider that the criteria of S31 Highways Act may be able to be satisfied. There would appear to have been 20 years use uninterrupted and 'as of right' up to the application being put in whereby the route was called into question.

Inferred dedication

Consideration of the historical documents and the way the route has been recorded and referred to therein can lead to a decision that on balance, it can be inferred that the owner must have given the route over to public use.

It is advised that the Executive Director of Environment's evaluation of what the maps show and the interpretation of this information would indicate that there is strong evidence that this route has in the past been considered to be part of the public network of highways used as more than a footpath.

The Committee may consider all the evidence and on balance find that there are circumstances from which to infer that the claimed route was dedicated to the public many decades ago.

Taking all the evidence into account the Committee may consider that on balance there is sufficient evidence to infer at Common Law or deem dedication under section 31 Highways Act 1980 of the claimed route as a bridleway and may therefore consider that the claim be accepted.

Alternative options to be considered - N/A

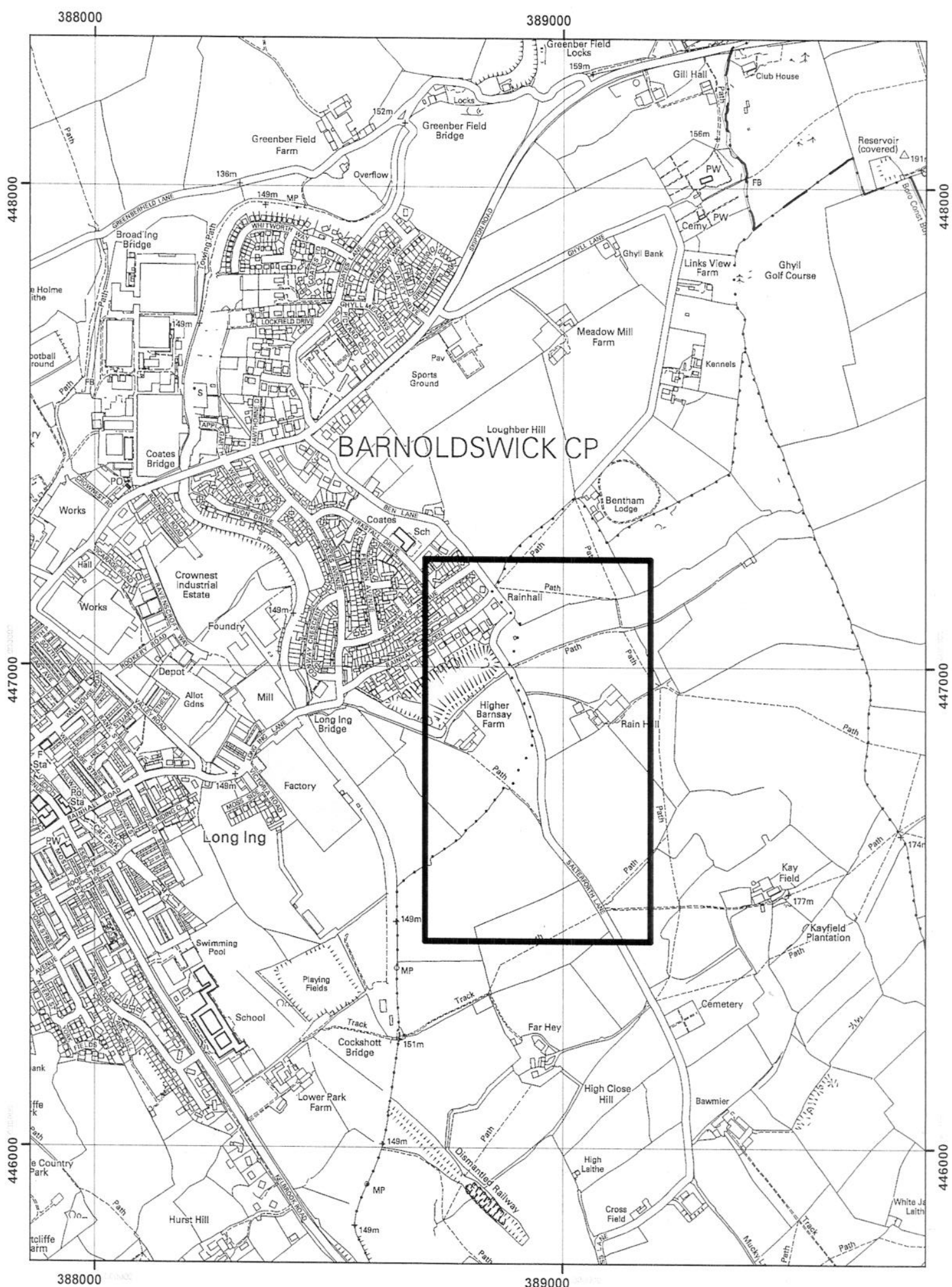
Local Government (Access to Information) Act 1985 List of Background Papers

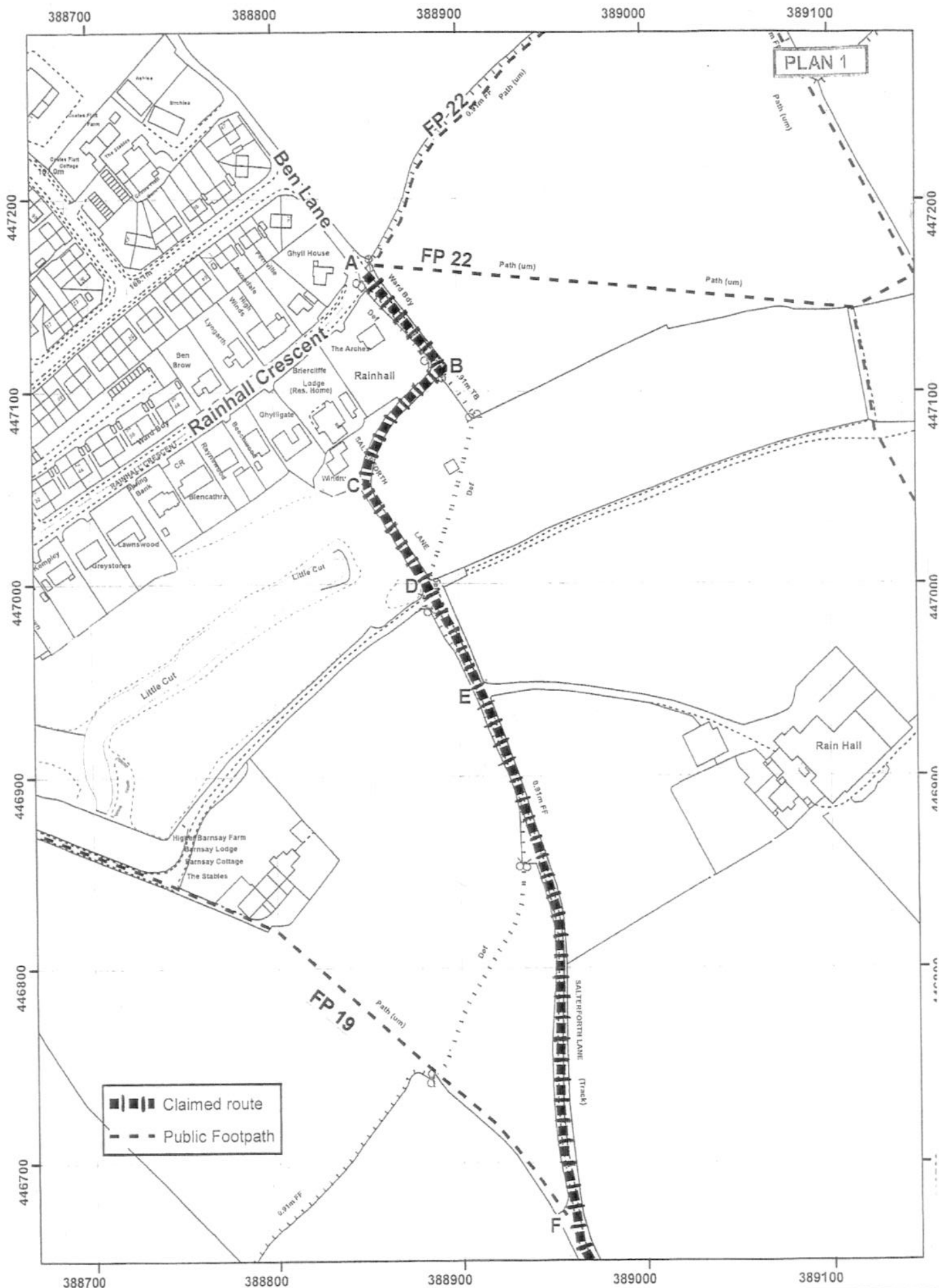
Paper	Date	Contact/Directorate/Ext
All documents on Claim File Ref: 5.30605(804/465)		J Rushton, County Secretary & Solicitor's Group, 01772 533427

Reason for inclusion in Part II, if appropriate

N/A

,





G. Harding B.Eng., C Eng.,
FICE, FINT, MCMI
Environment Director

Wildlife and Countryside Act 1981

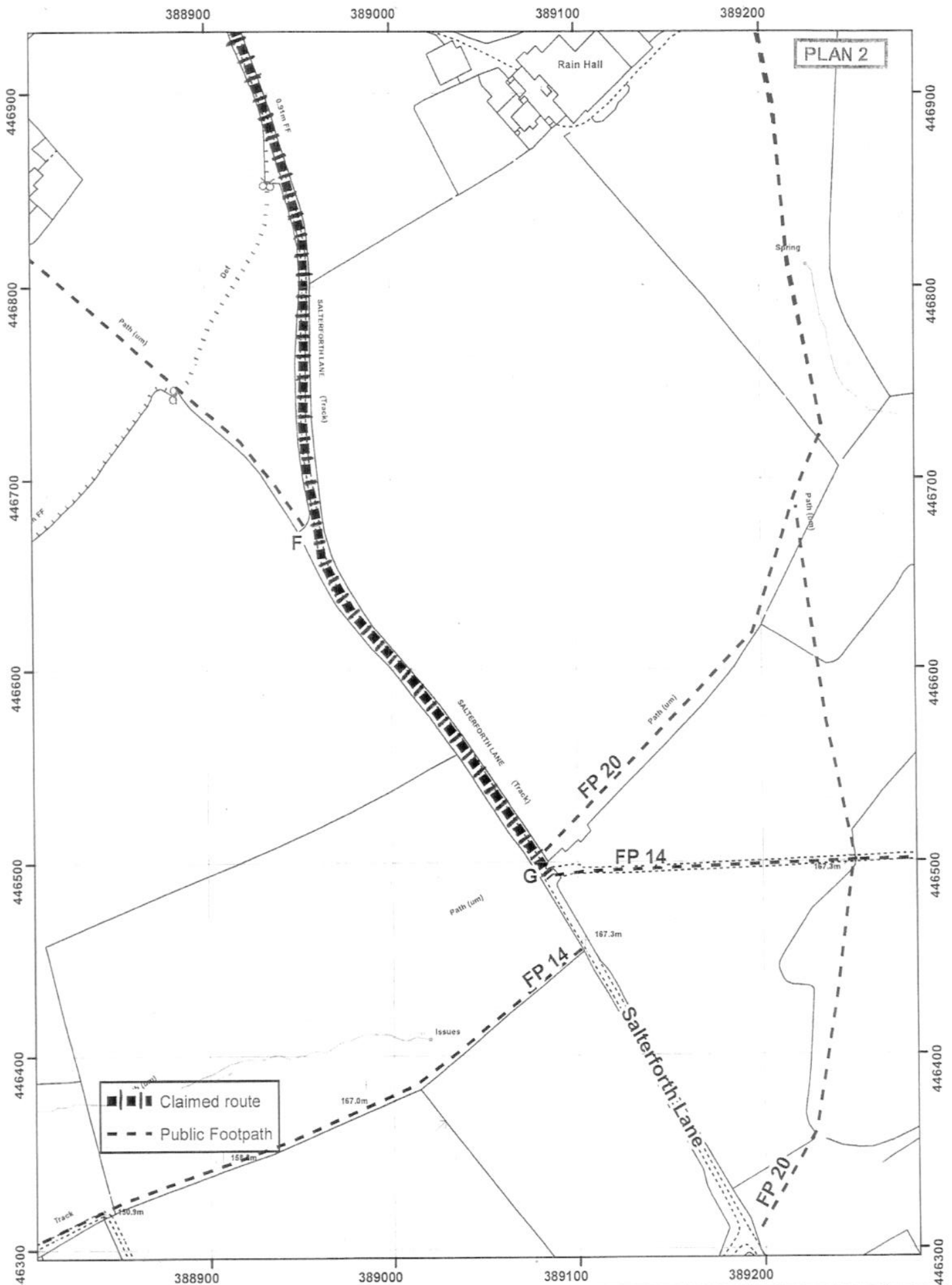
Claimed bridgeway from Public Footpath No. 22 Salterforth to the
junction with Public Footpath Nos. 14 & 20 Salterforth, Pendle Borough Claim no. 804/465

1:2,500



The digitised Rights of Way information should be used for guidance only as its accuracy cannot be guaranteed. Rights of Way information must be verified on the current Definitive Map before being supplied or used for any purpose.

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G. Harding B.Eng., C Eng.,
EICE, FIHT, MCMI.
Environment Director

Wildlife and Countryside Act 1981

Claimed bridgeway from Public Footpath No. 22 Salterforth to the
junction with Public Footpath Nos. 14 & 20 Salterforth, Pendle Borough Claim no. 804/465

1:2,500



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