

COVERING LIST OF REPRESENTATIONS, OBJECTORS AND SUPPORTERS

THE LANCASHIRE COUNTY COUNCIL
RESTRICTED BYWAY BETWEEN LIVERPOOL ROAD AND NORTHERN AVENUE,
MUCH HOOLE
DEFINITIVE MAP MODIFICATION ORDER 2022

No.	OBJECTIONS STILL OUTSTANDING	ADDRESS
1	Linda Sheridan	lindasheridan194@outlook.com
2	Mrs Anne Baines	6 Brooklawns Much Hoole South Ribble PR4 4RF annebaines1955@sky.com
3	John Philip Cairns	johnpcairns@hotmail.com
No.	OBJECTIONS WITHDRAWN	
1	County Councillor Graham Gooch	Graham.Gooch@lancashire.gov.uk
No.	SUPPORTER	
-		
No.	OTHER RESPONSES	
-		
No.	OTHER RESPONSES OUTSIDE OF STATUTORY OBJECTION PERIOD	
-		

I have been informed that it is your attention to widen the public footpath at the rear of my house. I have not had a letter from the Council regarding this matter it has been brought to my attention via my neighbours who are not happy!

The council sold this land to the builders around 25 years ago and the width of the path was agreed at that time so why now are you looking at making it wider? The path is used by a few dog walkers only! it is not a main access to any of the other properties. Given the circumstances I do not think that there is any reason to widen it!

In the past we have had juvenile nuisance at the rear of our houses, youths with air rifles trying to shoot our dogs and wild life. We have also had damage done to our fences and I am worried that this would escalate if the path is made any wider. I believe we would end up with local youths hanging out there causing disruption.

There is no problem at the moment and we would like it to remain that way!

I would appose any future plan to widen the path if it involves reducing the size of my garden.

Can you please let me know of your intentions?

Regards,

Linda Sheridan.

[Mail](#) for Windows

Mrs. Anne Baines
6 Brooklawns
Much Hoole
South Ribble
PR4 4RF

FAO: Simon Moore
Lancashire County Council
PO Box 78
County Hall
Preston
Lancashire
PR1 8XJ

simon.moore@lancashire.gov.uk

Ref: LSG4/888.2185/SM18

24th March 2022

Dear Sir/Madam,

RE: PROVISIONAL OBJECTIONS TO PROPOSED UPGRADE OF EXISTING FOOTPATH TO BRIDLEWAY

Introduction

I write to confirm that I object to the application by the British Horse Society (“the Applicant”) to upgrade the existing footway to a bridleway in the application dated 21 May 2020, following a Notice affixed to a footpath near to the rear of my property which is dated 10 February 2022 and retrospective sight of an Order made by Lancashire County Council (“LCC”) dated 15 September 2021.

These objections are set out on a provisional basis in order to comply with the deadline set for any objections to be raised by 24 March 2022. I reserve the right to file further and better particulars in due course following receipt of any formal legal and/or other professional advice.

My provisional objections are set out as follows:

1. Preliminary objections: Procedural deficiencies in Notice requirements of paragraph 2 of Schedule 14, relating to both the Application dated 21.5.20 & Order dated 15.9.21
2. Substantive objections if my property rights are directly affected.

3. Substantive objections in any event.

(a) Preliminary objections: Procedural deficiencies in Notice requirements of paragraph 2 of Schedule 14, relating to both the Application dated 21.5.20 & Order dated 15.9.21

I am the freehold owner retaining title absolute of 6 Brooklawns. I moved into the property in June 2021.

I recently became aware of a 'Notice of Modification Order' dated 10 February 2022 which was affixed to some fencing on the footpath behind my property. I understand that this was the first 'notice' that was provided in connection with the application, let alone order which I now understand was made on 15 September 2021 by LCC. I understand from speaking to neighbours that they were not notified through letters through their door, nor any notices affixed to the nearby surrounding area of the original application which I now understand is dated 21 May 2020.

To date it has not been confirmed by the Applicant whether the proposed upgrading to a Bridleway would have any effect insofar as encroaching within the boundaries of my land. By this I mean I have not been personally notified through a letter addressed to the occupant of my address that my rights might potentially be affected.

Having now had sight of the documentation, I am concerned that the Notice requirements of paragraph 2 of Schedule 14 of the Countryside and Wildlife Act 1981 (the "1981 Act") have not been complied with, such as to invalid the application originally made and consequent Order dated 15 September 2021.

Invalidity of Procedural requirements of Application

I note that the Applicant accepts in the application dated 21 May 2020 that the mandatory notice requirements of para 2 Schedule 14 of the 1981 Act were not complied with, purportedly on account of the Covid 19 Global Pandemic. Thus on page 11 the application states:

"List of Landowners Notified

Due to the current Covid19 Global Pandemic, no landowners have been notified. This claim is made under para 1 of Schedule 14 of the application only. Para 2 of the Schedule will be completed when the time is appropriate."

In contrast, I note that the Certificate of Service (page 10 of the application) states to the contrary of the above concession:

"Hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with."

I note further on that page that the guidance stipulates the effect of failure to comply with the notification requirements under para 2 on the validity of any application:

“Additional information

NOTE: You are required to notify all owners and occupiers of any land to which the application relates and a failure to do so will invalidate your application.”

Paragraph 2 of Schedule 14 states as follows:

“2 (1) Subject to sub-paragraph (2), the applicant shall serve a notice stating that the application has been made on every owner and occupier of any land to which the application relates.

(2) If, after reasonable inquiry has been made, the authority are satisfied that it is not practicable to ascertain the name or address of an owner or occupier of any land to which the application relates, the authority may direct that the notice required to be served on him by sub-paragraph (1) may be served by addressing it to him by the description “owner” or “occupier” of the land (describing it) and by affixing it to some conspicuous object or objects on the land.

(3) When the requirements of this paragraph have been complied with, the applicant shall certify that fact to the authority.”

I do not accept (and put the Applicant to proof) that the Covid 19 Global Pandemic provides a statutory exception to the notice requirements of para 2 of Schedule 14 of the Act such as to make an application under para 1 of Schedule 14 only or otherwise to purport to comply with the notice requirements at a later date.

Further or in the alternative, I do not accept (and put the Applicant to proof) that the Covid 19 Global Pandemic has reasonably prevented the serving of notice under para 2 of Schedule 14 on any landowners potentially affected in principle by way of personal service or otherwise in compliance with para 2 of Schedule 14.

Accordingly, should it transpire that my land (as a landowner) is so affected by the proposed application; or, indeed, more generally if *any* landowner is potentially affected by the application; I suggest that the present application is procedurally invalid and should be struck out or otherwise dismissed without further consideration. The result otherwise would mean that the time for raising any objections passed prior to notice in accordance with para 2 of Schedule 14 is complied with.

In this regard it is noted that the guidance provided on the Certificate of Service specifically states that failure to comply with the notice requirements of para 2 of Schedule 14 will invalidate the application. In this context, it is accepted by the applicant that the notice requirements have *not* been complied with. It follows *de facto* that the declaration on page 10 is not accurate and the application is invalid.

Consequent invalidity of Order dated 15 September 2021

As above, I have not seen any evidence that the notice requirements of para 2 of schedule 14 were complied with at the time the application was made, something seemingly

conceded in the original application dated 20 May 2020, or since. This in and of itself invalidates the application.

I understand that the application was determined on 15 September 2021, in the context of no notice being given to any affected landowners, and further an Order was made by LCC on 10 January 2022.

Para 3 of Schedule 14 provides LCC the power to determine the application only after a certificate of notice under para 2(3) has been received. However the Applicant has accepted within the body of their application that they did not give notice originally to any affected owners or occupiers of land.

The reason proffered related to the Covid 19 Global Pandemic. I note that this is markedly different to the statutory exception provided at para 2(2) of Schedule 14 of the 1981 Act, namely that:

“If, after reasonable inquiry has been made, the authority are satisfied that it is not practicable to ascertain the name or address of an owner or occupier of any land to which the application relates, the authority may direct that the notice required to be served on him by sub-paragraph (1) may be served by addressing it to him by the description “owner” or “occupier” of the land (describing it) and by affixing it to some conspicuous object or objects on the land.”

There has been no suggestion that: the Applicant made reasonable inquiry to ascertain the name or address of owners/occupiers of land; nor that LCC was later satisfied it was not practicable to so ascertain the name or address of owners/occupiers of land; nor that the Covid 19 pandemic prevented a reasonable inquiry being made; nor that notice was so served by affixing it to some conspicuous object or objects on the land at the time the Application and/or Order was made.

Accordingly, I do not believe it cannot be said para 2(3) has been complied with by the Applicant, which states:

“When the requirements of this paragraph have been complied with, the applicant shall certify that fact to the authority.”

For the above reasons, I do not accept that either the Application or Order has been validly made, which if correct I suggest invalidates either or both of the above, and put the Applicant to proof in both regards.

(b) Substantive objections if my property rights are directly affected

Background

As stated above, I am the freehold owner retaining title absolute of 6 Brooklawns. The existing footpath runs parallel but not over or onto my property. There are no listed easements or otherwise public rights of way granted over my property on my Title Deed.

As stated above, it has not at present been confirmed whether the proposed Bridleway would have any effect insofar as encroaching within the boundaries of my land. However I am doubtful whether the proposed Bridleway would be logistically possible unless it were to significantly encroach either onto my land, or over a nearby stream, both of which would have financial and ecological implications in addition to a clear infringement of either my property rights or those of whomever the stream belongs to.

For context, the existing footpath behind the rear of my property, which the Applicant seeks to upgrade to a bridleway, runs parallel to the edge of my property which is marked by a high fence. On the other side of the footpath is a downward decline and stream. Having examined the rear of my property and taken measurement (but without formal survey thus far) the width of the existing footpath between the boundary edge of my fence to the other side which is a downward decline and stream is approximately 58" at its shortest width (1.47m) and approximately 75" at its longest width (1.9m).

As I understand it, by law a bridleway must by law be a minimum of 2 metres in width. I further note that the Order states that the proposed width of the route varies between 2.5m and 11m.

My preliminary understanding therefore (without having been able to formally instruct a surveyor as yet) is that it would not be possible to widen and upgrade the existing footpath without either it encroaching into the boundary of my estate, or alternatively encroaching the stream.

On the annotated map attached to the document named "Liverpool Road Sealed Order", the green dotted line appears to encroach my property and possibly also the other side; although the copy of the annotated map provided by LCC is pixelated and so I am unable to definitively confirm the position, absent the Applicant doing so. I would welcome clarification being provided by the Applicant forthwith.

If it is proposed that the footpath would be widened to the opposite side of my property, it does not seem to be logistically possible for this to be done given the downward decline and existing stream. Even if it was possible, it would presumably come at considerable cost both financial and also ecological, destroying the natural stream and any co-dependent natural wildlife.

If it is proposed that the footpath would be widened towards my property, it would necessarily encroach onto and into the boundary of my land.

Historic use as a bridleway

I understand that the Applicant seeks to re-establish historic rights of way which they say existed in the past relating to a bridleway. I have no direct knowledge of this and put the Applicant to proof. Having seen the historic maps attached to the application, I do not accept that this establishes that there was a historic bridleway in the 19th Century and again put the Applicant to proof about this.

I also note that no evidence has been presented by the Applicant of uninterrupted use by horses or otherwise the use of the footpath as a bridleway for an uninterrupted 20 year period or at all such that the footway could be upgraded to bridleway by prescription.

Affection of my property rights, ecological and financial impact

As the freeholder owner of the title absolute should this application succeed my property rights will be infringed. First and foremost I object to the proposed application on this

I would also like to emphasise that the edge of the boundary of my land has a high fence installed on it, marking the edge of the boundary. This was reinstalled recently due to recent weather damage at a cost of £2,100. Immediately behind the fence towards the south-western side of the garden is a pond with fish and other pondlife living in it, which have been there for some years. Towards the left of this is an area which I intend to garden and cultivate plants (I am a keen gardener), and near to that there is currently a garden shed.

Whilst the Applicant is yet to confirm whether my property rights would be affected by potential encroachment onto my garden, in summary I strongly object for the reasons set out above and the following summarised reasons:

1. The infringement of my property rights as freeholder owner of title absolute 6 Brooklawns and loss of a significant proportion of my garden, including but not limited to fencing, a pond and my garden, all of which fall within the boundaries of my property which I purchased in good faith.
2. The ecological loss of my pond, the existing pondlife (including fish, frog spawn etc.) and natural vegetation.
3. The aesthetic loss of my pond, which was part of the property I purchased in good faith.
4. The practical and financial cost associated with removal of the pond, which is fixed into a concrete/brick structure.
5. The loss of my ability to garden, cultivate plants and the like, to the full extent of the existing boundaries of my garden.
6. The significant financial cost associated with the inevitable removal of a £2000 fence (such expense recently incurred) in addition to the loss of a pond, garden space, potentially garden shed, and ancillary costs associated with removal of the same.

7. The aesthetic and financial cost associated with losing the edge of my garden and associated fencing, pond, part of my garden and potentially garden shed, which will cause at the very least:
- a. A substantive loss of physical and substantial part of my garden.
 - b. A financial loss insofar as the reduction in the value of my property.
 - c. A loss or reduction of enjoyment of my garden with its above features.
 - d. A loss of privacy by the inevitable removal of the fence.
 - e. A potential effect on my physical, mental or emotional well-being caused by the stress of the above and any associated contested inquiry and/or legal proceedings.

(c) Substantive objections in any event

Whether or not there is to be an effect insofar as the dispossession of some portion of my land, I nonetheless object for additional reasons set out below.

The existing footpath is currently a very quiet footway, used occasionally mainly by dog walkers only. The traffic both in terms of footfall and use by horse riders would fundamentally change the nature and character of the area.

Further, I understand that the back of the residential houses has previously been subject to some anti-social behaviour by youngsters congregating in groups. I am concerned that should the area be expanded and become larger and more accessible, it is likely to increase the likelihood of anti-social behaviour and/or gatherings.

Concluding remarks

For the reasons set out within this letter, I strongly oppose the proposed application and associated Order (which in any event I suggest is procedurally invalid) and request that it is dismissed or otherwise struck out without further consideration or order.

If it is considered inappropriate to adopt this course of action, I invite the Secretary of State or otherwise LCC to hold a public inquiry to decide the matter.

As indicated at the beginning of this letter, these objections are filed on a provisional basis and I reserve the right to file further and better particulars upon the obtaining of formal legal and/or other professional advice and/or upon further reflection of the matters pertinent to this application.

Thank you for your consideration of the contents of this letter.

Yours sincerely,

A C Baines

Mrs. Anne Baines

From: John Philip Cairns <johnpcairns@hotmail.com>

Sent: 15 February 2022 12:14

To: Moore, Simon <Simon.Moore@lancashire.gov.uk>

Subject: Definitive Map Modification Ref: LSG4.SM18/888.2185

Dear Simon,

Thank you for your advice regarding the above matter when we spoke last week. I am writing, with consent, on behalf of my father Mr Stanley Cairns of Greenfield, Northern Avenue, Much Hoole.

I would like to formally document objection to the planned route of the bridleway as set out in the map modification order. This email does not contain the full evidence that we intend to submit, but given the deadlines involved feel it is very important to bring the following objections to your attention.

1. Section B to C. The right of way proposed does not follow the existing right of way as set out on the 1966 definitive map. Whilst the OS First Edition appears to show a road on this part of the proposed route, in living memory (and on the 1950 map) this has never been a road or right of way. This section has, for at least 35 years, been given over to enclosed residential garden.
2. There may have been a procedural error, as it seems the residents of Brooklawns have not been informed by letter, despite the footprint of the proposed bridle path clearly encroaching within their property boundaries.
3. We remain particularly concerned that the section A to B presents very real health and safety concerns for users. The dimensions of the path bear absolutely no resemblance to those stated in Part 1 of the order ("2.5-11m"). As I stated in my letter to you in September 2020, this path is in parts 1.2m and bounded by a steep drop and high residential fencing. This is especially worrying given that the body submitting the proposal, nor the council, have not performed a site visit.

I intend to submit further documentation, but would be grateful if you could forward to me the initial submission evidence in the meantime. As for the above, I cannot emphasise enough my belief that a site visit by the relevant officers would vindicate these concerns and objections.

Yours sincerely,

John Cairns

07779 614167

From: [Gooch, Graham \(Cllr\)](#)
To: [Moore, Simon](#)
Subject: RE: DMMO Liverpool Road, Much Hoole 804-627 (888.2185) Objection to the Order
Date: 10 March 2022 16:18:38
Attachments: [image001.jpg](#)
[image002.png](#)

Dear Simon,

Thank you for your e-mail.

On the basis that a diversion is to be pursued through the proper procedure I formally withdraw my objection to the Order made.

Regards

Graham Gooch LL.B(Hons), LL.M
Cabinet Member for Adult Social Care
County Councillor, South Ribble West

From: Moore, Simon <Simon.Moore@lancashire.gov.uk>
Sent: 10 March 2022 09:59
To: Gooch, Graham (Cllr) <Graham.Gooch@lancashire.gov.uk>
Subject: RE: DMMO Liverpool Road, Much Hoole 804-627 (888.2185) Objection to the Order

Dear Councillor Gooch,

My thanks for this response. On the basis that a diversion is to be pursued through the proper procedure and in order to facilitate this please could you formally withdraw your objection to the Order as made?

I shall keep you abreast of developments as this matter progresses.

Kind regards

Simon Moore
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 531280

From: Gooch, Graham (Cllr) <Graham.Gooch@lancashire.gov.uk>
Sent: 07 March 2022 11:37
To: Moore, Simon <Simon.Moore@lancashire.gov.uk>
Subject: RE: DMMO Liverpool Road, Much Hoole 804-627 (888.2185) Objection to the Order

Dear Simon,

Thank you for your clear explanation. Having sat on the Regulatory Committee for 4 years in the past, I have always appreciated the enormous amount of research that is done on these matters. In this case the decision was finely balanced.

I fully agree with the proposal to re-route the byway onto the line drawn in red on the plan in your e-mail. I think that would keep everyone happy and provide a more useable route.

Regards

Graham

Graham Gooch LL.B(Hons), LL.M
Cabinet Member for Adult Social Care
County Councillor, South Ribble West

From: Moore, Simon <Simon.Moore@lancashire.gov.uk>
Sent: 04 March 2022 15:31
To: Gooch, Graham (Cllr) <Graham.Gooch@lancashire.gov.uk>
Subject: RE: DMMO Liverpool Road, Much Hoole 804-627 (888.2185) Objection to the Order

Dear Councillor Gooch,

Thankyou for your email outlining the reasons that you have objected to this Order.

I fully understand the concerns that you have expressed regarding the impact that the making and confirmation of the Order could potentially have on the elderly residents of Greenfield.

Since the submission of your objection a member of the County Council's Public Rights of Way Team has had a lengthy meeting with the son of the owners of Greenfield who is acting on their behalf.

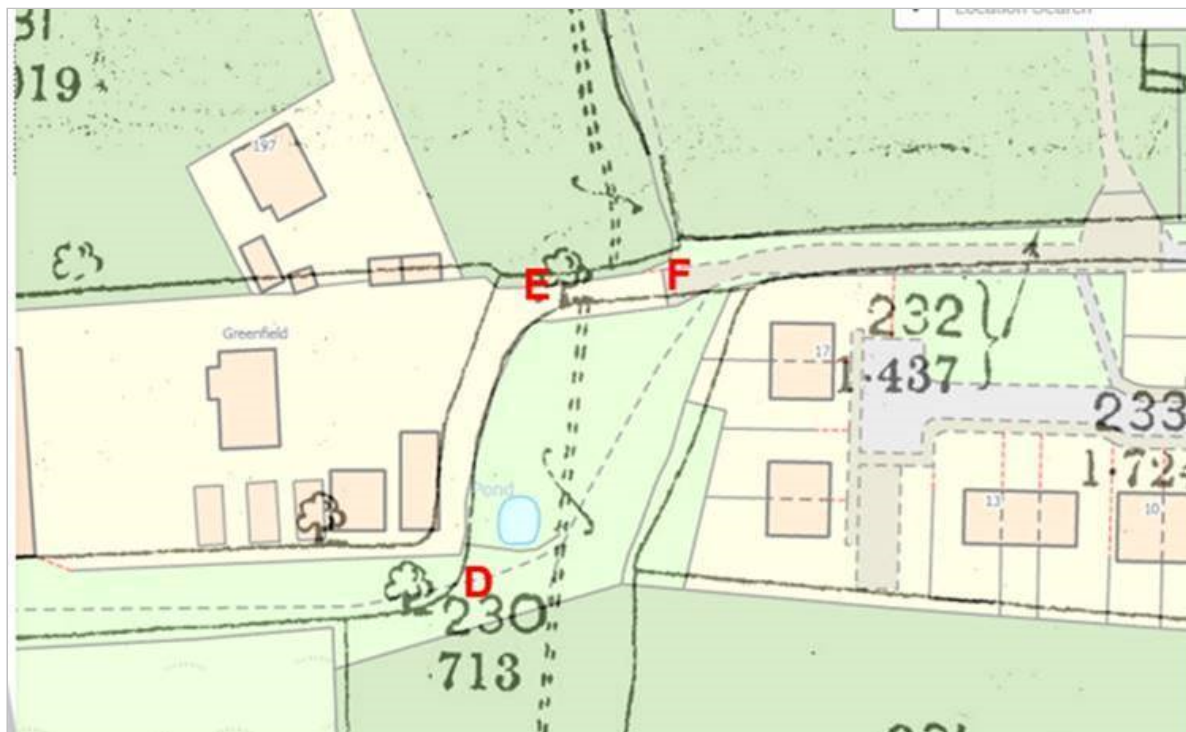
The application which led to the making of this legal Order was originally for a public bridleway. It was based on the submission of historical map and documentary evidence and did not rely or refer to any 'modern' use of the route on horseback. Following on from a very detailed analysis of all the available historical maps and documents available a report was produced which was considered by the County Council's Regulatory Committee on 15 September 2021 and a copy of that report is attached to this email for information.

To summarise the key points, having completed our investigations, the County Council considered that there was sufficient evidence – on balance – to show that the route was an old public vehicular highway and that it should be recorded on the Definitive Map and Statement as a Restricted Byway.

You are correct, of course, that the route on the Order looks nothing like what is on the ground or was on the ground in the 1940s; that is often the case with these definitive map modification orders. You are also correct in observing that the route is partially upgrade of a footpath already shown and partially addition where no way is currently shown. That is often the nature of such

investigations and orders can be made to add, delete, upgrade, downgrade or amend particulars.

Of significance however was the fact that it was identified that the 'old route' ran along a substantial bounded roadway passing along the eastern edge of the plot of land on which Greenfield was later built as confirmed by overlaying the First Edition 25 inch Ordnance Survey map surveyed in 1892 and published in 1893 with a 'modern day map' showing the property.



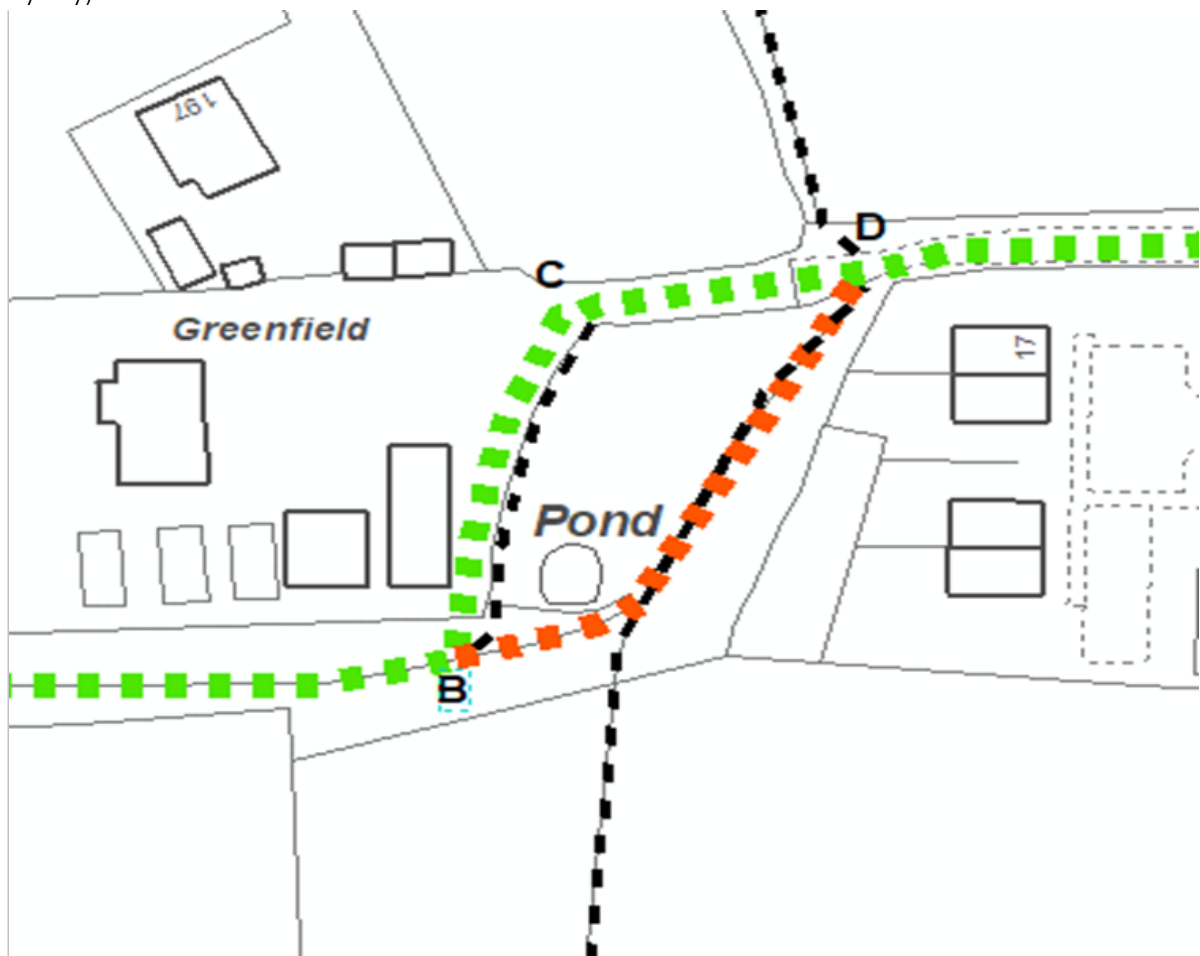
Note: the above extract was taken from the Regulatory Committee report and references to points D, E and F relate to that report and not the legal order subsequently made.

As this legal Order has to record what the evidence shows to be existing public rights, rather than what we want to be the final outcome, the County Council had no alternative but to record the restricted byway through Greenfield with the legal maxim 'once a highway, always a highway' meaning that if it is accepted that the route was a public vehicular highway (albeit for horses and carts) in the 1800s it remains as such unless there is evidence that those public rights have been legally extinguished.

As explained to Mr Cairns, the fact that the full length of the route pretty much fell into disuse and the route through Greenfield between point B and point C on the Order Map no longer appeared to physically exist does not take away the fact that historically it appeared to be a much more significant route.

By the 1950s when routes were first recorded as part of the preparation of the Definitive Map the route from Liverpool Road through to Northern Avenue was recorded as a public footpath – presumably reflecting the use which was made of it at that time. With regards to the recorded route of the public footpath along the eastern side of Greenfield this was ambiguously drawn with a thick pen on a small-scale map but did appear to be different from the Order route between point B and point C and it appears that by the 1950s public use was not along the route of (what the maps show to be) the old public road but was across the land to the east of Greenfield.

Considering a way forward the County Council have discussed the option of the current owners of Greenfield applying to legally divert the restricted byway from Greenfield and delete the footpath along the boundary to link the route to the existing public footpath (to be upgraded to restricted byway) as shown below:



Green route (Restricted Byway) shown between points B-C-D to be diverted to the red route shown B-D and public footpath shown by black dashed line between points B-C extinguished.

This appears to reflect what you suggested in your email and, should the owners of the land affected by the proposal agree, this would be actioned by the County Council under the provisions of the Highways Act 1980 section 119 although that would have to meet the statutory conditions and follow the prescribed procedure. Where this can be done such that a public inquiry to determine the Definitive Map Modification Order (the one to which your objection relates) we normally do this at no cost to the landowners. As your objection says, "we should not lose touch with reality" and this is the lawful way to achieve that goal. Currently it has to be done using 2 distinct orders, the first to amend the legal record to reflect the public rights, even though they may make no sense in today's world, and the second to amend those rights to fit the circumstances. Legislation has been passed, but not yet commenced, to combine both of these steps into one but currently we have to make 2 orders to achieve this.

I hope that the information above explains why the order has been made and assures you that we are looking at a sensible solution to benefit both the public and the landowners in this case.

Kind regards

Simon Moore

Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 531280

From: Gooch, Graham (Cllr) <Graham.Gooch@lancashire.gov.uk>
Sent: 02 March 2022 14:28
To: Moore, Simon <Simon.Moore@lancashire.gov.uk>
Subject: RE: DMMO Liverpool Road, Much Hoole 804-627 (888.2185) Objection to the Order

Dear Simon,

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III
THE LANCASHIRE COUNTY COUNCIL RESTRICTED BYWAY BETWEEN LIVERPOOL ROAD
AND NORTHERN AVENUE, MUCH HOOLE DEFINITIVE MAP MODIFICATION ORDER 2022**

I write formally to object to the making of the Order reference LSG4/888.2185/SM18.

Grounds for objection:

The Bridleway shown on the plan does not just modify the Definitive Map by changing the right of way from a footpath to a bridleway, but re-routes the right of way onto land where a right of way does not exist.

It must first be said that neither plan accompanying the Order, nor the map on Map Zone portrays what is actually on the ground; nor is there any trace of it ever having existed as shown.

Part 1 of the Schedule to the Order describes the route as starting at the junction with the A59 then "continuing east to a point at the south east corner of the boundary of the property known as Greenfield at point B- agreed. But then it says, "the restricted byway then continues through the boundary and inside the eastern edge of the property known as Greenfields". This is what is disputed.

It is clear from MapZone (which I recognise is not a definitive map), and from the plan attached to the order that the route of the footpath was on the eastern side of the boundary between points B and C, that is, in adjoining land, not part of Greenfield land. It can be seen on OS Explorer Map 286 at 468227; even at that scale, that the path is outside the eastern boundary of Greenfield. The neighbouring land, with the pond, is owned by someone else. I therefore submit that the route of the restricted byway as described in the Order and drawn on the plan does not follow the route of the footpath and is therefore not an upgrade but a change of route between points B and C and is therefore outside the competence of this Order.

The route of the footpath does then meet the access road to Greenfield at point C.

I am sure that those who made this application will have visited the site and seen that what is on the ground bears no resemblance to what is on the map. From point B the well worn path continues east to meet FP27 and had the Restricted Byway followed that route everyone would have been happy. Although that is not part of the rights of way, it can be seen on aerial photographs from the 1940s that this was the route actually used

even then. At point B the boundary of the 'pond field' is fenced off by what is clearly an old fence and there is a mature hedgerow on the same boundary. Inside the boundary the field is overgrown and there is no sign of a path ever having been there. At point C there is no break in the fence and, again, no sign of there ever having been a path. I appreciate that rights of way may still subsist even when they have not never been used, but we should not lose touch with reality.

In summary I submit that the route of the restricted byway between points B and C is on the wrong side of the boundary of the land known as Greenfields. It is causing great distress to the elderly occupants of Greenfields who are faced with the prospect of horse riders and cyclists riding through their garden, when no such right of way has ever existed. Please move the route to the other side of the boundary.

Regards

Graham Gooch LL.B(Hons), LL.M
Cabinet Member for Adult Social Care
County Councillor, South Ribble West

From: Moore, Simon <Simon.Moore@lancashire.gov.uk>
Sent: 10 February 2022 08:46
To: Gooch, Graham (Cllr) <Graham.Gooch@lancashire.gov.uk>
Subject: DMMO Liverpool Road, Much Hoole 804-627 (888.2185)

Dear Councillor Gooch,

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III
THE LANCASHIRE COUNTY COUNCIL RESTRICTED BYWAY BETWEEN LIVERPOOL ROAD
AND NORTHERN AVENUE, MUCH HOOLE DEFINITIVE MAP MODIFICATION ORDER 2022**

I am writing to inform you that the County Council made the above-mentioned Order on the 19th January 2022.

Consequently, I enclose a copy of the Notice of Making, a copy of the Order and relevant plan together with an explanatory statement.

I hope these are self-explanatory but please do not hesitate to contact me if you have any queries.

Yours sincerely

Simon Moore
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 531280

Please note that due to the ongoing pandemic County Hall is closed to the public and only

minimal staff are present to complete essential tasks that cannot be carried out remotely. Legal staff are predominantly working from home and only attend the office when necessary.