

Jennifer Mort
5. 47220

p wilson & company
chartered surveyors

Lancashire County Council
County Secretary & Solicitors Group
PO Box 78
County Hall
Preston PR1 8XJ
For the attention of Jennifer Mort

Your Ref: LSG4/JM9/5.47220/JM9

Our Ref: C1301-3.SM.kh

27 February 2013

By Email & Post:
jennifer.mort@lancashire.gov.uk

Dear Sirs,

**WILDLIFE & COUNTRYSIDE ACT 1981 PART III CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER CLAIMED UPGRADING TO BRIDLEWAY OF PUBLIC FOOTPATH NO. 207 RAMSBOTTOM, ROSSENDALE BOROUGH
OUR CLIENT: JOHN WASH, BUCKHURST FARM, BUCKHURST ROAD, WALMERSLEY BL9 6SZ**

I write further to your letters of 28th January 2013 addressed to our above named client and his family and our subsequent telephone conversation on 20th February 2013. Thank you for copying all the application submissions which we collected yesterday.

On the telephone I confirmed that we are instructed by our above named client and his family to comment on the claimed upgrading to the bridleway of public footpath 207, Ramsbottom. We are in the process of examining those plans and schedules submitted by the applicant, other documents available for public inspection (still waiting to inspect some) and those in our client's possession. We wish to submit our comments on all these documents before the Council decide on whether to make a Definitive Map Modification Order for this claimed upgrade. You kindly confirmed that we will be given extra time to fully respond to the claimed upgrade to allow us the opportunity of researching all available evidence.

In the meantime, I promised to send you a revised land ownership plan and schedule. Our client is in the process of changing names on Land Registry Titles and registering areas of land that are not registered. The correct ownership details are (areas correspond with the enclosed land ownership plan):

1. Land edged red – Land at Buckhurst Lodge and land associated with Buckhurst Farm is owned by Mrs Marlene Walsh and Mr John Patrick Walsh.
2. Land edged blue – Land on the east and south side of Sales Lane is owned by Mr John Patrick Walsh.
3. Land edged green – Buckhurst Lodge, Buckhurst Farmhouse is owned by Mr John Patrick Walsh and Mrs Andrea Walsh.

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4. Land edged yellow – Buckhurst Cottage held in Trust for Mr Richard Alan Walsh (Trustees – Mr John Patrick Walsh and Mrs Marlene Walsh).

I trust the above is clear for your records. We will be in contact again shortly once we have assessed all the evidence available for this claimed upgrading to bridleway.

Yours sincerely,

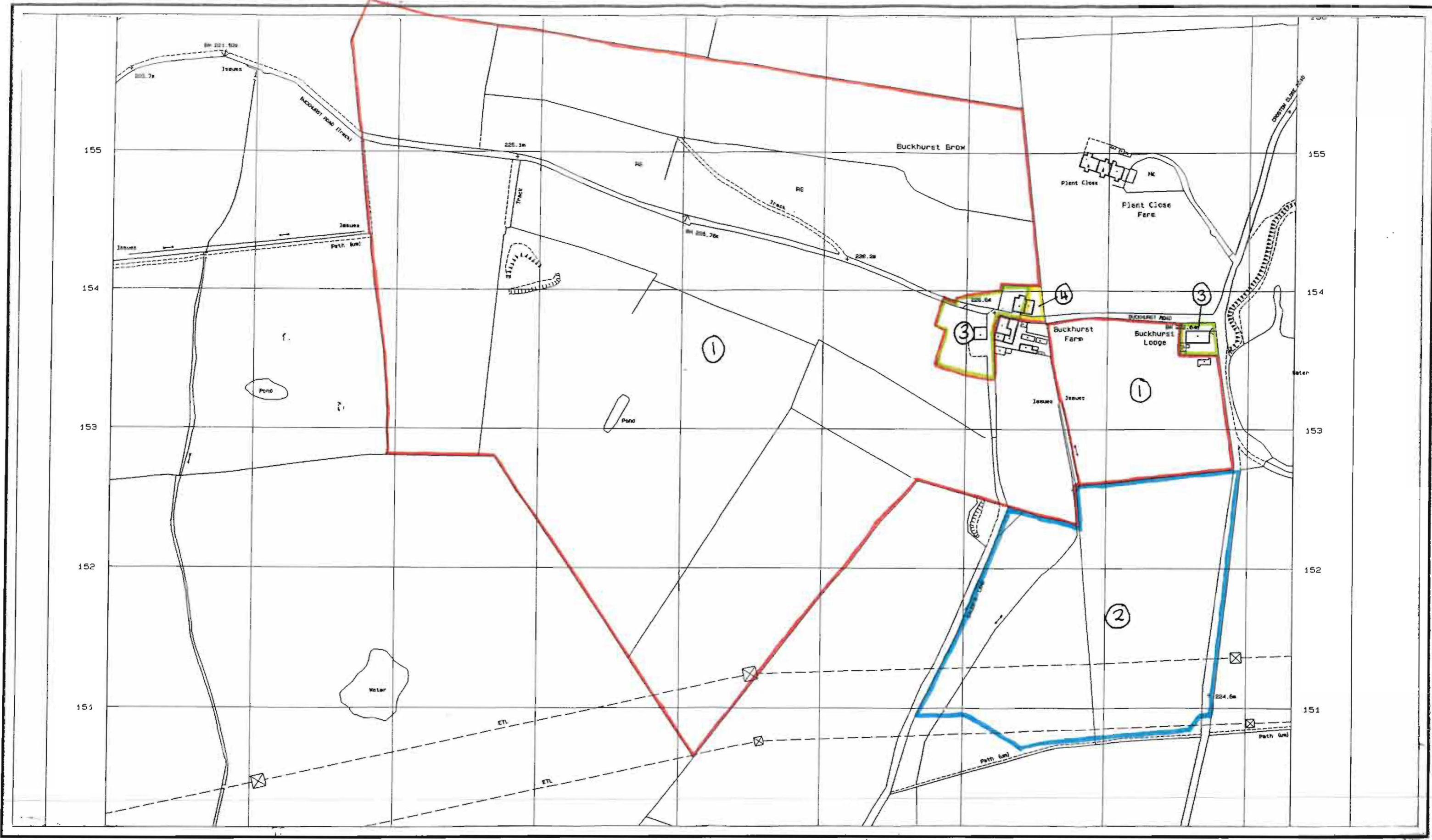


S MARSHALL
for P Wilson & Company

enc Plan

cc John.Walsh@buckhurstplanthire.co.uk

email: sophie.marshall@pwcsurveyors.co.uk




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NOT TO SCALE:
FOR IDENTIFICATION
PURPOSES ONLY

Scale 1

Ref C1301-3-SM Date 26/02/13

smoore018

From: Mort, Jennifer **Sent:** 27/02/2013 10:44:20
To: karen.hall@pwcsurveyors.co.uk
Subject: RE: C1301-3 WILDLIFE & COUNTRYSIDE ACT 1981 PART III CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER CLAIMED UPGRADING TO BRIDLEWAY OF PUBLIC FOOTPATH NO. 207 RAMSBOTTOM, ROSSENDALE BOROUGH
Attachments: image001.jpg, image002.jpg

Thank you for your email and attached letter. The details will be placed on file.

I look forward to receiving the further comments in due course.

Kind regards

Jennifer Mort
Trainee Solicitor
County Secretary & Solicitor's Group
Environment and Resources Section
Lancashire County Council
01772 5- 33427
Jennifer.Mort@lancashire.gov.uk

From: Karen Hall [mailto:karen.hall@pwcsurveyors.co.uk]
Sent: 27 February 2013 10:20
To: Mort, Jennifer
Cc: 'John.Walsh@buckhurstplanthire.co.uk'
Subject: C1301-3 WILDLIFE & COUNTRYSIDE ACT 1981 PART III CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER CLAIMED UPGRADING TO BRIDLEWAY OF PUBLIC FOOTPATH NO. 207 RAMSBOTTOM, ROSSENDALE BOROUGH

Please find attached correspondence from Sophie Marshall, a copy of which is being posted to you tonight.

Regards,

Mrs Karen Hall
Secretary to Paul Wilson/Office Manager
For P Wilson & Company LLP

t: 01772 882277 f: 01772 258309
e: karen.hall@pwcsurveyors.co.uk



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Lancashire County Council
County Secretary & Solicitors Group
PO Box 78
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Preston PR1 8XJ
For the attention of Jennifer Mort

Your Ref: LSG4/JM9/5.47220/JM9

Our Ref: C1301-3.SM.kh

12 April 2013

By Email & Post:
jennifer.mort@lancashire.gov.uk

Dear Sirs,

**WILDLIFE & COUNTRYSIDE ACT 1981 PART III CLAIM FOR DEFINITIVE MAP
MODIFICATION ORDER CLAIMED UPGRADING TO BRIDLEWAY OF PUBLIC
FOOTPATH NO. 207 RAMSBOTTOM, ROSSENDALE BOROUGH**

**OUR CLIENTS: JOHN WALSH, ANDREA WALSH & RICHARD ALAN WALSH OF
BUCKHURST FARM, BUCKHURST ROAD, WALMERSLEY BL9 6SZ & MRS MARLENE
WALSH OF BUCKHURST COTTAGE, BUCKHURST ROAD, WALMERSLEY BL9 6SZ**

We write further to our recent email correspondence and letter of 27th February 2013.

All documents and plans submitted by the Forest of Rossendale Bridleways Association, in addition to other local documents, where available have been examined.

As a result of our findings we are now instructed by our above named clients to lodge an objection to the application for an order under Section 53(2) of the Wildlife & Countryside Act 1981 to upgrade footpath 207 to a bridleway. You are already in receipt of our client's ownership details and boundaries.

The applicants submitted a number of historic documentary evidence in support of the application. They did not provide any user evidence.

Whilst the applicant's submissions show footpath 207 (Buckhurst Road), all documents and plans fail to prove its status. We comment as follows on the applicant's documents:

1. *6" to 1 mile OS 1849;*
6" to 1 mile OS 1930;
Yates 1" 1786;
Authentic Map Directory S Lancs 1931 to 1935;
Smiths 1802;
Casini 1844 OS 1";

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½ " to 1 mile OS Preston map 1907;

Geographia Road Map 30 miles around Manchester revised 1921 ½" to 1 mile;

Abel Heywood & Sons Cycling & Touring Map 60 miles around Manchester ½ " to 1 mile

These maps are not determinative of the status of Buckhurst Road. There are no keys on them which determine the nature of the roads/lanes being depicted and therefore should not be regarded as evidence of the existence of a public bridleway.

2. *Estate Plans Lord Derby 1785 to 1788 redrawn 1824*

Land north and south of Buckhurst Road did not form part of Lord Derby's Estate and a large part of the road is therefore omitted from the Estate Plan. Consequently, this evidence is inconclusive on the status of any right of way.

3. *Finance Act 1920 Map*

As neither the valuation book nor field book extract is provided the map extract cannot be interpreted. The map extract alone provides insufficient information to determine the status of any right of way.

4. *Metropolitan Borough of Bury Register of Streets Repairable by the Inhabitants at Large*

A Buckhurst Road is mentioned on the submitted sheet. The format of this document is inconsistent with other Registers of Street Repairable by the Inhabitants at Large as it is normal for Surveyors to only note the road, its distance, and the roads it adjoins in the Register. We query whether this is the official register of that period for the area. Alone this document does not prove the status of Buckhurst Road. It is necessary to examine the whole book or collection of documents from which this extract is taken.

5. *Definitive Map & Statement*

Please find enclosed herewith a copy of the draft map and statement and the definitive map and statement for footpath 207. Once again there is nothing in their contents to suggest the public right of way is anything but a footpath.

Accordingly, our clients request that the Regulatory Committee do not publish the Order on the grounds of insufficient and inconclusive evidence.

We would be grateful if you could please inform us of the Regulatory Committee decision in due course.

Yours sincerely,



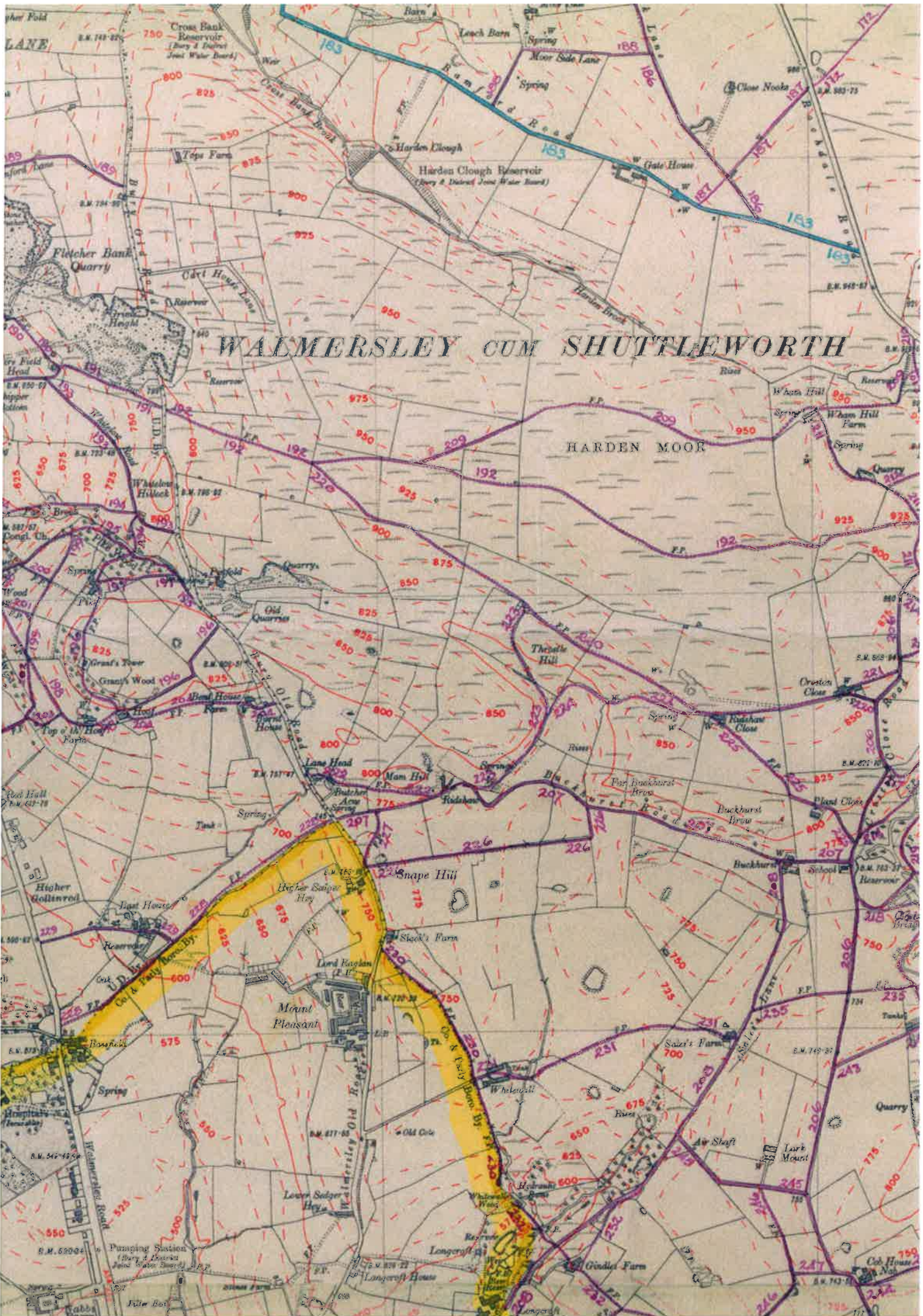
S MARSHALL
for P Wilson & Company

enclosures

cc John.Walsh@buckhurstplanthire.co.uk

email: sophie.marshall@pwcsurveyors.co.uk

1. No. of path	2. Kind of path	3. Position	4. Length in miles to 2 places decimals	5. Other particulars (if any)
199	Footpath	Path No.195 southwards to path No.198	0.18	
200	"	Path No.195 south-eastwards to path No.199	0.05	
201	"	Path No.198 eastwards to path No.199	0.05	
202	"	Manchester Road north-eastwards to path No.198	0.15	
203	"	Path No.202 eastwards to path No.198	0.06	
204	"	Bury Old Road westwards to path No.196 (Hoof)	0.23	
205	Bridleway	Haywood boundary (Castle Hill Road) northwards to junction paths Nos.206 and 248 and 262	0.40	
206	Footpath	Rechdale Road (Cheesden Bridge) southwards across paths Nos.192 and 235 to path No.205 (Croston Close Road)	1.79	
207	"	Bury Old Road eastwards to path No.206 Buckhurst School. (Buckhurst Road)	0.75	
208	"	Bury boundary (Bentley Lane) north-eastwards across path No.232 to path No.207 (Buckhurst) (Sales's Lane)	0.75	
209	"	Path No.192 eastwards across path No.210 to path No.206	0.78	
210	"	Rechdale Road southwards across path No.209 to path No.206	0.07	
211	"	Path No.209 (Wham Hill Farm) southwards across path No.192 to path No.206	0.28	



WALMERSLEY CUM SHUTTLEWORTH

HARDEN MOOR

URBAN DISTRICT OF RAMSBOTTOM

CONTINUATION SHEET

1. No. of path	2. Kind of path	3. Position	4. Length in miles to 2 places decimals	5. Other particulars (if any)
178.	Footpath	Bury Old Road eastwards to Rochdale Road.	0.09	
180.	"	Bury Old Road (Top o'th'Lea) eastwards and northwards to Bleakholt Road.	0.21	
183.	Bridleway	From Rochdale Road in a north-westerly direction to the Greater Manchester Metropolitan County Voundary west of Green Hill.	1.01	
185.	Footpath	Bury Old Road eastwards to Rochdale Road (Riding Head Lane)	0.45	
186.	"	Rochdale Road (Smithy Carr southwards across path No. 187) to path No. 183 (Black Lane).	0.67	
187.	"	Rochdale Road south-westwards across path No. 186 to path No. 183.	0.23	
188.	"	Path No. 183 northwards and eastwards to path No. 186 (Moor Side Lane).	0.28	
192.	"	Bury Old Road eastwards to Heywood Boundary.	1.20	
205.	Bridleway	Heywood boundary (Castle Hill Road) northwards to junction paths Nos. 206 and 248 and 262.	0.40	
206.	Footpath	Rochdale Road (Cheesden Bridge) southwards across paths Nos. 192 and 236 to path No. 205 (Croston Close Road).	1.79	
207.	"	Bury Old Road eastwards to path No. 206 (Buckhurst School (Buckhurst Road)).	0.75	

