

**COVERING LIST OF REPRESENTATIONS, OBJECTORS AND SUPPORTERS**

**THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY  
FOR THE COUNTY OF LANCASHIRE**

**THE LANCASHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF  
PUBLIC RIGHTS OF WAY (DEFINITIVE MAP MODIFICATION) (NO.4) ORDER  
2011**

**&**

**THE LANCASHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF  
PUBLIC RIGHTS OF WAY (DEFINITIVE MAP MODIFICATION) (NO.5) ORDER  
2011**

<b>No.</b>	<b>OBJECTIONS STILL OUTSTANDING</b>	<b>ADDRESS</b>
1	Alan Kind	45 The Fairway Gosforth Newcastle upon Tyne NE3 5AG  mondard@mac.com
<b>No.</b>	<b>OBJECTIONS WITHDRAWN</b>	
<b>No.</b>	<b>SUPPORTER</b>	
<b>No.</b>	<b>OTHER RESPONSES</b>	

from Alan Kind  
45 The Fairway  
Gosforth  
Newcastle upon Tyne  
NE3 5AQ

tel 0191 2364086  
e-mail mondard@mac.com

County Secretary  
Lancashire County Council  
Christ Church Precinct  
County Hall  
Preston  
PR1 8XJ

ref: LSG4/PROW

28 March 2012

Dear Sir,

**Proposed deletion of part of footpath 129 Chipping.**

With reference to your order of 12 January 2011, I object on the ground that:

- I am not satisfied that there is sufficient *positive evidence* to support the proposed deletion. If you can supply sufficient *positive evidence* then I shall happily revisit this part of my objection.
- That if the section of path proposed to be deleted was entered on to the definitive map in error; the southern end of the remaining portion appears to make a junction with the metalled highway Fish House lane at Old Hive. The proposed modification to the definitive statement does not record this point of termination.

Yours faithfully,



Alan Kind

Mr Alan Kind  
45 The Fairway  
Gosforth  
Newcastle upon Tyne  
NE3 5AG

Phone: (01772) 533451  
Fax: (01772) 530949  
Email: Charlotte.Ripley@lancashire.gov.uk

Your ref:  
Our ref: LSG4/CR3/5.32267/CR3  
Date: 20 April 2012

Lancashire County Council does  
not accept service by e-mail.

Dear Mr Kind,

**WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III  
PUBLIC RIGHTS OF WAY (DEFINITIVE MAP MODIFICATION) (NO. 4) ORDER 2011**

I am writing in response to your letter dated the 28<sup>th</sup> March objecting to the above Order.

I enclose a copy of the Regulatory Committee Report for this matter.

This matter was originally intended to be advertised at the same time as Public Rights of Way (Definitive Map Modification) (No. 5) Order 2011, please see copy enclosed. Unfortunately due to an error the addition was advertised but not the deletion. As such the deletion had to be advertised in isolation.

If you require any further information please do not hesitate to contact me.

Yours sincerely

Charlotte Ripley  
Trainee Solicitor

**Please quote our full reference number on all correspondence**

S 32267 - CR

from Alan Kind  
45 The Fairway  
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County Secretary  
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Christ Church Precinct  
County Hall  
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ref: LSG4/PROW

30 April 2012

fao Charlotte Ripley

Dear Miss Ripley,

**Proposed deletion of part of footpath 129 Chipping.**

Thank you for your letter and enclosures of 20 April. From what you tell me, this case is actually a 'positional correction', rather than a deletion. That being so, the deletion and addition elements should have been combined within one modification order: R oao Leicestershire County Council v. SoS for EFRA, 20 January 2003, [2003] EWHC 171 deals with this.

Yours sincerely,



Alan Kind

Mr Alan Kind  
45 The Fairway  
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Phone: (01772) 538903  
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Email: Charlotte.Ripley@lancashire.gov.uk

Your ref:  
Our ref: LSG6/CR3/5.32267/JM9  
Date: 11 May 2012

Lancashire County Council does not accept service by e-mail.

Dear Mr Kind

**WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III  
PUBLIC RIGHTS OF WAY (DEFINITIVE MAP MODIFICATION) (NO. 4) ORDER 2011**

Thank you for your letter of 30<sup>th</sup> April 2012.

We will take the case you detailed into consideration for future applications.

In applications such as this it is not always a straightforward case of positional correction and on advertisement evidence can be brought to light that would indicate that both the claimed route and the recorded route are both rights of way.

Having had the opportunity to consider the Orders together are you in a position to withdraw your objection.

I look forward to hearing from you.

Yours sincerely

Jennifer Mort  
Paralegal

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from Alan Kind  
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County Secretary  
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ref: LSG4/PROW

15 May 2012

fao Jennifer Mort

Dear Miss Mort,

**Proposed deletion of part of footpath 129 Chipping.**

Thank you for your letter of 11 May. can you please explain to me why this is not a 'straightforward case of positional correction' and how and why, if you made such an order, 'evidence brought to light' would prevent you from keeping the existing and adding the proposed paths. Do please explain.

Yours sincerely,



Alan Kind