

**Director of Corporate Services  
(REF:LSG4/PROW/888.2237/SM18)  
County Hall  
Preston  
PR1 8XJ**

**Jeff Bargh  
2 Old Woodhouse  
Heaton with Oxcliffe  
Morecambe  
LA3 3EU**

**27 / 05 / 22**

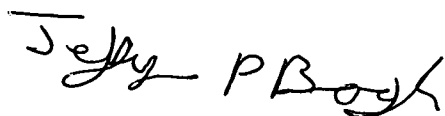
**Ref : LSG4.SM18/888.2310**

**Dear Sir,**

**I am contacting you with regard to the letter I received dated 17/5/22 from Lancashire County Council detailing the proposed addition of a Bridleway.**

**The road was taken out when the water board widened the dyke. If these plans go ahead then they are going onto my land. I have serious concerns about this and I request to have a site meeting with the planning team before this goes any further.**

**Regards**



**Jeff Bargh**

**07774 169404**

Mr Jeff Bargh  
2 Old Woodhouse  
Heaton with Oxcliffe  
Morecambe  
LA3 3EU

Phone: 01772 531280  
Email: Simon.Moore@lancashire.gov.uk

Your ref:

Our ref: LSG4.SM18.888.2310

Date: 10<sup>th</sup> June 2022

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

Dear Mr Bargh

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III  
APPLICATION FOR DEFINITIVE MAP MODIFICATION ORDER  
TO UPGRADE TO BRIDLEWAY FOOTPATH OVERTON 1 KNOWN AS MOSS  
LANE**

I understand that your solicitor raised this issue prior to the matter being considered by the County Council's Regulatory Committee.

They referred to work carried out by the Water Board between 1932 and 1966 to widen the watercourse running alongside the application route and that it was your opinion that the work carried out took a strip of land approximately 12 foot (3.6 metres) wide from the western side of the field including the land described as being the 'old road' and that you now considered that the old route no longer physically existed.

Whilst I have no formal confirmation of the extent of land in your ownership, I understand it to be the fields crossed by the application route between point A and point B on the attached plan.

The decision to make the Order is based on evidence furnished from a number of early historical maps and documents. In summary Yates, Greenwood and Hennet's Maps of Lancashire, published between 1786 and 1830 each depicted the route as a "cross road" which suggested the route in the late 1700's / early 1800's was a substantive route, forming part of the public vehicular network. Further evidence to support the view that the route formed part of the public vehicular network is also reflected in the fact that the full length of the route is recorded as a public road owned by the Surveyors of the Highway on the Overton Tithe Map produced in 1844, and that it was later considered significant enough to be named on the first 6 inch OS Map 1848 as part of "Moss Lane".

Ordnance Survey mapping began in Lancashire in the late 1830s with the 6-inch maps being published in the 1840s. The large scale 25-inch maps which were first published in the 1890s and provide good evidence of the position of routes at the time of survey and of the position of buildings and other structures.

Subsequent editions of the OS maps appear to reflect that use of the route for some reason had declined by the late 1800's but the fact that there is good evidence that the route was considered to be a public vehicular highway in the late 1700's and early 1800's with no evidence that those rights were ever legally extinguished was accepted as being sufficient evidence for an Order to record the route as a restricted byway to be made.

The Order, when made will record the full width of the route that that existed in the 1700's-early 1800's and in doing so the County Council refer specifically to the large scale 25 inch OS map published in 1891. Whilst the survey carried out in compiling this map was done so at a time that use of the route was clearly in decline it nevertheless provides detail of the full bounded width of the historical route and alignment of the watercourse adjacent to it.

Having been made aware of your concerns regarding the route, before determining to make the Order, the County Council made a comparison of the modern-day field boundaries and the position of the watercourse adjacent to the route between point A and point B with what is shown on the First Edition 25 inch OS map.

In overlaying the 25 inch map with a modern OS base map it indicates that the watercourse remains the same although the sloping banking has been extended.

Below are extracts of the maps illustrating the alterations made. These maps can be viewed online - <https://mario-lancashirecc.hub.arcgis.com/> to enable you to make your own comparisons or take measurements if you wish.

The map below is an extract (not to scale) of the 25 inch OS map published in 1891. It shows the watercourse and the historical route running adjacent to it. The route is not fenced off from the field but measures between 9-10 metres in width between the watercourse and the dashed line denoting the extent of the route on the ground.



Below is a further copy of the 25 inch OS map which has been overlaid with a modern digital OS base map:



This map shows that the actual position of the watercourse has remained unchanged although the sloping banking has been extended and a fence erected.

The measurements indicate that approximately 4 metres of land has been affected by the grading of the ditch and fencing immediately east of the watercourse but as the original historical route measured between 9-10 metres wide along this section the measurements taken indicate that there is still a lot of the width of the old road/application route which has been incorporated into the modern field and even if part of the historical width was 'lost' onto the sloping bank it would still not affect the assessment of documentary evidence and the decision to make an Order.

I hope the information above clearly explains the County Council's position. A copy of the full report considered by Committee can be found online

<https://council.lancashire.gov.uk/ieListDocuments.aspx?CId=121&MId=11240&Ver=4>

An Order to record the route as a Restricted Byway has now been made and you will be officially notified once it has been published. The making of the Order is the start of the legal process and once notified there is a period of 6 weeks during which representations or objections can be made – although to be relevant, representations or objections should relate to the existence or status of rights of way; other issues, such as security or the effect of the confirmation of the order on modern day farming are unlikely to be relevant but can hopefully be addressed separately in terms of the future management of the route should the order be confirmed.

Whilst a representative of the County Council would be happy to meet you on site I am not sure that this is necessary at this stage in the proceedings.

Yours faithfully

A handwritten signature in black ink, appearing to be 'S. Moore', written in a cursive style.

Simon Moore  
Paralegal

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