

**THE LANCASHIRE COUNTY COUNCIL
BRIDLEWAY ON BALL HOUSE LANE, FOULRIDGE
DEFINITIVE MAP MODIFICATION ORDER 2018**

The Order Making Authority is unable to locate consultation responses from the following people:

- 1) Robert Banks
- 2) Ashley Holt
- 3) Aiden Venn

A Taylor – for the Environment Director
The Environment Directorate
Lancashire Countryside Service
Winckley House
Cross Street
Preston PR1 8RD

John S. Bank
Ball House
Off Reedy Moor Lane
Foulridge
Colne
Lancashire
BB8 7LL
Phone/Fax: 01282 865760
Email; johnstephenbank@btinternet.com
Mobile: 079680 64086

Date:- 06.12.2008

Dear A Taylor,

Your Notice of Application for a Modification Order
Section 53(5) of and Schedule 14 to the Wildlife and Countryside Act 1981
The definitive map and Statement of Public Rights of way for the County of Lancashire.

I am considering my views in relation to this notice especially in relation to –

2) Adding the bridleway from Public Footpath No 8 Foulridge to the junction of High Lane and Standing Stone Lane Foulridge Pendle Borough.

In 1997 at a hearing an Inspector decided that this section was not a public footpath. That decision we were told could not be appealed unless the procedure of that hearing was found to be in error. We have not been told it was in any error – nor have we had any official communication about it, since that day until now.

We did have in 1997/8 a letter from a female present at the enquiry addressed to a property she did not know I owned - in which she was appealing for help against the decision of the Inspector. Her letter contained devious and deliberate lies, and I told her so. (Not mistakes or inaccuracies – but lies). My land is certainly to each side of this section and I take the view that I own this section, which I will explain shortly.

Firstly though following the hearing you should be aware that I posted notices at the start and end of this section merely setting out the Inspectors decision. I made no obstruction to prevent access. Nature by way of tress and growth was making any access difficult anyway.

All such notices were stolen or defaced, several were simply destroyed and scattered, others taken away. One post for the notice was stolen. As notices were posted this continued, so naturally, eventually I stopped posting them.

I do not know that this female referred to above was responsible for this vandalism - and I do not know that she was not responsible.

So someone has started this matter again and persuaded you to proceed with this application without your giving any consideration whatsoever or prior consultation to the landowners and users to be affected by any such notice. Someone has put you up to it, regardless. I would therefore ask to see copies of all papers relating to this matter and ask such copies be posted to me at the above address as you also appear to use a domestic Barnoldswick address for me which I left in 1996 over 12 years ago.

A look at the stretch referred to in item 2 of your application would reveal that this was a track made by the Canal company when Whitemoor Reservoir was constructed. The dog leg loop instead of a sensible straight forward track was so curved because to the east or right of the track walking towards the road junction was an open sand pit whose material was used for the reservoir and this track which is made in sufficient width for two sand carts to pass each other (one going down and one returning) was made for the purposes of the Canal Company and was not and had never been a public way.

The public way is clearly marked on early maps and is footpath 8. Where this narrows to behind Springfield House the original stone gate posts are still in the made up wall clearly showing where the gateway was.

This land at the time of the Reservoir construction belonged to the Parker family of Alkincoats Hall Colne and Browsholme Hall near Clitheroe. They supplied the aggregates and permitted extraction from their land and the construction of this section of track. On completion the land and the track were handed back to the Parkers. No good would then be served by stopping the section of track or returning it to fields as at that stage the road system had been changed and improved and there was no use for it. So at no stage was this section as apparent now ever regularly used as a public route or right of way.

The land was sold off through various owners in differing sections until I took hold of this part in 1997. Naturally the deeds being newly drawn as sections were sold off from the original and succeeding estates do not carry papers showing the Canal use. Also the Canal companies own papers were destroyed in the Second World War in Liverpool.

My concern in 1997 - was never the use by walkers, ramblers, runners, cyclists, or horse riders (who might risk the river bottom treacherous lower sections towards Sand Hall farm). What was applied for in 1997 was a B O A T - by way open to all traffic. Since then occasional use has been made by reckless idiots in four wheel drive vehicles to enjoy off road driving experiences on this section. At least one such vehicle has been untraceable, untaxed, and doubtless uninsured and left bits of it behind.

I do not know how you have been persuaded to make this application and it concerns me that you have the time and resources and people available so to do - and that you clearly appear to have been duped to support the mischief of others. That you should do this without firstly consulting with those most affected is appalling, insensitive, and a breach of your public duty.

I ask therefore in the first place for copies of all papers relating to this application.

Yours truly,



John S Bank

Anne Taylor –
(Clive Weake Manager Countryside Service)
Highways and Environmental Management
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Date:- 30.12.2008

Dear Anne Taylor,

Definitive Map Modification Order Application No 804/478
Section 53(5) of and Schedule 14 to the Wildlife and Countryside Act 1981
The definitive map and Statement of Public Rights of way for the County of Lancashire.

Thank you for your letter reference HEM/CS/PRW/13/12/AT (VF) 17.12.08

Your letter refers to viewing Parker (Browsholme & Colne) documents held at Preston in the Archives.

Might I offer the following information culled from Maps and The History of Foulridge by Fay Oldland.

The Whitemoor Reservoir at Foulridge was constructed in the 1850s.

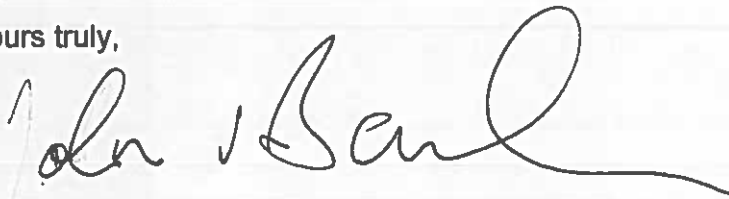
Springfield House was said to be first occupied in 1875.

Prior to 1875 the property existing on the site before Springfield House was called Black Hill Farm and it is likely that it and Long Hill Farm were in the same ownership – that of the Parker family – likely Edward Parker of Alkincoats Hall, Colne.

It seems logical therefore that this land, the concern of the above suggested modification, was subject to agreement with the Canal Company and later sold to Smith Smith of Netherheys Colne (or his brother and sisters the first occupants of Springfield House – Thomas Martin Smith, Mercy Smith and Ida Smith – Thomas Martin Smith actually lived there from 1875-1925) Such agreements and sales likely to have been made from 1850 to 1875 with the Canal Company agreement nearer 1850 and the Smith's purchase nearer 1870.

I hope that this background is of some assistance to you and would be pleased to know of any further information found.

Yours truly,



1850 might be early for Edward Parker – perhaps his father at Browsholme

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(Clive Weake Manager Countryside Service)
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Date:- 20.12.2008

Dear Anne Taylor,

Definitive Map Modification Order Application No 804/478
Section 53(5) of and Schedule 14 to the Wildlife and Countryside Act 1981
The definitive map and Statement of Public Rights of way for the County of Lancashire.

Thank you for your letter reference HEM/CS/PRW/13/12/AT (VF) 17.12.08

I find it difficult to believe it is your duty to dismiss verdicts of Her Majesty's Inspectors or to overturn them silyly without either new laws or some changes taking place - but rather by making applications before consultations with the affected parties simply at the behest of a minority interest group, whatever their influence might be.

I have replied to your legal services and enclose a copy.

Might I assume that you personally are the person responsible for this decision to attempt to subvert the Inspectors decision of 1998?

Yours truly,

You ask for relevant evidence – photos, maps, statements, the location of private signs, you also request maps completed showing my (and my families) ownership of land relative to this matter.

Previously in my letter of December 6th I related how signs were placed in 1997-1998 and that these and the posts they were on were stolen or vandalised frequently, until I gave up replacing them.

You will see from the photos attached the effort I made to ensure the signs remained - such as wire stitching down the centre as attached to the post. Clearly if the vandals and thieves would steal even the post with the sign then that was ineffective.

Photos/prints are attached as follows –

Signs placed at points B & C (your Map point references) marked to the back as document 2

Signs placed at points C & D - (your Map point references) marked to the back as document 3

Signs placed at points D & E - (your Map point references) marked to the back as document 4

Signs – a close up - marked to the back as document 5

A photocopy of the sign itself - marked to the back as document 6

Sign in place today December 2008 at position C (high up to avoid theft) and to each side of Sand Hall -marked to the back as documents 7A and 7B

Your Maps are Attached with my (our) land shown Green

These are marked as documents – 8 – 9 – 10

Correspondence Following the hearing relating to the hearing decision

Letter from a Carole England 28.07.98 – self appointed Bridleways officer for Pendleside Bridleways – an unofficial group of 'friends', with no appointment by or official position to Pendle Council. (My clear antipathy is due to the lies and attempts to mislead in that letter to me) – marked as document 11

Letter to and from Pendle Council establishing that Mrs England was neither a paid nor a voluntary member of the appropriate Pendle Council Services Section – marked as documents 12/12A

My reply to that letter from Mrs England dated 14.9.98 – marked as document 13/13A

This letter of mine of 14.9.98 sets out all matters many of which are repeated in your attempt to overturn the Inspector's decision and concerning this proposed alteration to the Inspector's decision, in drawing attention to those parts of the Inspector's decision that are especially relevant.

Furthermore I repeat as follows from my letter of December 6th –

A look at the stretch referred to in item 2 of your application would reveal that this was a track made by the Canal/Reservoir Company when Whitemoor Reservoir was constructed. The dog leg loop instead of a sensible straight forward track(D to E) was so curved because to the east or right of the track walking towards the road junction was an open sand pit whose material was

used for the reservoir and this track which is made in sufficient width for two sand carts to pass each other (one going down and one returning) was made for the purposes of the Canal Company and was not and had never been a public way.

The public footpath is clearly marked on early maps and is footpath 8. Where this narrows to go behind Springfield House the original stone gate posts are still in the made up wall clearly showing where the gateway for farm cart access was.

This land at the time of the Reservoir construction belonged to the Parker family of Alkincoats Hall Colne and Browsholme Hall near Clitheroe. They supplied the aggregates and permitted extraction from their land and the construction of this section of track. On completion the land and the track were handed back to the Parkers. No good would then be served by stopping the section of track or returning it to fields as at that stage the road system had been changed and improved and there was no use for it. So at no stage was this section as apparent now ever regularly used as a public route or right of way.

The land was sold off through various owners in differing sections until I took hold of this part in 1997. Naturally the deeds being newly drawn as sections were sold off from the original and succeeding estates do not carry papers showing the Canal use. Also some of the Canal companies own papers were destroyed in the Second World War in Liverpool.

Maps prior to the construction of the Canal from 1580 to the end of the 1700s do not show any track from D to E.

There was at the hearing and I have available evidence from Fay Oldland LL.B Past President, Colne and District Local History Society and the recognised authority on the history of Foulridge and Honorary Historian to the Parish of Foulridge

She details that this route was never a highway but was an occupation Road – defined as one 'used entirely by the people of the district and not by travellers passing through'. That pre 1835 maps are contradictory but that there is not a shred of evidence to prove it was an ancient highway. She explains the routes before the canal that were in use and the maps that show them.

The occupation aspect can be seen in that the field walls up to Ball House from point C on your map serve purpose to keep the stock in the fields and above Ball House were created by the Canal Reservoir Company to facilitate the carriage of sand and aggregates to the Reservoir site. So in part this was an occupation road and in part a service road for reservoir construction. The Parish records do not show any expenditure on the route at any time prior to Reservoir construction.

The land belonging now to myself and to the owners of Springfield house was sold by the Parker family to Smith Smith solicitor who built Springfield House prior to the sale of the remainder of their adjoining land holdings by auction on the 31st of July 1899.

Should you not have access to the report of The Planning Inspectorate dated 25th Feb 1998 and reference FPS/2300/7/49 then I do and also hold much of the evidence given at the time.

The Council appear to have consulted with the alleged unofficial Bridleways Association (really perhaps a horse riders self interest group) and not to have consulted with (prior to the application being made) any of the residents or landowners likely to be affected.

This is surely a very partisan and biased approach prior to application being made consulting and deciding to proceed on discussions with simply one self interest group who clearly intend with Pendle Borough Support to "ride roughshod" over those most affected by their claims.

I ask you to reconsider this application and to withdraw it.

Yours truly,

I have today received a reply to my letter of Dec 6 2008 from an Anne Taylor in the Environment Directorate.

She confirms that it is the horse riders and the local Bridleway Group mentioned above who in full knowledge of the Inspector's decision and the same people who had previously raised the issue of the Bridleway at the 1997 hearing - that seek now again to change that ruling.

That this same group intends to raise again the issue in direct and deliberate disobedience to the law as applies to such Inspector's decisions and that it is claimed that the Rights of Way Act of 2000 obliges the Council to support them in their attempt which appears to me as civil disobedience by subterfuge - raises more questions and I ask again who at Pendle Council has put the matter forward - their name please.