

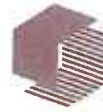
COVERING LIST OF REPRESENTATIONS, OBJECTORS AND SUPPORTERS

**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.11) ORDER 2007**

No.	OBJECTIONS STILL OUTSTANDING	ADDRESS	Page
1	ANTHONY OXLEY and GEOFFREY HOWLEY (new owners – maintaining objection of previous owner/objector – Total Cellar Systems Limited and the Trustees of Total Cellar Systems Limited)	c/o Napthens Solicitors 7 Winkley Square Preston PR1 3JD Ref: MJF/cs/OXL0011	4B
No.	OBJECTIONS WITHDRAWN		
-			
No.	SUPPORTER		
2	Matthew Armstrong	Mr M Armstrong Ivy Cottage Kellet Lane Bamber Bridge Preston PR5 6AN	4S
3	Mr F Peacock	Mr F Peacock Seedlee Cottage Kellet Lane Bamber Bridge PR5 6AN	4U
4	Mr and Mrs R Hunter (Does not wish to be involved due to old age – happy for user evidence to be used)	Mr and Mrs R Hunter 359 Brindle Road Bamber Bridge Preston PR5 6AP	4W
No.	OTHER RESPONSES		
5	Emma Mashiter	Em014p1728@blueyonder.co.uk	4EE

Direct Dial: 01772 904 255
Email: Michael.Fetherstone@naphthens.co.uk
Date: 17th August 2010



naphthens
solicitors

7 Winckley Square
Preston, PR1 3JD
T: 01772 888 444
F: 01772 257 805
E: preston@naphthens.co.uk
W: naphthens.co.uk
DX: 714572 Preston 14



Our Ref: MJF/cs/OXL0011
Your Ref: LSG4/SK/5.28760 (804.454)

F.A.O Saleha Khalid
Lancashire County Council
DX 710928
Preston County Hall

Dear Sirs

Re: Wildlife and Countryside Act 1981 – Part III
Lancashire County Council Definitive Map and Statement of Public Rights of
Way
Definitive Map Modification (No.11) Order 2007
Claimed Public Footpath from Kellet Lane to Ranglet Road, Bamber Bridge,
Borough of South Ribble
Our client: Anthony Oxley and Geoffrey Howley

We refer to your letter dated 29th July 2010 to Messrs G H Lee & Co Solicitors in connection with the matter referred to (a copy of which letter we enclose for information purposes).

Please note that our client acquired the property in question from the Trustees of Total Cellar Systems Ltd Directors Retirement and Death Benefit Scheme and are now the owner of the property in question.

For the moment, we anticipate our client would maintain the objection previously raised but we will take instructions and refer back to you as soon as we can.

Yours faithfully

For Naphthens LLP, Solicitors

Naphthens LLP. Registered office: 7 Winckley Square, Preston, Lancashire, PR1 3JD.
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Regulated by the Solicitors Regulation Authority, Firm No 462103. This firm does not accept service by email

X:\sososdocs\Clients\OXL0011\OXL0011-0001692403 doc



INVESTOR IN PEOPLE

4B

Khalid, Saleha

From: ghleeacb@aol.com
Sent: 10 August 2010 11:40
To: Khalid, Saleha
Subject: Total Cellar Systems Limited - Wildlife and Countryside Act 1981 - Part III

G H Lee & Co

Solicitors

G.H.Lee M.Inst Dir Principal Regulated by the Solicitors Regulation Authority No 96450

THE CROFT, MOSS LANE, LEYLAND, PRESTON. PR25 4SH.

Tel : (01772) 424383 / 421878. Fax (01772) 451061 Mobile : 07836 219663

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Please note that G.H.Lee & Co will not accept service of documents by email and contracts may NOT be concluded on behalf of the firm by email.

Your Ref : LSG4/SK/5.28760 (804.454)

Our Ref: GHL/A8

Lancashire County Council

10th August 2010

Dear Sirs,

Re:- Wildlife and Countryside Act 1981 – Part III

Lancashire County Council Definitive Map and Statement of Public Rights of Way

Definitive Map Modification (No 11) Order 2007

Claimed Public Footpath from Kellett Lane to Ranglet Road, Bamber Bridge, Borough of South Ribble

Our Clients: Total Cellar Systems Limited

Landowners – Trustees of Total Cellar Systems Limited Directors Retirement and Death Benefit Scheme; the Trustees of John Miligan SIPP and the Trustees of the Roy Edward Brown SIPP

We acknowledge receipt of your letter of the 29th July and would inform you that our clients are not prepared to withdraw their objection.

The property number 429 still belongs to the Trustees of the John Miligan SIPP and the Trustees of

10/08/2010

LE

the Roy Edward Brown SIPP.

The property number 468 Ranglet Road has been sold and is now in the ownership and occupation of Preston Beer and we have no doubt that they also will not be prepared to withdraw their objection.

Yours faithfully ,
G. H. Lee.

G H Lee & Co

Solicitors

THE CROFT, MOSS LANE, LEYLAND, PRESTON. PR25 4SH.
Tel : (01772) 424383 / 421878. Fax (01772) 451061
Mobile : 07836 219663

Your Ref: LSG4/prow/JB/804/454

My Ref: GH/A8

Jean Blackledge - Legal Officer,
Lancashire County Council,
DX.710928,
PRESTON COUNTY HALL.



24 January 2008

Dear Madam,,

Re: Wildlife and Countryside Act 1981 - Part III
Lancashire County Council Definitive Map and Statement of Public Rights of Way (Definitive Map Modification) (Number 11) Order 2007
Claimed Public Footpath from Kellet Lane to Ranglet Road, Bamber Bridge, Borough of South Ribble

Further to our letter of the 25th October 2007 and the Order made by the Council on the 5th December 2007 we hereby give notice of objection on behalf of our clients to the Order under reference LSG4/prow/JB/804/454.

We confirm that our clients are the Tenants, Total Cellar Systems Limited and the Landowners who are The Trustees of the Total Cellar Systems Limited Directors Retirement and Death Benefit Scheme; the Trustees of the John Miligan SIPP and the Trustees of the Roy Edward Brown SIPP.

The grounds for objection are as follows:-

1. There is no right of way granted by any legal documentation in respect of the claimed footpath.
2. The right of way shown on the ancient ordnance survey map when the property was merely fields is not in any way related to the claimed footpath or its position.
3. The only basis on which the footpath could have come into being was by a deemed dedication by the owners of the land. There is no documentary evidence whatsoever to support an express dedication.
4. Accepting that the right of way was called into question on or around the 30th June 2006 there is insufficient evidence of user "as of right" for the period 29th June 1986 to the 30th June 2006 being the relevant statutory period of 20 years ("the Relevant Period").
5. There is sufficient evidence that during the Relevant Period there was no intention by the Landowner to dedicate the claimed right of way in particular:-
 - (a) The path has been obstructed annually since 1999 on each Christmas Day and Boxing Day. This obstruction prevented members of the public from using the path.

Principal G H Lee

Regulated by The Solicitors Regulation Authority

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- (b) On at least 15 days in 1997 and 1999 the path was stopped up by one of the utility companies in order that they could carry out works under the path. This stopping up was carried out with the permission of the Landowner.
 - (c) On or around the 30th June 2006 the Landowner erected a sign which clearly indicated to users of the path that there was no intention to dedicate it as a public right of way.
6. In any event since the 30th August 2006 the path has been stopped up by the erection of two fences across its entire width.

With regard to the supporting evidence produced by you from the various witnesses and Claimants the following observations are made:-

1. Michael Hillins

His evidence does not cover the relevant 20 years and in any event he is mistaken as to the route of the path prior to the construction of the industrial estate.

Michael Hillins lives in Bamber Bridge and is employed as a forklift truck driver at Bosal which is situate at a unit on Four Oaks Road at the Walton Summit Industrial Estate.

He alleges that he has used the footpath to go to work for the last 19 years but his residence is to the north of his place of work and the footpath is to the south of his place of work.

It is therefore a nonsense to suggest that he goes past the Bosal works on Four Oaks Road where he is employed, turns left into Kellet Lane and walks back in a westerly direction to arrive at his work for he would have passed his works before he arrived at the footpath. It should also be noted that he is 61 years of age and alleges to have used the footpath with a pram but does not say when he did this.

2. Frank Peacock

His evidence does not cover the required 20 years given that his statement was made on the 3rd August 2006.

Frank is 76 years of age and lives at Seed Cottage, Kellet Lane, Bamber Bridge which is on the market for sale. He alleges that he has used it for a circular walk around his house which is to the east of the footpath.

It is not disputed that he might have made a shortcut onto the estate but it is not the original footpath through the fields before the industrial estate was constructed. When constructing the industrial estate the New Town Commissioners made new roads which allowed pedestrians to use the same in an almost identical manner to the original footpaths shown on the ordnance survey map. These original bridlepaths/footpaths basically followed the lines of the new roads namely Tramway Lane and Four Oaks Road. He could therefore proceed along Tramway Lane and along Four Oaks Road to the other footpath on the estate before emerging again at his house.

Principal G H Lee

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3. James Fairhurst

His evidence does not cover the relevant 20 year period.

James is 53 years of age and states that he uses the same for recreational walks from his house on Brindle Road. He does not live on Brindle Road but lives on Kellet Lane. Again he could use the footpaths on the roads along Tramway Lane, gain access to Four Oaks Road and thus do the circular trip to his house.

He cannot have used the "Claimed" footpath for the last 18 months.

4. Andrea Dove

Her evidence does not cover the relevant 20 year period.

Andrea is aged 60 states that she has used the footpath from 1989 to 2006 for the purpose of dog walking.

5. Mr. & Mrs. R. Hunter

Mr. & Mrs. Hunter are aged 83 and 84 years respectively and they claim that they have used the footpath to catch the bus service to Chorley and the hospital.

Their residence is on Brindle Road, Bamber Bridge and to use the footpath to catch the bus to Chorley is not on the direct route.

The most direct route is down the footpath onto Four Oaks Road immediately in front of their dwelling, along Four Oaks Road until they arrive at Preston Road where they could then catch the bus to Chorley. In any event it is believed that there is a bus service which passes the front of their house.

6. Marie Reed

Her evidence is not clear as to whether it covers the 20 year period from 1986 to 2006.

Marie is aged 49 and resides on Brindle Road. She alleges that she uses the footpath daily as a shortcut to Bamber Bridge.

If she used the footpath as a shortcut to Bamber Bridge then she is going out of her way.

The most direct route for her to Bamber Bridge is through the footpath opposite her dwellinghouse, onto Four Oaks Road, to Preston Road and then into Bamber Bridge along the main highway. Her alternative route is to proceed in a westerly direction away from the footpath along Brindle Road and then into Bamber Bridge.

Her claim therefore that she uses the footpath adjacent to 429 Ranglet Road to go to Bamber Bridge is a nonsense.

Principal G H Lee

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LHI

7. Colin Weston

Colin alleges that he has used the footpath since the "1940's". As a matter of fact he cannot have used the path since the 1940's as it was not constructed until the New Town Commission built the industrial estate.

As has been previously explained the original footpath through the fields and bridleway were in totally different positions and those lines and positions are now where the New Town constructed the roadways known as Tramway Lane and Four Oaks Road.

We enclose a map showing the approx position of the old bridlepaths, the position of the "Claimed Footpath", the position of the Claimant's dwellings and their routes.

It will be noticed that none of them need to use the "Claimed Footpath".

None have or are suffering any hardship due to its closure in August 2006.

No complaints have been received by our Clients since the closure in August 2006

We shall be pleased if you would kindly acknowledge receipt of our objection on behalf of our client and confirm that the matter has been referred to the Inspector on appeal.

No doubt you will advise us as to when the Inspector will hear or determine the appeal against the Order.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'G. H. LEE', with a stylized flourish extending to the left.

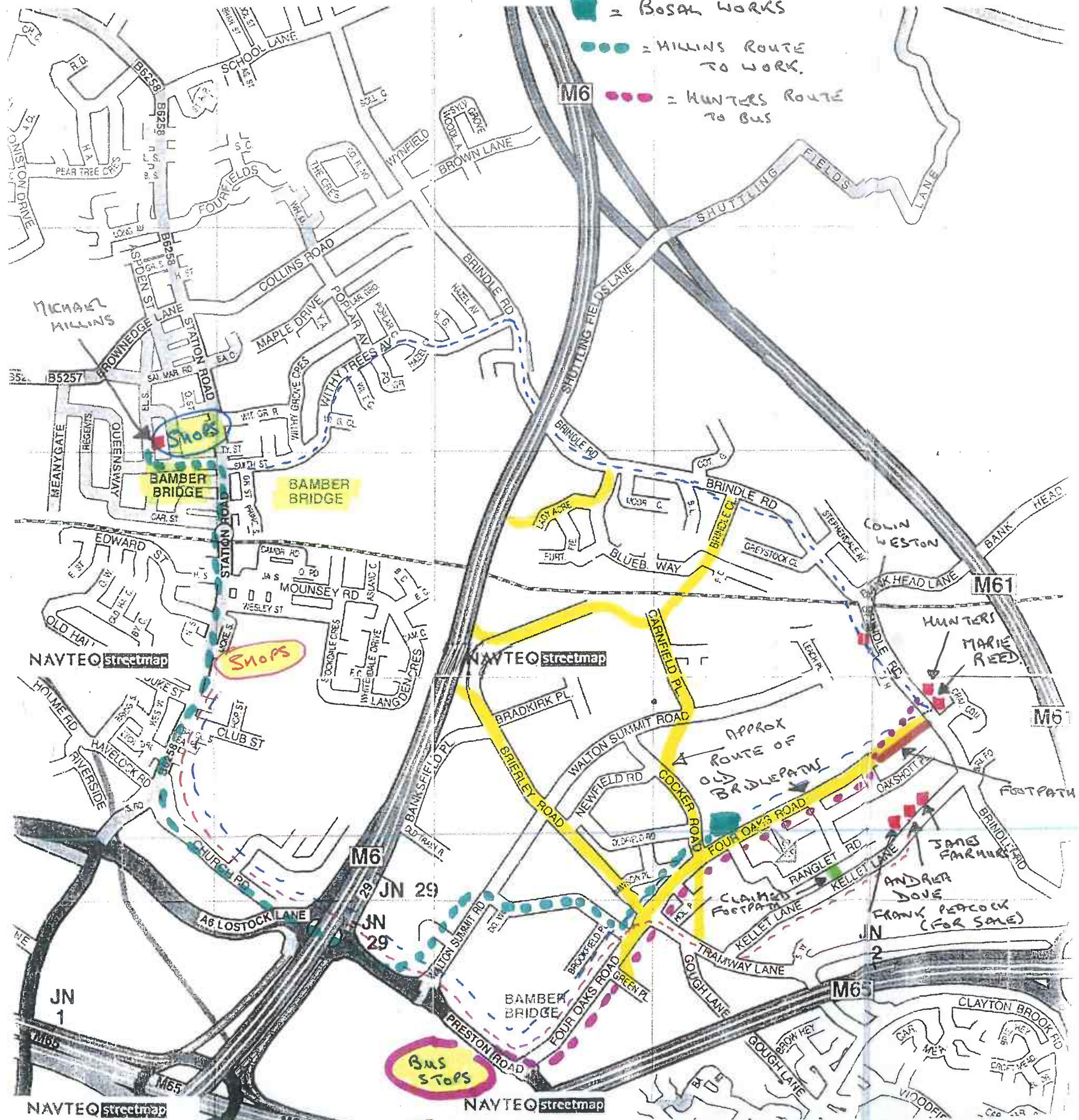
G. H. LEE

Principal G H Lee

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LANCS CC.
 (DEFINITIVE MAP NO.) ORDER 11-2007
 REF LSG/PROV/JB804/454

- = RED ROUTE TO SHOPS
- = DOVE ROUTE TO SHOPS
- = ROUTE OF BRIDLE PATHS
- = BOSAL WORKS
- = HILLINS ROUTE TO WORK.
- = HUNTERS ROUTE TO BUS





dispense engineers to the brewing industry



Ian Fisher
County Secretary & Solicitor
Christ Church Precinct
County Hall
Preston
PR1 8XJ

Unit 468, Ranglet Road
Walton Summit
Bamber Bridge
Preston PR5 8AR

Tel: +44 (0)1772 310310
Fax: +44 (0)1772 310311
www.totalcellar.co.uk
e-mail: preston@totalcellar.co.uk
Reg. in England No. 2505542

10th January 2008

Dear Sirs,

Re: Notice of definitive Map Modification Order

On the 13th December 2007 you issued a notice indicating the Council's intention to modify the Definitive Map and Statement of Public Rights of Way for Bamber Bridge in the Borough of South Ribble. in respect of a pathway running between Kellet Lane and Ranglet Road. Shortly afterwards notices indicating your intentions were published and copies were displayed, presumably by the council, at various points adjacent to the proposed footpath.

We feel it is appropriate to bring to your attention and to the attention of the Lancashire County Council and Lancashire Constabulary certain incidents that have occurred since your notices were displayed. For your information we include photographs of quite deliberate and wilful damage caused to our fence by individuals who obviously believe that the Council have already granted them the right to enter our property even before our appeal is heard. We believe but cannot state with certainty, that the same individual/s may also be responsible for damaging the Company's signage to the front of Unit 429.

We also include a photograph of the recent 'fly tipping' of garden and household waste - including a Christmas tree on our property alongside the proposed footpath. Amongst the rubbish was an envelope with the words 'To our Paper Boy from Rowland & Ada Hunter, 359 Brindle Road, Happy Xmas' hand written on it in blue ink. We have kept the envelope in the event that the police or council wish to follow up the fly tipping.

In June 2007 we printed and displayed notices advising of our intention to exercise our right to fence off our property. Due to vandalism it proved necessary to replace these notices on a regular basis over the two-month period until the land was fenced off on 31st August 2007. You should be aware that your notices too have been torn down and destroyed, possibly by the same illiterate recalcitrant who destroyed our notices.

Yours faithfully

David Asbridge
Human Resources & Utilities Manager

Copied to:

Chief Executive
Lancashire County Council
County Hall
Preston
PR1

Divisional Commander
Lancashire Constabulary
Leyland Police Station
Lancaster Gate
Leyland

4M



LN







2

Mr Matthew John Armstrong
Ivy Cottage
Kellet Lane
Bamber Bridge
Preston
PR5 6AN

LANCASHIRE COUNTY COUNCIL
03 JAN '08
MAIL DIRECT

The County Secretary & Solicitor
Lancashire County Council
County Hall
Preston
PR1 8XJ

30th December 2007

Ref:LSG4/prow/JB/804/454

Dear Sir,

Footpath between Kellet Lane and Ranglett Road – Public Right of Way

I write in support of the proposed order to have the footpath between Kellet Lane and Ranglett Road recognised as a public right of way and added to the definitive map of public rights of way.

My reason for support is based upon the convenience and safety of local pedestrians.

This footpath provides the only access from Kellet Lane onto Ranglett Road and the Walton Summit industrial estate. It has been used by pedestrians going to and from work on the Walton Summit estate.

Whilst the footpath has recently been closed some pedestrians, unwilling to take the longer route, have resorted to breaking through the hedgerow which screens the Walton Summit estate from Kellet Lane.

This practice poses a danger to the pedestrians and motorists who may be unprepared for bodies emerging from the hedgerow directly into traffic travelling along Kellet Lane.

If for no other reason, recognition and restitution of the footpath is essential for safety.

Yours faithfully,



MJ Armstrong

45

Mr F Peacock
Seedlee Cottage
Kellet Lane
Bamber Bridge
PR5 6AN

Re footpath between Kellet Lane and Ranglet Road *Ref L594/PROW/JB/804/454*

Dear Sir or madam,

I write in favour of having the above path kept open, the path has been in existence since the units were established over 30 years ago. My wife and I use it frequently to avoid walking along the roads. I have seen many other people using it and a path has in fact been made through the hedges to replace it though this is difficult to negotiate.

Yours truly

Mr F Peacock

F Peacock



74

3

1 of 3

4

RECEIVED
24 JAN 2008

359 Brindle Road
Bamber Bridge
Preston
Lancs

7th January 2008

MR IAN FISHER

County Secretary, Solicitor

Lancs County Council

CHRISTCHURCH PRECINCT

County Hall

Preston

Lancs

Dear Sir

Re: Ref LSG4/PROW/JB/804/454

Having read in the Public notices dated 13th December 07 of the intention of the Lancs County Council to have the public footpath from Kellet Lane, Bamber Bridge at a point GR.5794.2504 and immediately adjacent to unit 429 Ranglet Road, Bamber Bridge to be added to the definitive map of public rights of way.

Having lived in this area for 60 years plus, may we fully endorse this decision that this needsto be carried out.

May we point out that the original footpath was situated further south west on Kellet Lane and was changed by Central Lancs Corporation to accommodate business units that were planned for Walton Summit.

This original footpath also met up with the footpath from Brindle Road (GR No. not known) and carried through to Bamber Bridge village.

Surely a footpath that has been in existence as we remember all these years cannot be closed as it has been done by a business unit. ?

Yours faithfully

Rosland Hunter & A. Hunter

Mr & Mrs R Hunter

On behalf of the residents of Kellet Lane and Brindle Road who fully agree that this footpath needsto be reinstated.

SIGNATURES OVERLEAF.

4w

W. Montel	359 Brindle Road
A. Hunter	359 Brindle Rd.
S. B. Eddange	Jay House Farm Killet Lane.
W. P. H. H.	86 Wemy Trees Ave
P. Thompson	12 Stephendale CVO
A. Tind	29, Stephendale Ave. BB.
J. P. Tracy	365 Brindle Road
E. A. Buckland	367 Brindle Rd.
L. Buckland	367 Brindle Rd.
S. F. Edis	9, Spring-Stock Ch.
M. Hough	358, Brindle Rd.
J. S. Inedale.	10 Stephendale Ave., B. B.
J. Inedale	10 Stephendale Ave.
H. Hunter	8 -do-
J. Trace	21 -do-
D. Trace	— " —
A. Foot	25, STEPHENDALE.
K. Foot	25 " "
P. R. James	30 STEPHENDALE AVE.
F. Norris	" "

P.T.O

4x

✓ Barnes	363 BRINDLE ROAD	BB
M.A. Barnes	363 BRINDLE ROAD	BB
S. Toef	363 BRINDLE ROAD	BB
S.E. Barnes	363 BRINDLE RD	BB
L. Lye	369 BRINDLE RD	B/B
D. Howard	LINDEN LANE	KELLET LANE
Mrs. Howard	LINDEN LANE	KELLET LANE
E. W. West	396 BRINDLE ROAD	BB
A. M. Weston	396 BRINDLE ROAD	BB
Paul Reed	371 Brindle Rd	PR56AP
Marie Reed	" " " "	" " " "
Andrea Dove	15 Kellet Lane	PR56AN
T. H. Dove	" " " "	" " " "
MRS. Peacock	seed lee cottage	Kellet Lane PR56AN
F. Peacock	" " " "	" " " "
Wilson Fairhurst	Thornlea Cottage	Kellet Lane PR56AN
Jim Fairhurst	" " " "	" " " "
Pauline Tomson Anderson	SEED LEA FARM BRINDLE RD.	BAMBER BRIDGE PR56AP
John " "	" " " "	" " " "
GRAHAM WALSH	402 Brindle Road	BAMBER BRIDGE PR56AP
DAVID O'GRADY	383 BRINDLE ROAD	BAMBER BRIDGE
Daniel Anderson	SEED LEE BUNGALOW	BRINDLE RD BAMBER BRIDGE
M. Lynn Clements	BRACKEN LODGE	KELLET LN B/B BRIDGE
S. Clements	" " " "	" " " "
M. Burridge	3 Ivy House Close	Kellet Lane Bamber Bridge
P. WATERFIELD	1 IYV HOUSE CLOSE	KELLET LANE BAMBER BRIDGE

11
MR & MRS R. Hunter
359 Brindle Road
Bamber Bridge
Nr Preston
Lancs



PRS. 6AD

2/4/2010

Dear Blackleage

Legal Officer
County Hall Preston.

Dear Madam

Ref No LSG4/PROV/SB/804/454A

Re your letter dated 5th 2008
Public Footpath from Kew Lane to
Ranglet Road, Bamber Bridge.

I have now found a map in
which has been in my possession.
Since Walton Idunnet is new town
came here. So this prove that the
Existing adopted footpath has been
in place approx 1992. ?

P.T.O Page 2

Page 2

Once again this is proof
that the footpath was and
has been in existence for
many years, and needs to be
Reopened Reopened.

The footpath has been
closed since Feb 2008, can
this be overturned??

Yours sincerely
R. Muntel.

5

Khalid, Saleha

From: Khalid, Saleha
Sent: 26 January 2010 11:18
To: 'em014p1728@blueyonder.co.uk'
Cc: Falcone, Paul
Subject: FW: Ranglet Road
Attachments: 804454[1].pdf

Dear Emma,

I apologise for the delay in reverting to you on this matter.

As you will see from the attached claim form, this application relates to a claimed addition of a footpath from Kellet Lane to Ranglet Road, Walton-le-dale, South Ribble and not a deletion.

The claim was accepted by the Regulatory Committee, however when the Order was made objections were raised and therefore the Order requires referral to the Secretary of State for formal determination.

I trust this clarifies matters.

Regards

Saleha
Saleha Khalid - Paralegal
County Secretary & Solicitors Group
Tel: (01772) 533427
DX 710928 PRESTON COUNTY HALL
www.lancashire.gov.uk

From: Emma Mashiter [mailto:em014p1728@blueyonder.co.uk]
Sent: 07 January 2010 12:19
To: Khalid, Saleha
Subject: Fw: Ranglet Road

Following on from my query regarding the blocked access on the path from Kellet Lane to Ranglet Road, please could you explain why this path 'is undergoing a deletion' and what this means?

Thanks
Emma Mashiter

From: Falcone, Paul
Sent: Thursday, January 07, 2010 10:29 AM
To: em014p1728@blueyonder.co.uk
Subject: Ranglet Road

The path in question is undergoing a deletion.

If you want further details please contact

Saleha Khalid
01772 533427

26/01/2010

LEE

saleha.khalid@lancashire.gov.uk

Hope this is helpful

Paul Falcone

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Lancashire, a place where everyone matters
