

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
ADDITION OF FOOTPATH FROM HODDER STREET, ACCRINGTON
DEFINITIVE MAP MODIFICATION ORDER 2022**

No.	OBJECTIONS STILL OUTSTANDING	ADDRESS
1	Mrs Nicola Fielden	Manor House Farm Moor Lane Wiswell BB7 9DG nicola@speechtherapy-children.co.uk
2	Mr John Jackson	Bramley Farm House Clerk Hill Road Wiswell Clitheroe BB7 9FQ john.jackson@flowxo.com C/O Richard Buxton Environmental and Public Law 19B Victoria Street Cambridge CB1 1JP acopithorne@richardbuxton.co.uk
3	Byways and Bridleways Trust	57 Bowers Mill Barkisland Halifax HX4 0AD notices@bywayandbridleway.net notices@bywaysandbridlewaystrust.org.uk
No.	OBJECTIONS WITHDRAWN	
-		
No.	SUPPORTER	
-		

No.	OTHER RESPONSES	
1	Clerk to the Council Wiswell Parish Council	14 Longridge Road Chipping Preston Lancashire PR3 2QD clerk@wiswellpc.org.uk
2	Atkins Global	osm.enquiries@atkinsglobal.com

From: nicola@speechtherapy-children.co.uk
To: [Blundell, Claire](#)
Subject: RE: LSG4.CB7.5.54316(804.565) Wiswell 8
Date: 22 November 2017 08:08:04

Dear Ms Blundell

We wish to retain the existing public right of way including for motor vehicles, horses, bikes, walkers etc. This is important for us so that we can gain access to our land from both ends of the highway (there is no private access arrangement.) Indeed it is easier from the Sabden end rather than via our own land so this is important to us. My understanding is that you have not provided any evidence that this ceased to be a highway as stated in the LCC 1984 letter. Regrettably therefore we will need to object – please can you tell us how to do this.

We believe that this is a waste of everyones time because I had pointed out in our original submissions this is ALREADY a highway for the purposes which Mrs Stanworth requested it be marked and there is no need for any change.

Thank you for your help.

Nicola Fielden (Mrs)

From: Blundell, Claire [mailto:Claire.Blundell@lancashire.gov.uk]
Sent: 21 November 2017 11:09
To: 'nicola@speechtherapy-children.co.uk' <nicola@speechtherapy-children.co.uk>
Subject: RE: LSG4.CB7.5.54316(804.565) Wiswell 8

Hi Nicola,

Further to our conversation this morning I have spoken with the Public Rights of Way officer dealing with matter. She confirms that your that private rights of vehicular access are unaffected by the Order.

In light of this please can you let us know whether you wish to sustain or withdraw your objection?

Kind Regards,

Claire Blundell

Paralegal Officer

Legal and Democratic Services

Lancashire County Council

Telephone 01772 533196

Email claire.blundell@lancashire.gov.uk

From: nicola@speechtherapy-children.co.uk [<mailto:nicola@speechtherapy-children.co.uk>]
Sent: 21 November 2017 08:30
To: Blundell, Claire <Claire.Blundell@lancashire.gov.uk>
Subject: RE: LSG4.CB7.5.54316(804.565) Wiswell 8

Dear Ms Blundell

I have just tried to speak to you on the phone. It would be good to speak – our understanding is that if the route becomes a restricted byway it will prevent vehicular access. This makes it difficult to gain access to part of our land which we wish to retain from one end of the unadopted highway. There is no need for this order, as I stated on my submissions at the outset, as it is already an unclassified county road which already allows for foot, bicycle and horses.

I look forward to hearing from you as soon as possible.

Nicola Fielden (Mrs)

From: Blundell, Claire [<mailto:Claire.Blundell@lancashire.gov.uk>]
Sent: 21 November 2017 08:00
To: 'Nicola Fielden' <nicola@speechtherapy-children.co.uk>
Subject: RE: LSG4.CB7.5.54316(804.565) Wiswell 8

Dear Mrs Fielden,

Although we have historical records showing the route recorded as an unclassified county road it no longer shows up as such on the List of Streets and we have no record of why.

The List of Streets records public maintainability but not what class/type of user may use a route.

The Order made by the County Council will record the public rights to use the route as being limited to non-mechanically propelled vehicles (as well as on foot, bicycle and horseback). Because of the history of the route the fact that it is publicly maintained will not be affected or altered by the Order.

I hope this helps.

Kind Regards,

Claire Blundell

Paralegal Officer

Legal and Democratic Services

Lancashire County Council

Telephone 01772 533196

Email claire.blundell@lancashire.gov.uk

From: Nicola Fielden [<mailto:nicola@speechtherapy-children.co.uk>]

Sent: 20 November 2017 14:32

To: Blundell, Claire <Claire.Blundell@lancashire.gov.uk>

Subject: Re: LSG4.CB7.5.54316(804.565) Wiswell 8

Dear Ms Blundell

Thank you for your prompt response... it would help us to make a decision about whether we object or not if you could give us the information as to what is the difference legally and in practical terms between the two types of right of way.

We look forward to hearing from you.

With thanks

Nicola Fielden

Sent from my iPhone

On 20 Nov 2017, at 2:12 pm, Blundell, Claire <Claire.Blundell@lancashire.gov.uk> wrote:

Dear Mrs Fielden,

Thank you for sending copy of letter.

Recording the route as a Restricted byway will not alter our maintenance responsibility.

Please could you confirm whether or not you intended to object to the Order?

Kind Regards,

Claire Blundell

Paralegal Officer

Legal and Democratic Services

Lancashire County Council

Telephone 01772 533196

Email claire.blundell@lancashire.gov.uk

From: nicola@speechtherapy-children.co.uk [<mailto:nicola@speechtherapy-children.co.uk>]

Sent: 20 November 2017 12:25

To: Blundell, Claire <Claire.Blundell@lancashire.gov.uk>

Subject: RE: LSG4.CB7.5.54316(804.565) Wiswell 8

Dear Ms Blundell,

As requested, please find attached a copy of the Letter from 1984 which offers clarification to the previous occupant of Manor House Farm as to the road status.

Kind regards,

Lindsay Metcalfe

P.A.

Nicola M Fielden (Mrs)

Speech & Language Therapist

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From: Blundell, Claire [<mailto:Claire.Blundell@lancashire.gov.uk>]

Sent: 20 November 2017 10:47

To: 'Nicola Fielden | Speech Therapy Children' <nicola@speechtherapy-children.co.uk>

Subject: RE: LSG4.CB7.5.54316(804.565) Wiswell 8

Dear Mrs Fielden,

Further to our previous correspondence, we have now been in contact with Mr Harvey Danson (LCC Highways). Unfortunately he cannot locate your correspondence and documents which you provided to him. We were hoping you may still have copies that you could please send so that we may add them as evidence to our file?

Kind Regards,

Claire Blundell

Paralegal Officer

Legal and Democratic Services

Lancashire County Council

Telephone 01772 533196

Email claire.blundell@lancashire.gov.uk

From: Nicola Fielden | Speech Therapy Children [<mailto:nicola@speechtherapy-children.co.uk>]

Sent: 08 November 2017 09:44

To: Blundell, Claire <Claire.Blundell@lancashire.gov.uk>

Subject: RE: LSG4.CB7.5.54316(804.565) Wiswell 8

Dear Ms Blundell

I last corresponded with Mr Harvey Danson Senior Engineer and sent the paperwork and letters to him that clearly stated LCC's responsibilities on the order route.

Lancaster and Ribble Valley Districts

Lancashire Highway Services

Lancashire County Council

Tel: 0845 053 0011

CustomerServiceNorth@lancashire.gov.uk

www.lancashire.gov.uk

He arranged for the drains and soughs installed by Lancashire CC to be cleared etc.

Prior to that I had communicated with the office in Whalley.

Thank you for your assistance.

Nicola Fielden

From: Blundell, Claire [<mailto:Claire.Blundell@lancashire.gov.uk>]

Sent: 08 November 2017 09:01

To: 'Nicola Fielden | Speech Therapy Children' <nicola@speechtherapy-children.co.uk>

Subject: RE: LSG4.CB7.5.54316(804.565) Wiswell 8

Dear Mrs Fielden,

Further to my email of Monday 6th November, please could you explain exactly which drains are maintained and whether they are on the Order route or on the tarmac section of Moor Road?

I attach a copy of the order plans and ask if you could please mark-up which drains have been maintained and how frequently they are done?

Could you also tell us who maintained/s them?

Kind Regards,

Claire Blundell

Paralegal Officer
Legal and Democratic Services
Lancashire County Council
Telephone 01772 533196
Email claire.blundell@lancashire.gov.uk

From: Nicola Fielden | Speech Therapy Children [<mailto:nicola@speechtherapy-children.co.uk>]
Sent: 27 October 2017 08:53
To: Blundell, Claire <Claire.Blundell@lancashire.gov.uk>
Subject: LSG4.CB7.5.54316(804.565)

Dear Ms Blundell

My husband has received information on an Order in relation to the Unadopted Highway running through our land. Please can you specifically clarify the following point as we may wish to make an objection:

Does the Order to make this path into a Restricted By way rather than the Unadopted highway that it was previously lessen Lancashire County Council's maintenance and other responsibilities? In what other ways (both legally and practically) is a restricted by way different from an unadopted highway?

We look forward to a definitive answer as soon as possible as currently Lancashire County Council maintain the drains/suphs on the track which are crucial to highway and flood management in Wiswell and down to Whalley.

I look forward to hearing from you.

Nicola Fielden (Mrs)

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7 JM

EA AP 1134

Lancashire County Council



H L Yeadon BScTech FEng FICE FIMunEFIHE
County Surveyor and Bridgemaster
PO Box 9 Guild House Cross Street Preston PR1 8RD

R J D Dodgson
Regional Secretary
Country Landowners Association
Gurnel Beck
Millside
Witherslack
GRANGE-OVER-SANDS
Cumbria
LA11 6SG

Please ask for	Preston(0772)	Yourref	Ourref	Date
Mr. G.A.Alker	264567		D.38/3/97	29th March 1984

Dear Sir,

D.L. LEES ESQ., MANOR HOUSE FARM, WISWELL, NR. WHALLEY

Thank you for your letter concerning the recent correspondence I have had with Mr. Lees regarding the status of the track at the top of Moor Lane, Wiswell.

To help resolve any confusion that may remain over the status of this track I enclose a plan which indicates Moor Lane and its continuation coloured brown and would confirm that the entire length thus coloured is shown on my records as being an unclassified county road, numbered 4/84. This means that the route is a public right of way for all classes of traffic and that the maintenance responsibility rests with the County Council as Highway Authority. I would stress, though that this responsibility only extends to maintenance required as a result of the routes predominant present day public use, which I understand is primarily as a footpath and bridleway.

I regret the initial confusion that was caused by my original reply and trust that this matter has now been clarified to your satisfaction. However, should you require any further information on this matter please do not hesitate to contact me.

Yours faithfully,

H L Yeadon

RICHARD BUXTON

ENVIRONMENTAL & PUBLIC LAW

19B Victoria Street
Cambridge CB1 1JP

Tel: (01223) 328933

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www.richardbuxton.co.uk

law@richardbuxton.co.uk

The Director of Governance, Finance and Public Services
Lancashire County Council
PO Box 78
County Hall
Preston
PR1 8XJ

Also by email: prow@lancashire.gov.uk

Your ref: LSG4/PROW/CB7/5.54316

Our ref: JAS1-001/AC

Email: acopithorne@richardbuxton.co.uk

7 December 2017

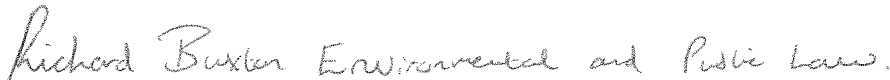
Dear Sirs

**Designated Map Modification Order ("DMMO") Objection:
Restricted Byway from Clerk Hill Road to Moor Lane**

We are instructed to write to you on behalf of our client Mr John Jackson who resides at Bramley Farm House, Clerk Hill Road, Wiswell, Clitheroe, BB7 9FQ, to object to the above DMMO dated 4 October 2017.

Please find the objection enclosed for your attention.

Kind regards


Richard Buxton Environmental and Public Law

WILDLIFE AND COUNTRYSIDE ACT 1981

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

**THE LANCASHIRE COUNTY COUNCIL
(RESTRICTED BYWAY FROM CLERK HILL ROAD TO MOOR LANE,
WISWELL, RIBBLE VALLEY)
DEFINITIVE MAP MODIFICATION ORDER 2017**

1. The user evidence in the case is almost exclusively of use on foot and on horseback.
2. The order making authority (**OMA**) prepared a report (**the Report**) for its Regulatory Committee's meeting on 16/11/2016 recommending that the Definitive Map and Statement (**DMS**) be modified by showing the route depicted on the order map (**the Order Route**) as a restricted byway (**RB**).
3. The Explanatory Statement relevant to the above-mentioned order (**the Order**) states that "*the evidence on which the Council has make (sic) the order is as follows: Inclosure Award, Ordnance Survey Maps, Aerial Photographs, Finance Act evidence and user evidence*".
4. The user evidence adduced by the applicant for the Order (**the Applicant**) does not support vehicular status for the Order Route and there is nothing in the Report to indicate that the OMA relied on the user evidence to reach its conclusion.
5. The Inclosure Award of 1780 does not support vehicular status for the Order Route either, as the OMA itself concluded when analysing that Award in the Report (pp 41 - 43). The Explanatory Statement implies that the Inclosure Award supports vehicular status for the Route when in fact it does not.

6. There is nothing in any OS map relied on by the SA which expressly or impliedly supports an inference that the Order Route carried rights for vehicles, contrary to what the Explanatory Statement implies.

7. The Objector puts the OMA to strict proof that the colouring on the Finance Act map and descriptive material in the Field Book analysed in the Report support the existence by the time of the Finance Act of vehicular rights over the Order Route. The Objector contends that the Finance Act material is, at best, equivocal and, in relation to certain stretches of the Order Route, points away from there being public rights over the Order Route higher than footpath.

8. The Report's analysis of the FA materials divides into three sections.

Page of Report	Parcel No on OS map	Order Route letters	Report Analysis
53, 54, 55	583	A-F	Deduction claimed limited to footpaths
53, 54, 56	439	F-G	<i>“Not possible to be certain that the [Order Route] is the ‘highway’ referred to”</i> (Report p 56)
-	-	G-H	Not analysed
54-57	438	H-J	According to the Report at p 55, the Field Book entry states that there is a <i>“highway”</i> which <i>“passes through the far pasture on the east”</i> . H-J is shown on the OS base map used for

			the valuation as an unfenced track adjacent to a wall on the western side. <i>“The description in the Field Book of the unfenced highway through the far pasture on the east is consistent with the route under investigation”</i> (Report, p 57)
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9. The Objector notes the very cautious language in the Report (*“not possible to be certain”*, *“consistent with”*) in relation to sections F-G and H-J cited above and the lack of any evidence in relation to section A-F linking the deductions claimed to the Order Route. Section G-H is not analysed at all. The Report itself acknowledges (at p 81) that *“the status of unclassified road is not conclusive of vehicular rights but taken in [the context of the DMS processes of the 1950s and 1980s described earlier] is suggestive (sic) of carriageway status”*.

10. The FA process apparently preceded the decision, whenever it was, to describe the Order Route as an unclassified county road 4/84. No other evidence appears to exist which might have informed that decision. The designation of a way as an unclassified county road is said to indicate that the route must have been *“considered to be a public all purpose road”* (Report, p 65) during the process of preparing the first definitive map and statement (DMS) in the 1950s.

11. The Handover Map from 1929 or one derived from that is said (Report, p 76) to have given the Order Route the reference 4/84 and to have recorded it as publicly maintainable (Report, p 76). Presumably the description of the Order Route as an unclassified county road derived from the same source. But *“handover maps did not have the benefit of any sort of public consultation or scrutiny”* (Report p 72). The FA materials are at best equivocal as to whether the Order Route was regarded post-1910 i.e. during the FA process as a public vehicular highway (**pvh**). The Report does not in terms identify any documentary evidence which was taken into account by the person (also unidentified) who decided to describe the Order Route as an unclassified county road on the Handover Map.

12. The Objector submits in the circumstances that the Handover Map or map derived from it does not itself establish public vehicular status for the Order Route to the civil standard. No other evidence analysed in the Report lends support to the OMA's conclusion that the Order Route was in the past correctly regarded as a pvh.
13. The extended consideration in the Report at pp 72, 76-79 of whether the Order Route was a publicly maintainable pvh is itself thoroughly equivocal. The Report rightly acknowledges (at p 72) that the inclusion of a road on the list of streets maintained under section 36(6) HA 1980 does not "*determine whether it is a highway or not*".
14. In any event, the Order Route was deliberately removed from the County Council's digitised list of streets, in circumstances and/or for reasons the OMA has been unable to determine. As a result, "*the application route from point K through to point A is not shown as being publicly maintainable on the digitised records.*" (Report, p 77). In any event, as a matter of law, the inclusion of a route on the list of publicly maintainable streets is consistent with the route having a lesser public status than that of a pvh.
15. The Objector reserves the right to make further representations in support of his objection once he has been able to analyse in detail all the relevant documents bearing on the status of the Order Route.
16. The Objector requests that the Order be not confirmed.

George Laurence QC
Lincoln's Inn

Byways and Bridleways Trust

57 Bowers Mill Barkisland Halifax HX4 0AD
E mail: notices@bywayandbridleway.net

The Director of Governance, Finance and Public Services,
Lancashire County Council,
PO Box 78,
County Hall,
Preston,
PR1 8XJ

Your ref: LSG4/PROW/CB7/5.54316

26 January 2018

Dear Sir

Re: The Lancashire County Council Restricted Byway from Clerk Hill Road to Moor Lane, Wiswell, Ribble Valley Borough. Definitive Map Modification Order 2017

On behalf of the Byways and Bridleways Trust, I object to this order as made.

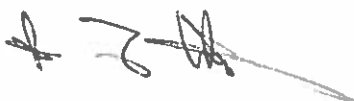
In our view the whole of Moor Lane and the order route continuation is an historical public vehicular road. Moor Lane, as far as the frontage of Sheep Cote Farm, is a metalled public vehicular highway. As you know, a footpath diversion order made by the District Council diverted Footpath 8 so that it ran along part of Moor Lane, past Sheep Cote Farm, up to and through the Moor Gate, and along what is now your order route, K-J-I.

The effect of s.67(1) of the Natural Environment and Rural Communities Act 2006 is to extinguish the public right of way with mechanically propelled vehicles along that part of Moor Lane where Footpath 8 overlies the road. Your order, as made, deals with this situation as regards K-J-I, but not as regards the metalled portion of Moor Lane, heading in the direction of Wiswell.

The historical evidence of status is the same for the order route as it is for Moor Lane itself, and the outcome of your order as drafted, if confirmed, is that Moor Lane will in 2026 be broken as a through-route. It will be: county road - footpath - restricted byway, thus denying through passage to equestrians and cyclists.

The remedy is to ask the Secretary of State to modify the order to extend the restricted byway north-westwards beyond point K for the whole distance that Footpath 8 overlies Moor Lane.

Yours faithfully



R Halstead
Byways and Bridleways Trust

E mail: notices@bywayandbridleway.net

Communication by email is preferred

From: [Victoria Wilson](#)
To: [Brindle, Megan](#)
Subject: Your reference: LSG4/MB3/5.54316/MB3
Date: 15 August 2016 12:31:56

Dear Ms Brindle

**Addition of public bridleway and upgrading of parts of public footpaths 8 & 23
Wiswell from public bridleway 21 Sabden (Clerk Hill Road) to Moor Lane, Wiswell**

Wiswell Parish Council has considered the information contained in your letter dated 27th July 2016 regarding the above application and welcomes the addition of the public bridleway and upgrades to the condition of the existing public footpaths in the area. It is pleased that the status of these paths can be clarified.

Yours sincerely

*Mrs Victoria Wilson
Clerk to Wiswell Parish Council*

*Address: Kemple View, Pendleton Road, Wiswell, Clitheroe, Lancs, BB7 9BZ
Tel: 07518 140520
Email: wiswellparishcouncil@gmail.com*

From: [Khandke, Harshita](#)
To: [Blundell, Claire](#)
Subject: No Objection: Modification Order: Clerk Hill Road to Moor, Wiswell, Ribble Valley
Date: 27 October 2017 09:20:47
Attachments: [image001.jpg](#)
[Scan-to-Me from 10.30.13.203 2017-10-26 130910.pdf](#)

Dear Sirs,

New Roads and Street Works Act 1991

Stopping Up Order / Footpath Diversion / Extinguishment / Gating Order

No Objection

We refer to the below or attached order and confirm that we have no objections

Please email Stopping Ups to osm.enquiries@atkinsglobal.com

To enable us to process your application as quickly as possible, please ensure you include Grid References.

A copy of the Cable and Wireless process 4461 'Special Requirements relating to the external plant network of Cable and Wireless UK Services Ltd' is available on request. The process provides guidance on working in the vicinity of Cable and Wireless's apparatus.

IMPORTANT - PLEASE READ = Your Next Step?:-

Where apparatus is affected and requires diversion, please send all the scheme related proposals that affects the Vodafone Network to c3requests@vodafone.com with a request for a 'C3 Budget Estimate'. Please ensure you include a plan showing proposed works. (A location plan is insufficient for Vodafone to provide a costing). These estimates will be provided by Vodafone directly, normally within 20 working days from receipt of your request. Please include proof of this C2 response when requesting a C3 (using the 'forward' option). Diversionary works may be necessary if the existing line of the highway/railway or its levels are altered.

Kind regards

Plant Enquiries Team

T: 01454 662881

E: osm.enquiries@atkinsglobal.com

ATKINS working on behalf of Vodafone: Fixed



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From: Nimo.Hussein@atkinsglobal.com [mailto:Nimo.Hussein@atkinsglobal.com]

Sent: 26 October 2017 18:40

To: Hussein, Nimo <Nimo.Hussein@atkinsglobal.com>

Subject: Modification Order: Clerk Hill Road to Moor, Wiswell, Ribble Valley

Name of Requester:	Claire Blundell
Name of Company:	Lancashire County Council
Requester Reference:	LSG4.CB7.5.54316 (804.565)
Email Address:	Claire.blundell@lancashire.gov.uk
Site Location Address:	Clerk Hill Road to Moor, Wiswell, Ribble Valley
Telephone Number:	01772533196

Nimo Hussein

Utility coordinators Utility Solutions - Infrastructure

ATKINS

Find out more about what we do and how we do it – www.atkinsglobal.com

The Hub, 500 Park Avenue, Aztec West, Bristol, BS32 4RZ | Tel: +44 1454 662881 |

Email: nimo.hussein@atkinsglobal.com | Web: www.utilitymanagementsolutions.co.uk

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