

804/547

Ms Megan Brindle
Paralegal
County Secretary and Solicitor's Group
PO Box 78
County Hall
Preston
PR1 8XJ

18th Feb. 2015

Your Ref.: LSG4/MB3/5.49999/MB3



Dear Megan,

Re: Claimed Upgrading To Bridleway (footpaths 252/208)

Further to your letter of 4th February, please now find enclosed the map marked to show our land ownership as you request.

Footpath 252 is, in fact, the driveway to our neighbour's property, Gindles Lodge and I am sure that this is not intended to form part of the upgrade to bridleway status.

If I can be of further assistance then please let me know.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read "Antony Spencer".

Antony Spencer
Gindles Farm
Sales's Lane
Walmersley
Bury
Lancs
BL9 6TH

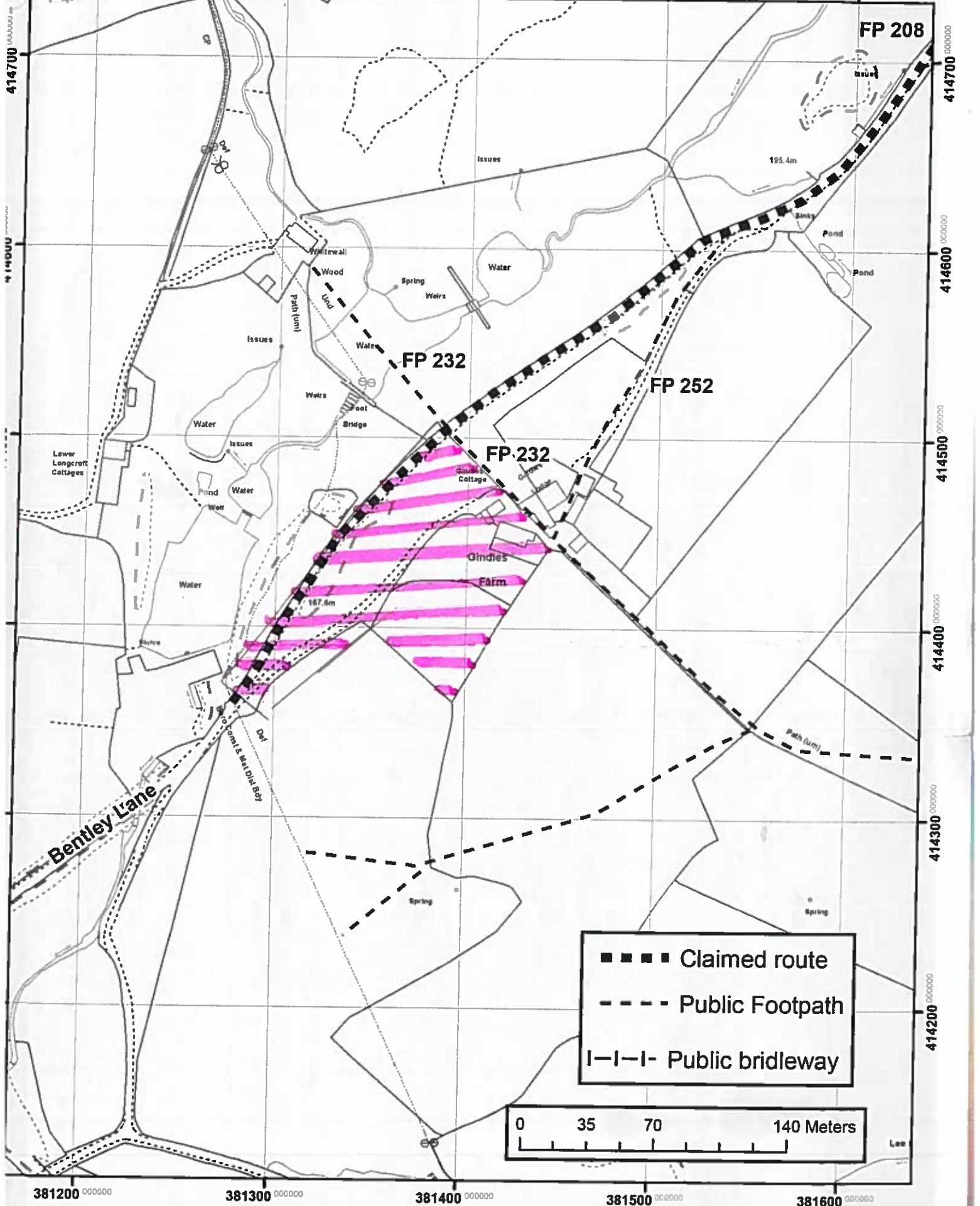
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ncashire
 county council
 Jo Turton
 Executive Director
 for the Environment

**Claimed upgrading of Footpath 208 Ramsbottom (Sales Lane) from Footpath 207 Ramsbottom (Buckhurst Road) to County Boundary at junction with Bentley Lane.
 Claimed upgrading of Footpath 245 Ramsbottom from Footpath 208 Ramsbottom to Brideway 206 Ramsbottom**

1:2,500

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Anthony Spencer
Gindles Farm
Sale's Lane
Bury
Lancashire
BL9 6TH

Phone: 01772 535604
Email: megan.brindle@lancashire.gov.uk

Your ref:
Our ref: LSG4/MB3/5.49999/MB3
Date: 12 August 2015

Dear Sirs

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

**CLAIMED UPGRADING OF FOOTPATH 208 RAMSBOTTOM (SALES LANE) FROM
FOOTPATH 207 RAMSBOTTOM (BUCKHURST ROAD) TO COUNTY BOUNDARY
AT JUNCTION WITH BENTLEY LANE.
CLAIMED UPGRADING OF FOOTPATH 245 RAMSBOTTOM FROM FOOTPATH 208
RAMSBOTTOM TO BRIDLEWAY 206 RAMSBOTTOM**

Further to your letter dated 18th February 2015, please firstly let me apologise for the
delay in responding to your letter.

I can confirm that Public Footpath 252 has not been affected by this claim, the areas
marked on the plan which I have highlighted for ease reference are what is affected by
this claim.

I hope this information is of use.

Yours faithfully



Megan Brindle
Paralegal

Please quote our full reference number on all correspondence

Mr G E Roberts, Mrs C Roberts,
Mr G J Roberts, Miss G Roberts
Sales's Farm
Walmersley
Bury
Lancashire
BL9 6TH
9th April 2015

Dear Sirs,

Your Ref: LSG4/MB3/5.49999/MB3

**WILDLIFE & COUNTRYSIDE ACT 1981 PART III CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER
CLAIMED UPGRADING TO BRIDLEWAY OF PUBLIC FOOTPATH NOS. 245 AND 208, BOROUGH OF
ROSSENDALE**

We write with our objection to recent correspondence received regarding the above proposal to upgrade footpaths 245 and 208 to bridle paths.

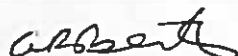
Our objections are outlined below.

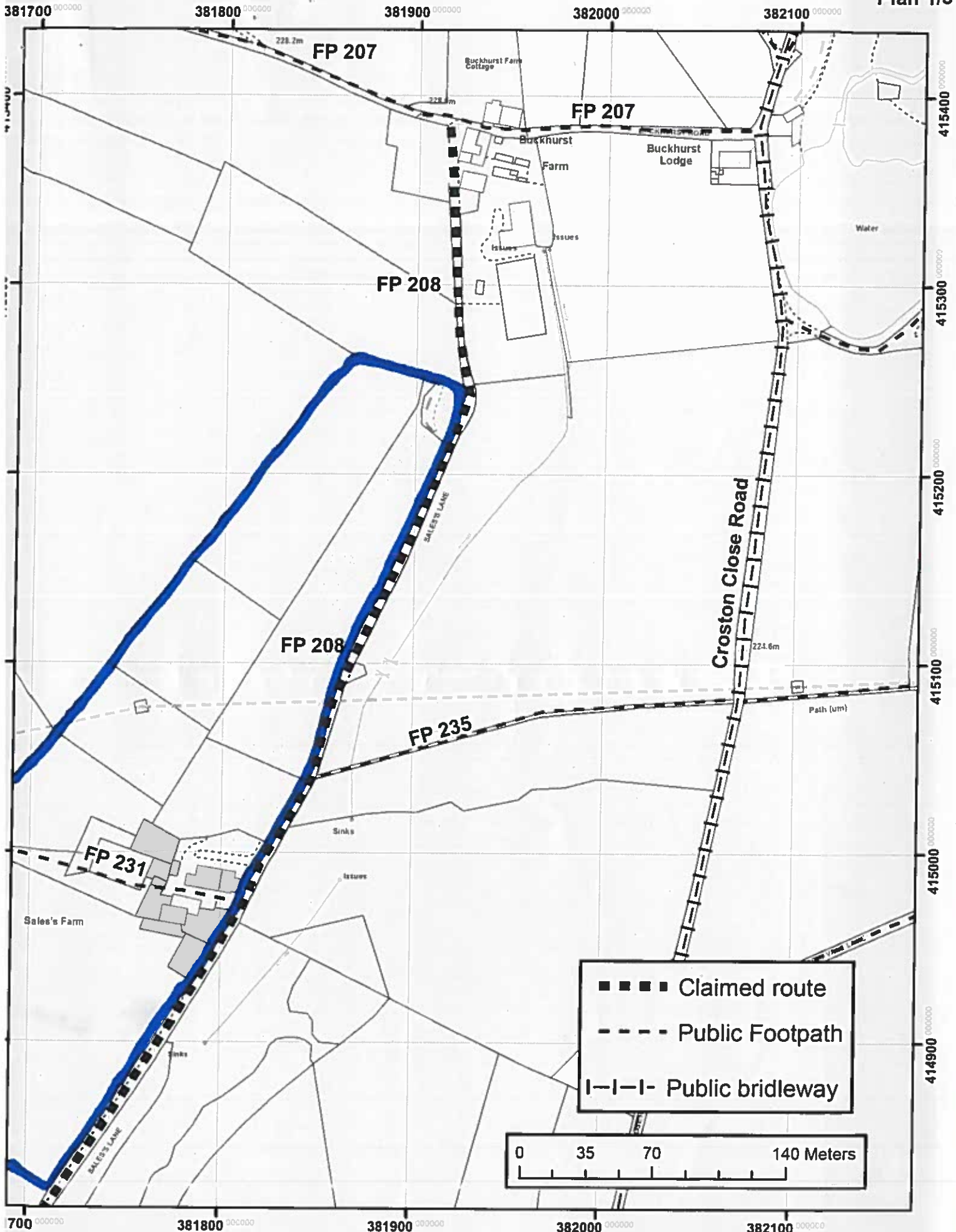
- The applicants documentation is inconclusive.
- The user evidence forms submitted are from users who are friends or people well known to us who have had permission.
- As horse owners/riders ourselves we believe the footpaths named are unsuitable to be upgraded to bridleways. The lanes are single track with very few places to pass and have a number of blind bends. There are high walls and deep ditches on either side of the lanes in many places. There are a number of properties where these lanes form their only access so this makes the lanes very busy as each property has at least 2 vehicles. Added to this some of the properties have liveries and farm traffic. There are also refuse and postal services, couriers, building and fencing supplies delivery wagons, oil and gas tankers etc as well as visitors.
- The footpaths are tarmac which makes them popular with walkers including dog walkers, families with young children/prams etc. It may no longer be a safe route for these users if there was an increase in horse traffic on the paths.

Please find attached the maps showing our property boundaries.

Yours faithfully,

For and on behalf of Geoffrey Roberts, Carol Roberts, Gareth Roberts and Georgina Roberts







Sales's Lane looking north from by Gindles .



Sales' Lane looking South from Sales' farm.

Mr GE Roberts, Mrs C Roberts
Mr GJ Roberts, Miss G Roberts
Sale's Farm
Walmersley
Bury
BL9 6TH

Phone: 01772 535604
Email: megan.brindle@lancashire.gov.uk

Your ref:
Our ref: LSG4/MB3/5.49999/MB3
Date: 17 April 2015

Dear Sirs

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not accept service by e-mail.

**RE: RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III
CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER
CLAIMED UPGRADING TO BRIDLEWAY FOR FOOTPATH NOS 252 AND 208,
BOROUGH OF ROSSENDALE**

Thank you for your letter dated 9th April 2015, I note that you object to the above application.

I can confirm that your comments will be included in the report that will be presented to the Council's Regulatory Committee in due course. Once a decision is reached you will receive formal notice of whether the application has been accepted or rejected.

Yours faithfully



Megan Brindle
Paralegal

Please quote our full reference number on all correspondence

E A LITTLE
LARKMOUNT, WALMERSLEY
BURY, LANCASHIRE, BL9 6TD
TELEPHONE 0161 764 1784 eileenlittle38@yahoo.co.uk

Lancashire County Council
County Secretary & Solicitors Group
PO Box 78
County Hall, Preston PR1 8XJ

9 April, 2015

Drear Sirs.

Ref LSG4/MB3/5.49999/MB3
Re WILDLIFE and COUNTRYSIDE ACT 1981 –PART 111
UPGRADING TO BRIDLEWAY OF FOOTPATH 245 and 208

I am enclosing a map of the boundary of my property Larkmount Farm and it can be seen that it includes the ownership of a portion of footpath 245.

I wish to lodge an objection to the application of an order under section 53(2) of the Wild Life and Countryside Act 1981 to upgrade footpaths 208 and 245 to bridleways.

I have been informed by S Marshall of P Wilson and Co (who is acting an an agent for John Walsh) that she has inspected the documents submitted by the Forest of Rossendale Bridleways Association and she has concluded that submissions for footpaths 208 and 245 fail to prove that the status of the public rights of way is anything but a that of a footpath.

Being aware that the status of footpaths was for walkers only ,I have been as vigilant as possible since 1989 when I moved to my premises to ensure that only cars who had my permission and horseriders who had my permission and that of my neighbours passed along footpath 245.

(Footpath 245 is known locally as Larkmount Lane)

Soon after moving in we instructed a solicitor to approach those neighbour's who used Larkmount Lane to ensure they had permission to use cars even if it was to access their own homes and we also personally contacted people who had lived in the area to confirm the status of footpath 245.

I enclose one of the replies as an example which takes the era from 1951 to 1974. (but can produce more if required) Letter 1

Permission had been given to the Moran's (writer of the letter) by the Thompson family who owned Larkmount Farm from 1939 to 1977 (I allowed them to put a memorial stone in one of my dry stone walls) so I have definitely established contact.

The next letter is my reply to the Traffic Commissioners in 2007 when a history of the area was provided-see 8. from 1975 to 2007 (Letter 2)

I also enclose an old map showing more clearly the buildings mentioned eg Cobb House Nabb, Closes etc letter 3

On this letter point 3 is the name S Robinson who owned Larkmount Farm and from 1977 to 1989 and he also specifically granted access across footpath 245 to neighbours and local horseback riders and remote farmers who needed to bring agricultural equipment to their own fields which they had bought in the vicinity.

Again therefore use of the footpaths was monitored.

From 1998 to 2007 the Council and all the residents had a massive case which also included the Ombudsman where a resident who moved in became a problem with lorries and illegal tipping that the entire local community became involved in.(Gerald Ashe for your reference)

Points 10 and 11 in this letter (letter 2) merely indicate that public footpath 245 was widened without my permission.

Subsequently since the 1980 the volume of cars which travel along the FP 208 and 245 has increased exponentially but the car drivers have always been granted permission to access their properties as previously explained as have farmers using agricultural machinery

These days one family alone has grown up children –so 5 cars and vehicles servicing the properties are allowed. eg refuse collection, vets, fuel deliveries However the number of vehicles such as Fed Ex delivering on line purchases is constantly increasing. At this point I may say that such drivers find the narrow roads daunting.

At this point I reiterate that as I still maintain ownership of footpath 245 I still challenge vehicles not accessing local properties but merely constantly using the footpaths 208 and 245 as a cut through to Norden/Rochdale would not be allowed. If they were large vehicles I would complain to the Council.

The point of all this explanation is that the volume of traffic has made it unsafe for general horseriding which conversion to a bridleway would result in.

Access off Larkmount Lane onto Sales's Lane is dangerous and there are high walls.

Footpath 208 is extremely hazardous with stretches of road with no passing places, ditches and lengths where a corner has to be reached to see what lies ahead(I believe my neighbours the Robert's of Sales's Farm are sending relevant photographs.

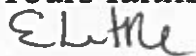
Because of the high volume of traffic which now necessarily uses footpaths 208 and 245 there must be potential Health and Safety

issues arising .

The Council may have to look to increased public liability insurance if permission is granted for additional horseriding (and cycling) in unsafe areas if conversion to a bridleway is allowed.

As requested by S Marshall (who is acting as an agent for John Walsh) please do not publish the Order on the grounds of insufficient evidence without contacting me first.

Yours faithfully

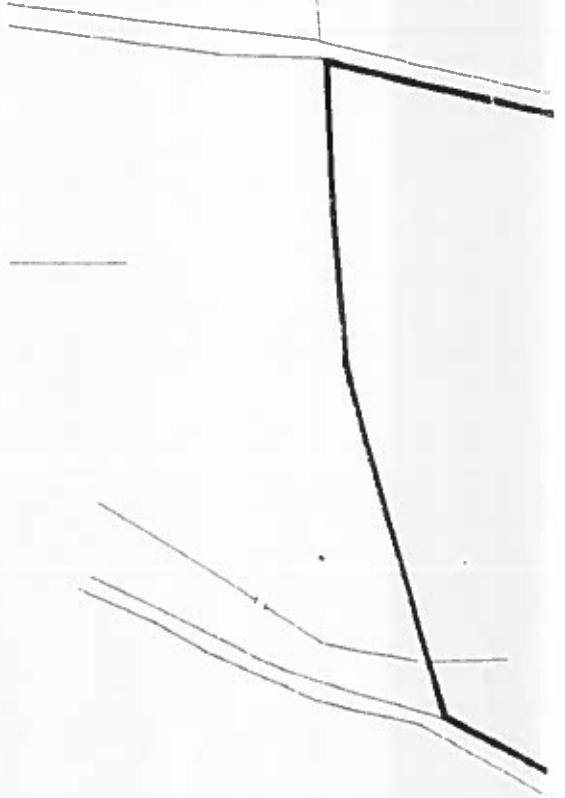
A handwritten signature in cursive script, appearing to read 'E Little'.

E Little

GENERAL INFORMATION (continued)

ADDRESS FOR SERVICE

H.M. LAND REGISTRY		TITLE NUMBER	
		LA 428572	
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	SECTION
	LANCASHIRE		SD 8114
Scale: 1/2500		© Crown copyright	
ROSSENDALE DISTRICT			



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Remarks

Letter 1.

Thurston Fold Farm

Unsworth

Bury

26 April, 1991

Dear Mr Little,

You have asked me to confirm some details about the land which used to be owned by my deceased husband, along Croston Close Road, and belonging to CobHouse Nab. My husband bought the property in 1951, and when he died in 1970, the property passed to me.

I sold the land and buildings in 1974 to Harold Smith.

At no time during the period from 1951 to 1974 did anyone have any reason to visit the land, and therefore, no one passed regularly over your property to gain access, except those detailed below.

The only people who used Larkmount Lane from the Sales's Lane junction to the Croston Close Road junction on a regular basis were ourselves, Frank Turner who used to own a house on the edge of Deeply Vale, and the Scholes family who lived in cottages in Deeply Vale.

To my knowledge, the Haworth family of Whitehall Farm (Alan, Elizabeth Annie, and the son Alan) never used it, neither on foot, nor in a vehicle. They had no reason to travel along that route.

Yours sincerely
Alice Moran.

Pro

confirm that the signature on the reverse side of
this page is the signature of my grandmother, Alice
Moran, and signed on 26 April 1991.

Jaroh. Moran

SARAH MORAN

Letter 2.

E. A. LITTLE

LARKMOUNT, WALMERSLEY
BURY, LANCASHIRE, BL9 6TD
TELEPHONE 0161 764 1784 FAX 0161 763 7369

P Smith (objector)
Enquiry Unit
Office of Traffic Commissioners
Suites 4-6 Stone Cross Place
Stone Cross Lane North
Golborne WA3 2SH

23 May, 2007

Re Larkmount-

1)- FP245

2)17 years

3) S Robinson-Farmer

4) N/A

5)N/A

6)No

7)None

8)The footpath 245 was not used generally for vehicles except for farm traffic and for a couple of residents who needed access to Cobb House Nabb. (right hand turn where FP245 joins BW206) and had an historical use for these people. The main route to access the school, Deeply Vale, Closes and beyond had been via Sales's Lane and FP229.

This changed in the 1980's when there were subsidence problems on FP229.

Cars then started to use FP 245 as a alternative access. From the 1980's to 2000 (when Mr Ashe was granted an operator's licence) FP245 still was used by farm vehicles and a few cars mainly for access. Since 2000 the FP has changed from a single track to a two lane road. The most exponential damage was done between 2000 and 2002 when Mr Ashe was illegally tipping on a very large scale.

9) No

10) Because I am a law abiding citizen, I have asked the Environment Directorate innumerable times if I can put up bollards to protect my walls and boundaries.-see letters 10 May 2006 and 20 July, 2006.

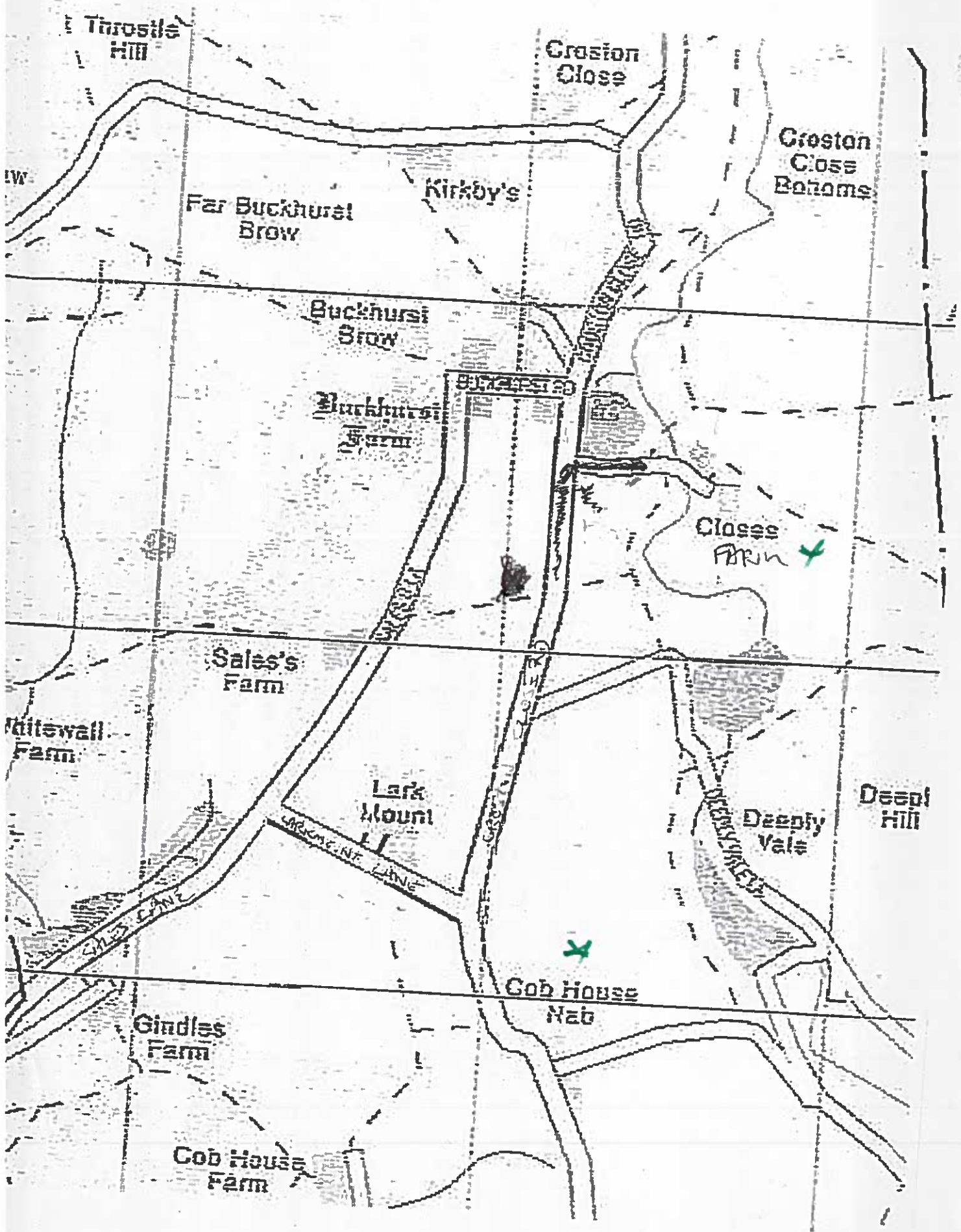
The one reply I received did not address this vital point . The FP over the years has been continually widened by lorries swinging into the verges. In July 2006 , Mr Ashe (using a driver to operate a JCB with NKR on the side) widened the road considerably. I particularly told the driver that he was only allowed to smooth out the surface, then I continued on my way to London. When I returned 2 days later the ditch was gone. I enclose photographs of damage he did to FP245 when he filled in the drainage ditch by dragging down soil from the field boundary. He also left a pile of soil blocking the access to one of my fields and broke the hinge on the field gate-(photographs). His recent widening of the road last week has now hides the fact that the FP ever had a ditch as the road surface is covered with the most unsuitable material across its width. On the BW 206 the material put down by Mr Ashe is extending up my boundary walls and has partly eliminated the ditch in places.

11) I have not called the police but have sent innumerable solicitors letters at considerable personal cost. These are self explanatory. Sections of my walls at the junction of FP245 and BW 206 which were 2 metres high are razed to the ground within a few months of Mr Ashe bringing up commercial vehicles back in 2000-2001 and now most of my wall along the BW is damaged. In addition Mr Ashe was aware that the left hand bend on to BW206 was too tight for lorries and the tail end of his vehicles knocked over the wall on the RHS at the corner - that is why he wanted the easement of the corner. When I rebuild the walls the corner will again not be able to accommodate the lorries without damage. This is a green belt and it seems that the Council is not protecting the environment or helping the residents to have a quiet enjoyment of their lives.

EA Little

EA Little

Letter 3



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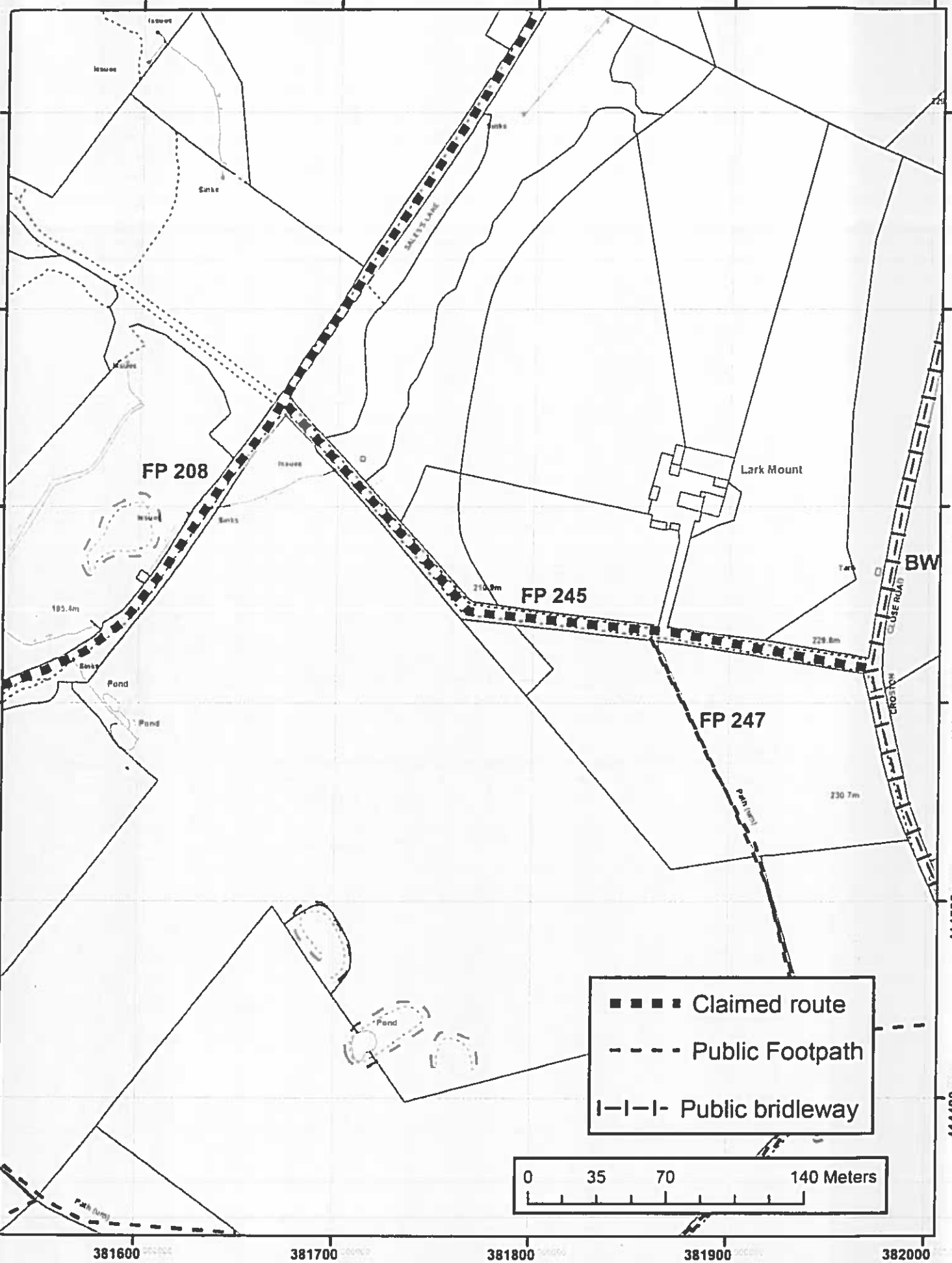
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Jo Turton
Executive Director
for the Environment

Claimed upgrading of Footpath 208 Ramsbottom (Sales Lane) from Footpath 207 Ramsbottom (Buckhurst Road) to County Boundary at junction with Bentley Lane.
Claimed upgrading of Footpath 245 Ramsbottom from Footpath 208 Ramsbottom to Bridleway 206 Ramsbottom

1:2,500



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E A Little
Larkmount
Walmersley
Bury
Lancashire
BL9 6TD

Phone: 01772 535604
Email: megan.brindle@lancashire.gov.uk

Your ref:
Our ref: LSG4/MB3/5.49999/MB3
Date: 17 April 2015

Dear Sirs

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

**RE: RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III
CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER
CLAIMED UPGRADING TO BRIDLEWAY FOR FOOTPATH NOS 245 AND 208,
BOROUGH OF ROSSENDALE**

Thank you for your letter dated 9th April 2015, I note that you object to the above application.

I can confirm that your comments will be included in the report that will be presented to the Council's Regulatory Committee in due course. Once a decision is reached you will receive formal notice of whether the application has been accepted or rejected.

Yours faithfully



Megan Brindle
Paralegal

Please quote our full reference number on all correspondence



p wilson & company
chartered surveyors

Lancashire County Council
County Secretary & Solicitors Group
PO Box 78
County Hall
Preston PR1 8XJ
For the attention of Megan Brindle

Your Ref: LSG4/MB3/5.4999/MB3

Our Ref: C1301-4.SM.kh

13 April 2015

By Email:
jennifer.mort@lancashire.gov.uk

Dear Sirs,

**WILDLIFE & COUNTRYSIDE ACT 1981 PART III CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER CLAIMED UPGRADING TO BRIDLEWAY OF PUBLIC FOOTPATH NOS. 245 AND 208, BOROUGH OF ROSSENDALE
OUR CLIENTS: JOHN WALSH, ANDREA WALSH & RICHARD ALAN WALSH OF BUCKHURST FARM, BUCKHURST ROAD, WALMERSLEY BL9 6SZ**

We write further to our recent email correspondence. Please note that our above named clients have instructed P Wilson & Company to receive and respond to all correspondence regarding this matter.

All documents and plans submitted by the Forest of Rossendale Bridleways Association, in addition to other local documents, where available have been examined.

As a result of our findings we are now instructed by our above named clients to lodge an objection to the application for an order under Section 53(2) of the Wildlife & Countryside Act 1981 to upgrade footpaths 245 and 208 to bridleways. You should already be in receipt of our client's ownership details and boundaries; however, if you do need these again then please let me know.

The applicants submitted a number of historic documentary evidence and user evidence forms in support of the application.

Whilst the applicant's submissions show footpaths 245 and 208 (Sales Lane), all documents and plans fail to prove its status. We comment as follows on the applicant's documents:

1. *6" to 1 mile OS 1848;*
6" to 1 mile OS 1930;
6" to 1 mile OS 1956;
6" to 1 mile OS 1891

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Burlington House, 10-11 Ribblesdale Place,
Preston, Lancashire PR1 3NA
Tel: 01772 882277
Fax: 01772 258309
Web: www.pwcsurveyors.co.uk
Email: preston@pwcsurveyors.co.uk

Partners

Paul Wilson FRICS FAAV FALA, Simon R. Mair BSc FRICS FAAV
Andrew J. Thompson BSc FRICS FAAV
Nicola J Vose FRICS FAAV ACI Arb, Andrew T. Coney MRICS FAAV

Associate: Robert Harrison BSc MRICS FAAV



Certificate No 902

Regulated by RICS

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Registered Office: 10-11 Ribblesdale Place, Preston PR1 3NA

2.5" 1893 Bury Archives Map;

Yates 1" 1786;

Authentic Map Directory S Lancs 1931 to 1935;

Smiths 1802;

Casini 1844 OS 1";

½ " to 1 mile OS Preston map 1907;

Geographia Road Map 30 miles around Manchester revised 1921 ½" to 1 mile;

Abel Heywood & Sons Cycling & Touring Map 60 miles around Manchester ½ " to 1 mile

These maps are not determinative of the status of Sales Lane. There are no keys on them which determine the nature or status of the roads/lanes being depicted and therefore should not be regarded as evidence of the existence of a public bridleway. The lanes are private vehicular rights of way for a network of local farms.

2. *Estate Plans Lord Derby 1785 to 1788 redrawn 1824*

Land north and south of Buckhurst Road including part of Sales Lane did not form part of Lord Derby's Estate and a large part of the road is therefore omitted from the Estate Plan. Consequently, this evidence is inconclusive on the status of any right of way.

3. *Finance Act 1910 Map*

As neither the valuation book nor field book extract is provided the map extract cannot be interpreted. The map extract alone provides insufficient information to determine the status of any right of way.

4. *Metropolitan Borough of Bury Register of Streets Repairable by the Inhabitants at Large*

A Buckhurst Road is mentioned on the submitted sheet but not Sales Lane. The format of this document is inconsistent with other Registers of Street Repairable by the Inhabitants at Large as it is normal for Surveyors to only note the road, its distance, and the roads it adjoins in the Register. We query whether this is the official register of that period for the area. Alone this document does not prove the status of Buckhurst Road. It is necessary to examine the whole book or collection of documents from which this extract is taken.

5. *Definitive Map & Statement*

The draft map and statement and the definitive map and statement for footpaths 245 and 208. Once again there is nothing in their contents to suggest the public right of way is anything but a footpath.

6. *Evidence of Use on Horseback Farms*

The seven user evidence forms submitted with the application from members of the public are inconsistent with our clients (the owners of Buckhurst Farm) and a group of local landowners' recollections over the years. The Walsh family have lived at Buckhurst Farm since 1915 and have not seen horseriders pass along Sales Lane and Buckhurst Road since then other than their own horses and those who have had their permission. A number of local landowners and occupiers including our clients are prepared to produce sworn statutory declarations to state the use of Sales Lane and Buckhurst Road since they have owned/occupied their local properties.

Accordingly, our clients request that the Regulatory Committee do not publish the Order on the grounds of insufficient and inconclusive evidence and because our client can produce conflicting evidence.

We would be grateful if you could please inform us of the Regulatory Committee decision in due course.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'S Marshall', is written over the typed name.

S MARSHALL
for P Wilson & Company

enclosures

cc John.Walsh@buckhurstplanthire.co.uk

email: sophie.marshall@pwcsurveyors.co.uk

From: [Brindle, Megan](#)
To: ["Karen Hall"](#)
Subject: RE: C1301-4 Our Client John Walsh
Date: 14 April 2015 08:45:31
Attachments: [image001.gif](#)
[image002.gif](#)

Karen,

Thank you for your e-mail and for the attached objection from Sophie Marshall.

All objections / representations received will be included in the County's Committee report that will be presented at the Regulatory Committee in due course.

Many thanks

Megan

From: Karen Hall [<mailto:karen.hall@pwcsurveyors.co.uk>]
Sent: 09 April 2015 16:55
To: Mort, Jennifer
Subject: C1301-4 Our Client John Walsh

Please find attached a self-explanatory letter from Sophie Marshall.

Regards,

Karen Hall
Office Manager/Secretary to Paul Wilson
For P Wilson & Company LLP

t: 01772 882277
f: 01772 258309
e: karen.hall@pwcsurveyors.co.uk
w: www.pwcsurveyors.co.uk

cid:image001.gif@01CEC4F1.25B03370



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