

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
RESTRICTED BYWAY ALONG SOD HALL LANE, SOUTH RIBBLE
DEFINITIVE MAP MODIFICATION ORDER 2022**

No.	OBJECTIONS STILL OUTSTANDING	ADDRESS
1	Network Rail	C/O Vicki Bentley Liability Negotiations Adviser Asset Protection & Optimisation North West & Central Region Manchester Square One 4 Travis Street M1 2NY Victoria.Bentley2@networkrail.co.uk
No.	OBJECTIONS WITHDRAWN	
1	Eve Grisdale	grisdaleeve@gmail.com
No.	SUPPORTER	
-		
No.	OTHER RESPONSES	
1	Cadent Gas	Cadent Gas Limited Pilot Way Ansty Park Coventry CV7 9JU box.ppt_planningapps@cadentgas.com

From: [Victoria Bentley](#)
To: [Moore, Simon](#)
Subject: RE: DMMO - Sod Hall Lane, New Longton 804-727 (888.2810)
Date: 26 October 2022 10:59:59
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.png](#)
[FCO 23m 28c Sod Hall LC.msg](#)

OFFICIAL

Lancs Ref: LSG4.SM18/888.2810

Good Morning Simon,

I would like to make on behalf of Network Rail a formal objection to the above Order made by Lancashire CC on 20th July 2022.

In addition, I have attached the initial objection that was sent in March 2022 when Network Rail first became aware of the DMMO application.

I would like to reiterate the comments previously made in that Network Rail object on the basis that;

- Our historical records show that upon construction of the railway, Sod Hall Lane was a private road and the crossing was provided to maintain access for the adjacent landowner/s. It has been accepted that public rights have been established and recorded as on foot only, but that these have never been any more than that.
- If the route were to become a bridleway, the infrastructure at the crossing would need to re-considered. Items such as mounting blocks and accessible bridle gates are usually required, and in addition, the sighting distances may not be sufficient as the distance required for equine users is further than for pedestrians.
- There would be an unacceptable increase in risk at the crossing, where the sighting may be deficient, and the use of the crossing changes and possibly increases. The mitigation measures that may be required, such as telephones or warning lights would result in a huge cost to Network Rail (and ultimately to the taxpayer).

Furthermore, I would like to address some points that have been raised in the 'Agenda Item 8 Regulatory Committee Meeting to be held on 22nd June 2022' document that you provided and after a further inspection of historical railway files that Network Rail hold.

- The Book of Reference that accompanies the Liverpool, Ormskirk & Preston Railway Act 1846 records the route as a 'private or occupation road'. The document highlights the ambiguity of this description, but the term 'occupation' is a widely used term in the railway and describes a road with private rights for owners of adjacent land, or a road over which someone else has a right of way. Network Rail still use this term to describe a road that pre-existed the construction of any railway, and the authorised users of such roads are considered to be those with land that abuts the road/way. These roads may be owned by one party, or sometimes several with each being responsible for the maintenance of their section.

- The use of the term 'private' in the Book of Reference description suggest that it may have been a toll/turnpike road of some description, and after further researching historical railway files, it appears that there may well have been some form of toll on this route, again suggesting that it was not a public carriageway. There is a hand written note dated 5th September 1933 stating that a nearby elderly resident had said that the toll had ceased approximately 20 yrs. prior, so that would be about 1903.
- The land and house which the Gate House sits on (point D) on the plan, was prior to 1903 owned by a third party and housed a railway employee. The railway company purchased the land and house in 1903 when that landowner died, and the railway employee remained in tenancy. It is unclear exactly what this person's position was in relation to the crossing, but at that time the nearby Midge Hall Station was in situ alongside a goods yard which would have employed many people. This may explain some of the census information that is referred to in the document.
- The Railway Clauses Consolidation Act 1845 (RCCA 1845) that is incorporated into the Liverpool, Ormskirk & Preston Railway Act, contains approximately 165 clauses which are common to all railway authorising acts after 1845, and which saved Parliament's time in considering these Private Bills. Section 68 refers to works that were constructed for the protection and accommodation of lands adjoining the railway, which includes gates, bridges, arches and passages under or over the railway including level crossings. Sod Hall level crossing was provided to accommodate the already existing private or occupation road for the benefit of the land owners that the road served, and possibly other users if it was indeed a toll/turnpike road. RCCA 1845 – s.47 specifically refers to where the railway crosses any turnpike or public roads on the level, and outlines the requirement for gates etc as well as 'proper persons to open and shut such gates'. Therefore, If indeed there was some form of gatekeeper employed at any time, this does not necessarily mean that the route was public. It does however, support the suggestion in the historical files that this route was a private toll/turnpike road that pre-existed the railway, and users of the road paid to pass over it at various points.
- Whilst the historical files held by Network Rail allude to some confusion over the years between approximately the early 30's to the early 60's, as to the exact status of the route, the files hold written correspondence from adjacent land owners who, during the mid 60's were consulted on the closure of the crossing, and they did not object. The files state that any crossing attendance that may still have been provided at that time, was withdrawn in 1968, not long after the nearby Midge Hall station and goods yard was closed. It was recognised at this point that there was a claimed public footpath and that would be retained, and by the early 70's those that required vehicular access over the crossing were given keys to the gates, and telephones were provided so that they could contact the signaller.

In conclusion, Network Rail hold the opinion that this has never been considered to be a public crossing (other than those currently on foot), and we would support the conclusions given in the document that the historical evidence of the route having become a higher status for the public is insufficient. Further information on the above can be supplied if required.

Kind Regards

Vicki Bentley
Liability Negotiations Adviser
Asset Protection & Optimisation
North West & Central Region
Manchester Square One
4 Travis Street M1 2NY
07730 362216



From: Moore, Simon <Simon.Moore@lancashire.gov.uk>
Sent: 13 October 2022 10:04
To: Victoria Bentley <Victoria.Bentley2@networkrail.co.uk>
Subject: RE: DMMO - Sod Hall Lane, New Longton 804-727 (888.2810)

Hi Vicki,

That is correct, yes.

Kind regards

Simon Moore
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 531280

From: Victoria Bentley <Victoria.Bentley2@networkrail.co.uk>
Sent: 13 October 2022 10:02
To: Moore, Simon <Simon.Moore@lancashire.gov.uk>
Subject: RE: DMMO - Sod Hall Lane, New Longton 804-727 (888.2810)

OFFICIAL

Hi Simon

Just to confirm....notice date is 23rd September, so the period ends 4th November?

Thanks

Vicki Bentley
Liability Negotiations Adviser
Asset Protection & Optimisation
North West & Central Region
Manchester Square One
4 Travis Street M1 2NY
07730 362216



From: Moore, Simon <Simon.Moore@lancashire.gov.uk>
Sent: 13 October 2022 09:42
To: Victoria Bentley <Victoria.Bentley2@networkrail.co.uk>
Subject: RE: DMMO - Sod Hall Lane, New Longton 804-727 (888.2810)

Hi Vicki,

Many thanks, please note that if Network Rail do wish to make an objection this will need to be submitted within 42 days from the notice date. It need not initially contain all information/comments you may wish to make, it can be an outline with further information to follow.

Kind regards

Simon Moore
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 531280

From: Victoria Bentley <Victoria.Bentley2@networkrail.co.uk>
Sent: 13 October 2022 09:39
To: Moore, Simon <Simon.Moore@lancashire.gov.uk>
Subject: RE: DMMO - Sod Hall Lane, New Longton 804-727 (888.2810)

OFFICIAL

Hi Simon,

Thanks for sending this.....a little light reading...better put the kettle on!

I'll get back to you as soon as I can.

Vicki Bentley
Liability Negotiations Adviser
Asset Protection & Optimisation
North West & Central Region
Manchester Square One
4 Travis Street M1 2NY
07730 362216



From: Moore, Simon <Simon.Moore@lancashire.gov.uk>
Sent: 13 October 2022 08:41
To: Victoria Bentley <Victoria.Bentley2@networkrail.co.uk>
Subject: RE: DMMO - Sod Hall Lane, New Longton 804-727 (888.2810)

Hi Vicki,

Please find attached a copy of the committee report which was considered by the council's Regulatory Committee when making this decision. This includes all the evidence presented at the time of the meeting.

Kind regards

Simon Moore
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 531280

From: Victoria Bentley <Victoria.Bentley2@networkrail.co.uk>
Sent: 12 October 2022 08:09
To: Moore, Simon <Simon.Moore@lancashire.gov.uk>
Subject: RE: DMMO - Sod Hall Lane, New Longton 804-727 (888.2810)

OFFICIAL

Hi Simon

Many thanks for this.

I had received it, but yes I think given recent events, it would be great if they could be sent to the Liabilities team direct if there any more. This could be either myself or my Line Manager Mike Whitby – Mike.whitby@networkrail.co.uk

I notice that on the explanatory statement in para's 3 and 4 it states that the Order has been made based on evidence provided in the form of historic maps and that this can be consulted. I would be very grateful if you could send me copies of these so that I can make a full and proper evaluation of it from a railway point of view.

I look forward to hearing from you soon.

Kind Regards

Vicki Bentley
Liability Negotiations Adviser
Asset Protection & Optimisation
North West & Central Region
Manchester Square One
4 Travis Street M1 2NY
07730 362216



From: Moore, Simon <Simon.Moore@lancashire.gov.uk>
Sent: 11 October 2022 14:48
To: Victoria Bentley <Victoria.Bentley2@networkrail.co.uk>
Subject: FW: DMMO - Sod Hall Lane, New Longton 804-727 (888.2810)

Hi Vicki,

Please see below and find attached a Notice recently sent to Network Rail relating to Sod Hall Lane, New Longton which includes a rail crossing, D-E on the order plan. This was sent to Network Rail's notices email inbox on 23 September but given our recent communication I am sending it to you as well as a known point of contact to ensure it is not missed.

Kind regards

Simon Moore
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 531280

From: Moore, Simon
Sent: 23 September 2022 14:55
To: 'notices@networkrail.co.uk' <notices@networkrail.co.uk>
Subject: DMMO - Sod Hall Lane, New Longton 804-727 (888.2810)

Dear Sirs,

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III
PUBLIC RIGHTS OF WAY (DEFINITIVE MAP MODIFICATION)
RESTRICTED BYWAY ALONG SOD HALL LANE, SOUTH RIBBLE DEFINITIVE MAP
MODIFICATION ORDER 2022**

I am writing to inform you that the County Council made the above-mentioned Order on 20 July 2022.

Consequently, I enclose a copy of the Notice of Making, a copy of the Order and relevant plan together with an explanatory statement.

I hope these are self-explanatory but please do not hesitate to contact me if you have any queries.

Yours sincerely

Simon Moore
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 531280

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Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office Network Rail, 2nd Floor, One Eversholt Street, London, NW1 2DN.

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From: [Victoria Bentley](#)
To: [Moore, Simon](#)
Cc: [Elliott, Jayne](#)
Subject: FCO 23m 28c Sod Hall LC
Attachments: [image001.png](#)
Importance: High

OFFICIAL

Your Reference LSG4.SM18.888.2810

-
Good Afternoon Simon,

I am writing with reference to your recent correspondence in relation to an application to record a bridleway along Sod Hall Lane – your reference above.

I can confirm that Network Rail would strongly object to this on the basis that;

- Our historical records show that upon construction of the railway, Sod Hall Lane was a private road and the crossing was provided to maintain access for the adjacent landowner/s. It has been accepted that public rights have been established and recorded as on foot only, but that these have never been any more than that.
- If the route were to become a bridleway, the infrastructure at the crossing would need to re-considered. Items such as mounting blocks and accessible bridle gates are usually required, and in addition, the sighting distances may not be sufficient as the distance required for equine users is further than for pedestrians.
- There would be an unacceptable increase in risk at the crossing, where the sighting may be deficient, and the use of the crossing changes and possibly increases. The mitigation measures that may be required, such as telephones or warning lights would result in a huge cost to Network Rail (and ultimately to the taxpayer).

I have already been in consultation with one of your colleagues Jayne Elliot in relation to several similar applications made by the British Horse Society, and I wonder if it would be possible for you to provide me with a list of the applications, so that I can start to investigate those that will affect the railway.

Please let me know if you need any further.

Kind Regards

Vicki Bentley
Liability Negotiations Adviser
Asset Protection & Optimisation
North West & Central Region
Manchester Square One
4 Travis Street M1 2NY
07730 362216



From: [Eve Grisdale](#)
To: info@southribble.gov.uk; [Moore, Simon](#)
Subject: Re: Notice
Date: 28 October 2022 09:57:15
Attachments: [image0.jpeg](#)
[image0.jpeg](#)
[image1.jpeg](#)

Good day Simon

Further to my last I can decipher that you would like to remove the public right of way on sod hall lane. I would like to object to this as this is a path I use regularly to walk my dog. The reason for my objection is that the roads that are near to me are very dangerous and fast and I do not feel safe walking on them. I moved to the country to walk in the countryside on my doorstep, not have to go on a car to travel to an accessible footpath.

Please confirm receipt of my email and objection.



Kind regards

Eve Grisdale

6 midge hall lane.

Sent from my iPhone

> On 28 Oct 2022, at 9:47 am, Eve Grisdale <grisdaleeve@gmail.com> wrote:

>

> Good morning

>

> I spoke to a very helpful lady on the phone called Vicki. I noticed a notice on a footpath but it was water damaged and Vicki said if I emailed a photo you would be able to assist. Could you please confirm what this is regarding please.

>



>

>

>

>

> Sent from my iPhone

From: [Eve Grisdale](mailto:Eve.Grisdale)
To: [Simon Moore](mailto:Simon.Moore)
Subject: Re: Notice
Date: 28 October 2022 10:18:30
Attachments: [image001.jpg](#)

Good Day Simon

That is excellent news thank you very much for confirming this great news. I would like to confirm I would like to retract my objection and thank you for your clarification on this matter. Thank you very much for your assistance on the footpath website.

Kind regards

Eve Grisdale

Sent from my iPhone

On 28 Oct 2022, at 10:04 am, Moore, Simon <Simon.Moore@lancashire.gov.uk> wrote:

Hello Eve,

Just to confirm the public right of way is not being stopped up, the Order rather seeks to upgrade the recorded rights to Restricted Byway, however the Order does not take effect until confirmed. This would still allow for a right of way along the route on foot.

Kind regards

Simon Moore
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 531280

From: Eve Grisdale <grisdaleeve@gmail.com>
Sent: 28 October 2022 09:57
To: info@lancashire.gov.uk; Moore, Simon <Simon.Moore@lancashire.gov.uk>
Subject: Re: Notice

Good day Simon

Further to my last I can decipher that you would like to remove the public right of way on sod hall lane. I would like to object to this as this is a path I use regularly to walk my dog. The reason for my objection is that the roads that are near to me are very dangerous and fast and I do not feel safe walking on them. I moved to the country to walk in the countryside on my doorstep, not have to go on a car to travel to an accessible footpath.

Please confirm receipt of my email and objection.

image001.jpg

Kind regards

Eve Grisdale

6 midge hall lane.

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>

image001.jpg



image002.jpg



>
>
>
> Sent from my iPhone

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Your Reference
LSG4.SM18/888.2810

Cadent Gas Limited
Pilot Way, Ansty Park,
Coventry, CV7 9JU
cadentgas.com

Our Reference
FORMALENQUIRY/PP/946

Date
26.09.2022

Simon Moore

P O Box 78
County Hall
Preston
PR1 8XJ



Dear Sir/Madam,

Your enquiry – No objection

Location Address - SOD HALL LANE, SOUTH RIBBLE

Thank you for your enquiry which was received on 23.09.2022.
Based on the information you provided, we have carried out an investigation and identified that there is no record of gas apparatus in the immediate vicinity of your enquiry. Therefore, we have **no objection** to the proposed application.

What you need to do

Before carrying out any works you must submit a planned works enquiry through LinesearchbeforeUdig - LSBUD.co.uk

If you require any further support, please contact plantprotection@cadentgas.com or on **0800 688 588**.

Your responsibilities and obligations

It is your responsibility to ensure that the information you have given us is accurate.

This assessment solely relates to Cadent gas pipes. It doesn't however include:

- Cadent's legal interest (easements or other rights) in the land which restricts activity near Cadent's pipes in private land. You must get details of any such restrictions from the landowner in the first instance and if in doubt contact us on **0800 688 588** or at plantprotection@cadentgas.com
- Gas service pipes and related apparatus
- Recently installed apparatus

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions, please contact us at plantprotection@cadentgas.com or on **0800 688 588** quoting your reference at the top of this letter.

Kind Regards,

Plant Protection Team

Cadent

Pilot Way, Ansty Park, Coventry, CV7 9JU

T: 0800 688 588

plantprotection@cadentgas.com

cadentgas.com