

**COVERING LIST OF REPRESENTATIONS, OBJECTORS, SUPPORTERS AND
ORDER MAKING AUTHORITIES RESPONSES**

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

THE LANCASHIRE COUNTY COUNCIL

**FOOTPATH AT AYREFIELD ROAD AND AYREFIELD HOUSE, UP HOLLAND
DEFINITIVE MAP MODIFICATION ORDER 2019**

No.	OBJECTIONS STILL OUTSTANDING
1	Andrew Grant Ayrefield House Ayrefield Road Roby Mill Wigan WN8 0QP AndrewGrant@jsg.com
2	Michael Grant Ayrefield House Ayrefield Road Roby Mill Wigan WN8 0QP
No.	OBJECTIONS WITHDRAWN
-	
No.	SUPPORTER
-	
No.	OTHER RESPONSES
-	

Andrew Grant
Ayrefield House
Ayrefield Road
Roby Mill
Skelmersdale
WN8 0QP

07850 926 472
AndrewGrant@jsg.com

6th April 2019

The Director of Corporate Services
Lancashire County Council
PO Box 78
County Hall
Preston
PR1 8XJ

Dear Sir / Madam,

Reference: LSG4/CB7/888.1455/804.600

I am writing with regards to a Modification Order reference as above. I would like to object to the issuing of this order and the details within it.

I am objecting on three grounds:

1. The correct statutory procedure has not been followed in issuing the Modification Order,

or, if this is not found to be the case,

2. The decision to issue the modification order was made without all relevant information, and having taken all relevant information into account the decision should have been to not issue the order,

or, if this is not found to be the case,

3. The detail included within the Modification Order is not possible to be implemented or is unacceptably vague or onerous.

The detail regarding these objections is included in the attached documents.

One further general point, which I appreciate has no bearing on any appeal, is that I find it disappointing that in the period from 2014 to 2018 during which the County Council has been involved in this application, and despite site visits by council employees, no one has taken to engage with me in the process, other than by sending notification letters as required by statute. If the council had engaged fully all of the attached information could have been provided to the relevant council committee and use of it could have been made in their decision making process.

Whilst this may not have changed the outcome of the decision if a decision had been made with all relevant facts, rather than just those provided by the applicant and from a search of the Councils own records, then this whole costly appeal process potentially could have been avoided.

If you require and further information or clarification, please feel free to contact using the above contact details.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'AG', with a long horizontal flourish extending to the right.

Andrew Grant

Enclosures:

Objections 1-3 accompanied by supporting exhibits.

Objection 1: The correct statutory procedure has not been followed in issuing the Modification Order.

1. Within agenda item 5 of the meeting of the Regulatory Committee held on 31 January 2019 the section entitled "Background" the is specific guidance to the committee on what they can and cannot consider under Section 53 of the Wildlife and Countryside Act 1981. ("the Act").
2. The said Act also indicates the steps the applicant must take in making a valid request for consideration by the County Council.
3. In this instance the Up Holland Parish Council is the applicant.
4. Section 53 of the Act indicates that any application for a Modification Order must be made in accordance with Schedule 14 of the Act.
5. Schedule 14 indicates that the applicant must inform all known landowners and occupiers of its application and once it has done so it must provide a Certificate of Notice in the proscribed form to the County Council.
6. During the summer of 2018 the Lancashire County Council website included a PDF of the application that included a "Certificate of Service of Notice of an Application for a Modification Order". This includes the required certification but stated that the only landowners notified are myself and my brother David Grant (who is not a landowner). (copy at Exhibit 1).
7. No other landowners or occupiers are listed as being notified.
8. This error has previously been brought to the attention of the council (Exhibit 2) when I provided them with the information I had in relation to land owners as requested by them.
9. At some point since then the PDF file on the County Council website has been amended and now does not include the Certificate of Service.
10. I have asked on a number of occasions both on the phone with Claire Blundell (Paralegal Officer) and by post to Laura Sales (Director of Corporate Service) on 26th February 2019 (exhibit 3) and 15th March 2019 (exhibit 4) asking for a copy of the Certificate of Service (along with other documents) to be sent to me but have not received a copy of it. I conclude from this that the Certificate of Notice provided to the County Council from the applicant, previously found on the County Council website is the only Certificate of Service Notice.
11. The natural conclusion of this is that the requirements of the Wildlife and Countryside Act 1981 have not been met for a Modification Order to be issued and the County Council has erred in law in accepting the application and issuing a modification order.

Objection 2: The decision to issue the modification order was made without all relevant information, and having taken all relevant information into account the decision should have been to not issue the order.

Background

1. The route to which the Modification Order relates is partly along the approach to Ayrefield House (A-B on the map exhibit 5) and partly through the garden of Ayrefield House (B-D on the map exhibit 5). Whilst the report to the Regulatory Committee does review lots of information (some of which is considered below) much of the context to that information is missing. The following background context is therefore of use in fully understanding the information presented.
2. The oldest parts of the current Ayrefield House are believed to originate in the 17th century but there has been a house on the site since circa 1300. The house was historically owned by the Prescott family and their ownership of the house is discussed in the book "The Chronicles of the Prescotts of Ayrfield" published in 1937¹.
3. The Prescotts owned the house and much of the surrounding land until 1875 when the whole estate, including Ayrefield House was sold to the Winstanley Estate owned by the Bankes family, which in turn sold the estate, in pieces this time, in 1951.²
4. In the last few years of the ownership of the Prescotts the house was let to various tenants and this continued under the ownership of the Bankes until the House was let to the Convent of Notre Dame in or around 1913. The Convent remained tenants until 1951 when they purchased the house from the Bankes estate.
5. The Convent of Notre Dame used the house for a number of purposes during their 100 years of occupation, including as a summer residence for members of the order who worked in schools, a residential site used by school children, a permanent residence of retired nuns and a location for retreats and other activities. Towards the end of the 20th century and early 21st century the usage of the building decreased.
6. As a result of the decreased usage the Convent of Notre Dame decided to sell Ayrefield House, selling it to the Grant family in 2013 for use as a family residence.
7. Ayrefield Road was previously called Ayrfield Lane and Ayrefield House was historically simply referred to as Ayrfield.

Agenda Item 5

8. The following comments and information are presented in the same order as that included within the papers to accompany Agenda item 5 from the Regulatory Committee meeting held on Wednesday 30th January 2019. Referred to hereafter as Agenda item 5. Whilst I have

¹ "The Chronicles of the Prescotts of Ayrfield" was privately published in 1937. A copy is deposited at the British Library. Relevant extracts are included within Exhibit 6.

² Extracts of the estate sale particulars, including the sale of Ayrefield House are included within Exhibit 7.

tried to indicate the specific section I am referring to the lack of numbered headings or paragraphs makes this more difficult that it needs to be.

Background

9. The background section includes the following statement.

“The county council’s decision will be based on the interpretation of evidence discovered by officers and documents and other evidence supplied by the applicant, landowners, consultees, and other interested parties procured by the county council before the date of the decision.” (my emphasis added)

However, the evidence actually considered does not include anything provided by affected landowners. Whilst I cannot comment for other landowners, I was repeatedly told both in letters from the county council and in phone conversations with council employees that I would have the opportunity to present my information in due course, but I was not told of the date of the relevant committee meeting or asked to provide said information. For this reason I believe the recommendation of the report and the decision of the council committee have been made based on incomplete information. I have included much of the information I have in the following paragraphs.

Description of Route

10. The Alleged footpath is described in detail over several paragraphs on pages 33 to 35 of Agenda item 5, these comments are made largely following a site visit on 18 September 2018.
11. This section also refers to photographs taken by the county council in 2014, it is not stated why these photographs were taken, nor are they presented as evidence to the committee.
12. The description refers to different signs, approximately at point B on the map (exhibit 5), two smaller signs “Private Footpath” and “Dogs to be on Leads” and a larger sign that starts “Permissive Footpath over private land”.
13. The smaller signs have been in existence for a number of year.
14. The larger sign was installed by myself during 2014.
15. This sign was installed as a result of the following process.
16. When the house was purchased in 2013 searches made by our legal advisors indicated that there were no recorded public rights of way over the land, but there was an adjacent footpath (footpath no 2) which finished at the boundary of Ayrefield House.
17. This appeared unusual so further enquiries were made, both of the vendor and the County Council to establish if a public footpath did indeed cross land belonging to Ayrefield House.
18. The vendor was not able to confirm either way the existence of the path.

19. Conversations with the County Council referred us to the definitive map and based on the map they were not aware of public footpath that went over the land belonging to Ayrefield House.
20. After purchasing Ayrefield House we would occasionally see people walking over the alleged footpath, when we saw such people we would inform them that the path (route B to D on exhibit 5) was a private footpath, but we were happy for them to use the path.
21. Following a couple of unsavoury instances where dog walkers did not control their dogs on our land resulting in the mauling and death of a number of our chickens, we decided that we had to take action. As the footpath was not a legally recognised footpath (as evidenced by the definitive map) we did consider closing the footpath by padlocking the entrances at either end. However, as we are not against members of the public accessing the countryside, we considered what alternatives there were.
22. As part of that consideration we again contacted the County Council footpath department to garner their advice. Following the conversation we decided to put signs up, indicating the terms on which we were willing to allow person to travel over our land.
23. The resulting signs were installed in 2014 and are the larger signs described.
24. Further down on page 34 of Agenda item 5 the route between points C and D (on exhibit 5) is described.
25. This refers to "...very recent earthworks including the clearance and regarding of land to accommodate a pond." The statement warrants further explanation.
26. The ground of Ayrefield House have for a large number of years included two ponds. These can be clearly be seen on a number (but not all) of the maps included throughout Agenda item 5.
27. When Ayrefield House was purchased both of these ponds were in a poor state of repair, having clearly not been maintained for a large number of years.
28. Shortly after acquiring Ayrefield the more westerly pond was cleared of debris and detritus, the clay lining repaired and returned to a proper state of repair. At this time the other, more easterly, pond was not worked on but remained in its poor state of repair.
29. In the years following the repairs to the westerly pond this operated successfully, largely maintaining water levels during summer and supporting various wildlife. The easterly pond, however failed to support wildlife effectively, flooded in the winter and drying out in the summer. The winter flooding made much of the area between points C and D on the map temporally impassable and necessitated emergency works to prevent flooding of the adjacent barn.
30. As the work on the westerly pond was successful and the easterly pond was causing problems during 2018 remedial work was undertaken on the easterly pond, clearing of

debris and detritus and repairing clay lining, these are the recent earthworks that are referred to towards the end of page 34.

31. The second paragraph on page 35 refers to a tree felled over the route between points C and D in 2014 and photographs taken during that year.
32. When Ayrefield was purchased in 2013 we were made aware of a large number of trees being covered by Tree Protection Orders (TPO). Immediately after purchase a review of all trees was undertaken to establish, to the greatest extent possible, which trees were covered by the TPOs. A small number of non TPO trees were of questionable quality and so a tree surgeon was engaged to give his profession opinion on said tree. As a result of his advice two trees were felled and two more were to be kept under review.
33. In 2014 one of the questionable trees was found deteriorated, with one part of it breaking and falling onto another tree that was showing signs of structural stress. Both of these trees were near the route between C and D.
34. To ensure public safety it the footpath was temporarily closed and a couple of days later the two trees were felled, so they could not then fall onto someone, whether it be a user of the footpath or one of our family or friends.
35. These trees, once felled went across the route between points C and D. Over coming weeks, as my time permitted, some sections of the tree were removed to make the route more easily passable, with the remainder being removed during 2018 when work on the eastern pond was completed.
36. At no point were any complaints made to me about the route being closed or impassable during as a result of the tree (or for any other reason)

Map and Documentary Evidence

37. The 1786 Yates Map of Lancashire shows the main road from Roby Mill to Holland Lees, but does not show the roads to Ayrefield House. This is assumed to be due to the large scale of the map and the fact that said roads are relatively minor.
38. Greenwoods map of 1818 shows a road that is assumed to be the Ayrefield Road / Bank road loop. The interpretation of the map (on page 37 of agenda item 5) hypothesises that the reason for the existence of what is now known as Ayrefield Road and Bank Road, is due to the steepness of Bank Brow, the main road from Roby Mill to Holland Lees.
39. Whilst this interpretation is possible, and it is true that Bank Brow is a steep road, this is highly unlikely to be the reason for the existence of Bank Road and Ayrefield Road. As indicated above Ayrefield House (or its predecessors) has been in existence for over 700 years, I would suggest that the road arose to give access to Ayrefield, rather than to provide a route to avoid a hill, that just happened to pass by Ayrefield.
40. Hennet's Map of Lancashire from 1830 also shows these road, but also include a road going South East, towards the Douglas River, these road appears to peter out as it nears the river.

At this point in time all the land around Ayrefield, including Bank farm, was under common ownership. The investigating officer's comments indicate that "It is considered likely that Hennet's map shows routes depicted as through routes that were generally available to the travelling public in carts or on horseback...". This assumption is not correct as the road/track towards the Douglas River clearly is not a through route and it is just as likely that the other routes to Ayrefield are just that, routes to Ayrefield.

41. Tithe Map of 1843 shows a similar situation to the previous maps, but at a larger scale. With the additional fact that part of the route between A and B is shaded yellow, similar to public roads. What is equally important is that the remainder of the route between A and B is not shaded and the majority of the route between C and D does not seem to exist.
42. The 1849 map shows routes consistent with the Tithe map, with the route between A and B being described as being "...open and accessible (i.e. not gated)." Over the years I have lived in a number of different houses, none of which have had a gate at their entrance, and never before has the absence of a gate on the drive been taken as evidence that my drive was a public right of way.
43. The 1895 25 inch OS map is the first map presented that shows a route between B and D. It is evident that between 1849 and 1895 the track around Ayrefield have changed significantly. With the track going past the front of Ayrefield still being present but with additional tracks being to the north and south of Ayrefield, providing a route that does not pass so close to the house. During the time between these two maps Ayrefield was sold by the Prescott family and acquired by the Winstanley estate. The house in 1895 was let as a family home.
44. The 1908 version of the 25 inch map has an additional route to the east of Ayrefield, effectively providing tracks that provide a circuit avoiding the Ayrefield. At approximately that time (per the 1911 census) Ayrefield was occupied by the Whitter family that owned the Lino factory in Appley Bridge. The surrounding farm land was farmed separately, the additional tracks allowing the farmer to move between their various fields, without passing the door of Ayrefield, rather than being tracks used generally.
45. This view is supported by the Finance Act 1910 map, which shows Ayrefield Road leading to just a few ownership references, with all the land immediately around Ayrefield House being split into a number of fields but under common ownership.
46. The observations also indicate that a £10 deduction listed for easements, and also infers that a reduction can be due to public rights of way. However the 1951 deeds for Ayrefield House include references to an easement allowing the owner of Ayrefield Wood to move wood across the land on a mutually agreed route. Assuming this was a longstanding easement this would explain the easement mentioned.
47. The 1928 25 inch map is broadly consistent with the 1908 map. By this time Ayrefield House was occupied by the Convent of Notre Dame.
48. The 1934 Authentic Map is, as would be expected, similar to the 1928 map from just 6 years before.

49. The Ariel photograph from the 1940's shows a similar layout to the 1928 map, but the shading suggest that the track to the east of Ayrefield was being used in preference to the route from B to D, suggesting this was used for farm traffic between field part of Bank Farm.
50. The 1955 six inch map shows largely unchanged tracks, with no further conclusion drawn, although additional properties are clearly shown along Ayrefield Road between points A and B.
51. The 1959 map is largely unchanged.
52. The 1960's aerial photograph is of interest. This shows no longer shows that track to the east of Ayrefield, but a new track to the immediate west of the Ayrefield House gardens is evident.
53. The 1999 and 2008 aerial photos show neither a route to the east or west of Ayrefield and the route along what is footpath no 2 is no longer shown as being a track on which vehicles could travel, the 1999 photo shows an additional track across the field to the south west of Ayrefield House, similar to the route shown from X to footpath no 2 on the pay in Exhibit 5.
54. The 2016 photo shows a track from B toward C. This track is used to access the barn adjacent to Ayrefield House, the vehicle entrance to which is on the side away from Ayrefield House. The track does not go anywhere else.
55. The process and several preliminary maps relating to the "Definitive plan" are presented.
56. It is clear that that the route between A and C was not shown as a public right of way on any of these maps. The route between C and D was on initial maps but not on the final definitive map.
57. It is not absolutely clear why the route between A and C was not considered a public footpath, although there is a suggestion that it was (at least from A to B) was a public highway (but please see paragraph 60 below re this) and therefore did not need to be called a public footpath.
58. No clear reason is provided why the route between C and D is not a public right of way on the final map.
59. What is interesting to note is that (with the exception of the route between A and B) none of the roads/tracks/paths surrounding Ayrefield house are even considered to be public rights of way and footpath number 2 is just that, a footpath and not a bridleway of road despite evidence to suggest it was historically used as a road or track. This suggests that this usage was private not public and therefore any indication on a map of a track or road is equally likely to suggest a private road, rather than a public footpath as the report would have us believe.
60. The route between A and B is suggested to be (at least in part) a public highway. Either on the 1843 tithe map, the public footpath mapping process or the map from LLC to Arnold

Fooks Chadwick in 2001. Other correspondence, and my conversations with the Highways department, both in 2013 and recently, indicate that it is not. At present it appears that one part of the council is using the roads alleged status to support it being a public right of way, whilst another department is categorically stating that the road is not a public highway.

Other information

61. The information presented to the committee also makes reference to two "local walk booklets" that were prepared in 1995 / 1996 by the applicant. The maps shown within agenda item 5 (pages 71 and 72) are of poor quality and difficult to ascertain what exactly is being shown. However the first map shows a route passing along the alleged footpath. The route also makes use of the Leeds and Liverpool canal towpath between Gathurst and Appley Bridge. Agenda Item 5 (page 73) also states that the parish council included the route along the alleged footpath as they believed it was a public right of way. Whilst it may be true that their belief was that it was a right of way, it is difficult to be certain what a parish council thought some 23 years later, however what is not in doubt is that other parts of the route are definitely not public rights of way. This is certainly as the route also takes in the towpath, which at that point in time were not legally rights of way. Any assumptions made in respect of these maps must therefore be taken with a sceptical view point.
62. The evidence presented to the committee includes summaries of 6 user evidence forms in addition to other information / comments gathered by the applicant.
63. All correspondence to land owners indicated that any relevant information we had could be provided as a later date. I assume this is the later date.
64. The Application also refers to an email from former Parish Councillor John Hilton. Mr Hilton previously resided at 63 Ayrefield Road.
65. I first met Mr Hilton in the summer of 2013 within a few days of acquiring an interest in Ayrefield House.
66. I was sat, with my wife and our 5 children having a picnic in the gardens of our new home when a dog (not on a lead) ran up to us, closely followed by Mr Hilton who proceeded to shout at my children (who were all still sat on the ground at this point) not to touch his dog as if the dog bit them it would be their fault! He then proceeded to berate my wife and me for being on private property.
67. I cannot remember the exact words I used in response but the general gist was that it was indeed private property, my private property, and I would appreciate it if he were to put his dog on a lead and not use my land for walking his dog in future.
68. I find it incredulous that the same Mr Hilton, who berated me for being on private land is now providing a statement that he (and everyone else) has a right to walk over it.
69. To my knowledge Mr Hilton has not stepped foot on my property since that incident.
70. A short period after said "dog" incident my wife was making minor repairs to the road leading up to Ayrefield House (between points A & B), Mr Hilton appeared from the land to

the South West of Ayrefield House (at the gate at point X), told my wife that he owned the road that she was repairing, he regularly repaired it and she was doing it all wrong.

71. You will note that Mr Hilton is not listed as a landowner contacted by the applicant.
72. The summary of user evidence form 1 states that there is a gate at the Roby Mill end of the route and a stile at the Gathurst end and that the gate was not locked. At the time of this statement (2014) there were locked gates and stiles at both ends of the route.
73. The summary of user evidence form 2 states that there are stiles and gates on the route and they have never been locked, this is not true. Additionally they state that they have never seen (as of 2017) signs indicating the route is private. This is also not true and contradicts other user evidence forms.
74. The summary user evidence form 3 seems to concentrate on a route along Bank Brow, rather than the route alleged in the application.
75. The user evidence form number 4 comments on a willow tree felled across the path on 2014. A tree was indeed cut down during 2014 as it was damaged and at risk of falling over, the choice faced by us as land owners was to close the footpath or fell the tree. Once felled it took some time to move the tree away from the route of the alleged public footpath. I am not aware of any objections that led to the moving of the felled tree.
76. The information from the applicant also refer to conversation between the Clerk to the Parish Council and the Business Manager of the Convent of Notre Dame.
77. We had dealings with the Business Manager during the purchase of Ayrefield, whilst I do not doubt that he said those things ascribed to him it is apparent to me that his knowledge of Ayrefield is somewhat limited. For example he was unaware that the building had a cellar and could not provide any detailed information regarding the property when questions were asked as part of the sale process.
78. I assume the former gardener spoken to was Peter (last name unknown), for whom I believe the loss of work at Ayrefield coincided with his retirement. In addition he also lost the use of the allotment garden within the grounds that he previously available for his own personal use.
79. Discussions I have had with others who actually worked at Ayrefield have indicated that at no point was the alleged public footpath maintained for that purpose and any footpath maintenance was focussed on providing safe walking routes around the grounds for residents or visitors.
80. The sale particulars provided a number of photographs one of which was of the area between points B and C on the map, this shows no heavy usage of the alleged path and the slightly shorter grass, typical of 'paths' maintained for the usage of residents/visitors, running across the alleged path subject to the application.

Additional information, not included elsewhere

81. Since acquiring Ayrefield in 2013 the footpath has been 'closed' (between points B & D) on a number of occasions to facilitate safe working on the land over which it passes. This includes for a period of approximately 2 weeks whilst the roof of the adjacent barn was removed (as it contained asbestos) and replaced with a new roof, several days whilst two (non-protected) trees were felled and for approximately a week whilst pond ground works were undertaken.
82. The path has also been closed for odd days on a number of occasions to ensure the safety of others for smaller works.
83. At no point during any of those closures were any complaints received by myself and the existing path towards Gathurst was observed being accessed via the gate at point X on exhibit 5.

Conclusion

84. The evidence presented as a whole does not, in my opinion, provide for a prima facie case that the proposed route is a public footpath. The information presented to the committee is couched as though it is assumed that the route must be a public footpath unless proved otherwise whilst the legislation requires that the any amendment should be based on a probable outcome.
85. Much is made of the fact that a track has existed for a number of years to access Ayrefield House. This is the case with a significant number of houses, but the fact that Ayrefield House has a longer than typical access route, to it and its related barn, is being taken as evidence of a public right of way. A home owner choosing not to put a gate on his drive for his own and bona fide visitor's convenience cannot be taken as evidence of their intention to dedicate said route as a public right of way.

Objection 3: The detail included within the Modification Order is not possible to be implemented or is unacceptably vague or onerous.

1. The Modification order gives details of the path this to be classed as a public footpath and amends the description of "Up Holland 2".
2. The details on the modification order are either impossible to fulfil or onerous on the landowner(s).
3. The first part of the path described is from SD 5229 0758 to SD527 0763 being approximately points A and B on the map at exhibit 5. This is further described as width varying between 3.5 and 7 metres.
4. Whilst the private road is clearly between 3.5 and 7 metres there is no evidence that the whole width should be a public footpath. Insisting it is would make it impossible for a landowner to legally reduce the width at some point in the future without undertaking an expensive legal process, even if sufficient width remained for a footpath user to pass unhindered. For example a gate may be required to prevent unauthorised vehicle access (but a sufficient gap left to allow footpath users to pass unhindered) which would be prevented with the order as currently drafted.
5. The path is further described as between SD 5265 0763 and SD5267 0760 (approximately points C and D on the map at Exhibit 5) being "...it turns to continue in a south south easterly direction immediately south of a brick building to continue across an open area to a kissing gate..." later this section is described as being between 4.5 and 2.5 metres.
6. The map accompanying the order (Exhibit 5) shows a footpath between points C and D which appears to cut through a pond, and is clearly not just an "open area". The path should be shown further to the east, avoiding the pond. It should be noted that the pond is not shown on this particular map, but is present on numerous other maps (page 36, 40, 43, 48, 52, 53, 57, and 63 of Agenda Item 5), although its size and shape does vary.
7. Similar to point 4 above the specification of a width, wider than supported by evidence places unnecessary burdens on the landowner. In addition the stated minimum of 2.5 metres is wider than the available space for a footpath as it passes the pond.
8. The existing part of the footpath is very generally described with no references to width and indicates it continues to a "...weir near Dean Cottage." It might be worth noting that the neither the weir or Dean cottage itself are any longer in existence and the path, as currently accessible does not reach the old location of either. In addition no further limitations are noted where a stile clearly exists close to the end of the footpath near to the previous location of Dean Cottage.
9. If a modification order is to accepted it should be amended, removing onerous requirements for excessive widths and should be routed around the pond, not through it.

List of exhibits

1. Certificate of Service dated 3rd July 2018
2. Letter to County Council dated 24th September 2018
3. Letter to County Council dated 26th February 2019
4. Letter to County Council dated 15th March 2019
5. Map of the route subject to the Modification order. (as per the modification order with additional point marked X added)
6. Extract from the "Chronicles of the Prescotts of Ayrfield" published in 1937.
7. Extract of sales particulars for 1951 Sale of Ayrefield House
8. Copy of property deed for Ayrefield House
9. Land registry entry for title number LA612597
10. Extract of Sale Particulars from 2013 sale.

Certificate of Service of Notice of an Application for a Modification Order

Wildlife and Countryside Act 1981

The Definitive Map and Statement of Public Rights of Way for the County of Lancashire

To: The County Secretary and Solicitor, Lancashire County Council
(REF: LSG4/PROW/JM)
Of: PO Box 78, County Hall, Fishergate, Preston, Lancashire, PR1 8XJ

I / We: (Name of applicant) UP HOLLAND PARISH COUNCIL
Of: (address of applicant) 10 THE HOOK, APPLEY BRIDGE
WIGTON, LANCAS, WN6 9JB

Hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with.

DATED: 3 July 2018

SIGNED: David Hughes

Additional information

NOTE: You are required to notify all owners and occupiers of any land to which the application relates and a failure to do so will invalidate your application.

Details of Modification

Addition of footpath from
Ayrefield Road to Up Holland footpath 2.

List of Landowners Notified

DAVID JOSEPH GRANT & ANDREW
JAMES GRANT,
AYREFIELD HOUSE, AYREFIELD ROAD
ROBY MILL, UP HOLLAND

Method of Service of Notice

By Post.

Ayrefield House,
Ayrefield Road,
Roby Mill,
Skelmersdale
WN8 0QP

Claire Blundell
Lancashire County Council
PO Box 100
County Hall
Preston
PR1 0LD

Your Ref: LSG4/CB7/888.1455/84.600

24th September 2018

Dear Claire,

RE: Wildlife and Countryside Act 1981 ('the Act') Application for a definitive map modification order: addition of a public footpath from Ayrefield Road to Up Holland public footpath No 2, Borough of West Lancashire

I am writing in reply to your letter of the 3rd September 2018 in relation to the above matter.

As requested, the attached map shows (outlined and shaded in red) the land which is in my ownership. This land is jointly owned with my brother Michael Grant.

You also requested information regarding other landowners or tenants that may be affected by the application. The following information, which is to the best of my knowledge, may assist in identifying neighbouring landowners or tenants, in order that you can write to them with Notice of your decision:

- The three houses to the north of the claimed footpath, Ayrefield Hall, Simons Villa, and Ayrefield cottage, are owned or occupied by Simon and Jacqui Woods, Brian Woods, and Simon and Tracey Fairhurst respectively.
- The two houses to the south of the claimed footpath, 61 and 63 Ayrefield Road are more complicated. 61 Ayrefield Road has recently changed owners or occupiers and I am presently unaware of who owns or occupies it. 63 Ayrefield Road was until recently owned and occupied by Mr Michael Ratcliffe. Unfortunately Mr Ratcliffe recently died. My understanding is that the property is currently in probate with various members of his family being the beneficiaries of his estate.
- Non-residential land to the North of the claimed footpath is owned or occupied by various parties including Simon and Jacqui Woods (of Ayrefield Hall), "Steve" who lives on Lafford Lane in Roby Mill (sorry that one is not much help!) and the owners / occupiers of Hodges Farm on Lees Lane, Appley Bridge.
- Non-residential land to the South of the claimed footpath is also owned or occupied by various parties including Simon and Jacqui Woods (of Ayrefield Hall), Simon Ratcliffe (son of Michael Ratcliffe, previously of 63 Ayrefield Road), Paul Wilkinson of Miles Lane, Appley Bridge, and the owners/occupiers of Deandane riding school in Gathurst.

In addition I would like to make the following comments / observations in relation to this application:

- The application for a modification order, made on behalf of the Up Holland Parish Council ('Parish Council'), is dated 3rd July 2018.
- On or around that date I received a letter from the Parish Council stating it was a notice under Section 53 (2) of the Act informing me that the claim had been made. A separate letter was sent to my brother David Grant. David ceased to be an owner of Ayrefield House in or around January 2018, and the land registry was updated with this fact in or around February 2018.
- Shortly after receiving the letter I viewed the application on the Lancashire County Council website. The application included a statement under schedule 14 paragraph 2 of the Act, also dated 3rd July 2018, listing myself and my brother David (who was not a landowner) as the only individuals notified.
- Other than myself no other land owner or occupier has been sent a Notice as required. Whilst some of details of landowners or occupiers who have not been contacted might not be easily ascertained, a search of the Land Registry would identify a number of relevant land owners.
- In or around September 2018, sometime after the certification of compliance with Schedule 14 paragraph 2, notices claiming to be made under Section 53 (2) were posted to two posts along the claimed footpath, these notices were not securely attached and within a day had blown/fallen off and had been damaged by the weather.
- This chain of events does not, in my opinion, meet the requirements of notification under Schedule 14 of the Act and the application should therefore be refused.

Notwithstanding the above it would be appreciated if you could provide me with a copy of the evidence provided by the Parish Council in support of their application and listed therein, namely:

- 6 x User evidence forms
- 2 x Parish footpath walk leaflets 1995 & 1996
- 1 x Email from John Hilton referencing conversation with former maintenance manager at Ayrefield House
- 2 x Aerial photographs held by LCC

Yours sincerely,



Andrew Grant

Enc: Map of application

EXHIBIT 3

Ayrefield House
Ayrefield Road
Roby Mill
Skelmersdale
WN8 0QP

Laura Sales
Director of Corporate Services
Lancashire County Council
County Hall
Preston
PR1 8XJ

26th February 2019

Dear Laura,

Your Reference: LSG4/CB7/888.1455/804.600

I am in receipt of a "Notice of Decision – Application for a Modification order" signed by yourself in respect of the above reference.

In the notice it states that "...Lancashire County Council have investigated the matters referred to in the Claim set out above." and "...having taken all relevant evidence into account, ...".

Please can you send me, by post to the above address or by email to AndrewGrant@jsg.com if it is more convenient for you, a copy of both the County Councils investigations and the relevant evidence considered, along with a copy of any other relevant documents, including the actual application and the required notice of application required by paragraph 2 of Schedule 14 of the Wildlife and Countryside Act 1981.

I am minded to raise an objection to this notice but would prefer to have available to me the information used in making the decision to make the order prior to raising the objection.

As any objection needs to be made by 10th April 2019 I would be obliged if the requested information could be provided within 2 weeks of the date of this letter.

Yours faithfully,



Andrew Grant

Ayrefield House
Ayrefield Road
Roby Mill
Skelmersdale
WN8 0QP

Laura Sales
Director of Corporate Services
Lancashire County Council
County hall
Preston
PR1 8XL

15th March 2019

Dear Laura,

Your Reference: LSG4/CB7/888.1455/804.600

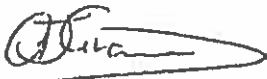
I am writing further to the "Notice of Decision – Application for a modification order" and my subsequent letter to you of the 26th February 2019.

I have since spoken with your colleague Claire Blundell who has provided me with the bundle of documents supplied to the Regulatory Committee meeting.

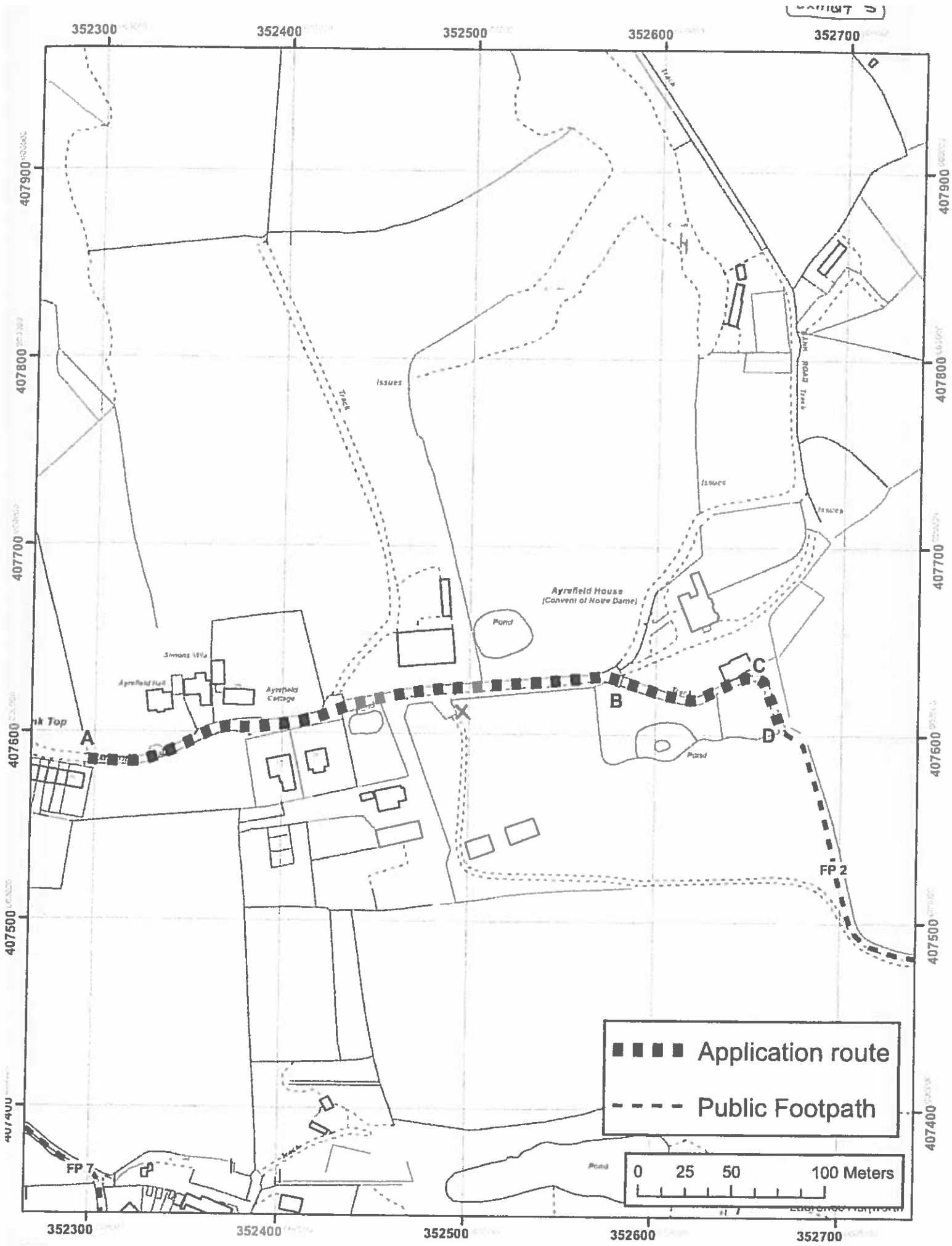
I have not however received a copy of the actual application plus the required notice required by paragraph 2 of Schedule 14 of the Wildlife and Countryside Act 1981 and would be obliged if you could please send me a copy of these documents.

These can be send to the above address or by email to AndrewGrant@jsg.com

Yours sincerely,



Andrew Grant



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GENEALOGICAL TABLE

EXHIBIT 6

JOHN = of Ayrfield Liv. 1553
 WILLIAM = of Ayrfield. b. c. 1516 (aged 70 in 1586) Liv. 1591
 JOHN = JANE WOODWARD of Ayrfield. dau. of Alexander Woodward of Savington. m. 1596 d. 1628

WILLIAM = ELIZABETH ASHTON of Ayrfield. dau. of Richard Ashton of Croston. mar. lic. d. 1653

JANE b. 1638 at Holland Moor, m. Peter Winstanley of Billinge, mar. lic. 1677, she d. 1702/2 he d. 1702

THOMAS b. 1677 d. 1699

JOHN b. 1640 at Holland Moor liv. 1688

WILLIAM b. 1648 at Elspham Hall d. in London

THOMAS b. 1645 at Rough Hall d. at Upholland

CICELY All living and unmarried in 1622. Three later married to Mr. Carter, Mr. Finch, and Mr. Hestert, but it is unknown which

JANE JANE AGNES ELIZABETH

born c. 1631 at Warrington, m. 1682 at Dublin d. 1685 at Wigan, and bur. at Wigan

JAMES b. 1647 at Rough Park d. in inf.

LYDIA PEAKE (1) = HENRY of Ayrfield b. 1649 at Rough Park, Dep. Reg. of Chester, and Reg. of St. Asaph d. 1718 at Wrexham, bur. at Upholland

(2) SUBANNA PULESTON dau. of Sir Joba Puleston of Hayod-y-Wern b. 1667/8 mar. 1687 at Bangor d. 1728 bur. in Chester cathedral

MARGARET b. 1657 at Rough Park, m. John Birchall of Warrington, mar. lic. 1674

JOHN of Ayrfield b. 1690 vicar of Waverton, and Prebendary of Chester, d. unm.

HENRY b. 1695 mariner d. unm.

MARGARET = JOSEPH DYSON of Chester

JOSEPH = JANE KEISER

HENRICK of Ayrfield b. 1703 Master of St. Catherine's Hall the-Chancellor of Camb. univ. d. 1779

MARY APPELYARD

At least 12 other children, most of whom died young. Kenrick alone of the sons left issue.

JANE DYSON = CHARLES of Ayrfield Rector of Stockport b. 1745. d. 1820

CHARLES KENRICK = EMMA OCTAVIA WARRE of Ayrfield b. 1788, d. 1875 Rector of Stockport

Another instance in which confusion must result unless the Old Style is remembered is that of the Copy Court Rolls of the 13th October, 1654, and the 7th February, 1654. The latter is four months later than the former.

VIII. AYRFIELD

IN William Prescott's Composition Papers (App. 4) he states his real property as follows: (1) Copyhold, (2) Leasehold, and (3) Freehold. Only the Copyhold needs consideration in this place. It consisted of the house with certain lands thereto belonging, "a Coppinghold estate of Inheritance according to ye Custome of the manner of Holland." He paid "a Rent of £1. 8. 3. yerely to the Lords of Darby for ever."

The house is marked on the map, and is a little over 1½ miles north of Upholland. Mr. Goodacre informs me that no part of the ancient house is in existence; Henry Prescott himself began alterations as early as the beginning of the eighteenth century, as recorded in his diary. The property now forms part of the estate of Mr. George Hildyard Bankes, of Winstanley Hall, which is about two miles south-east of Upholland. At some time after the sale of the property by Charles Kenrick Prescott the farm buildings were removed to Bank, about 600 yards away. The house is now used as a summer residence by some nuns in Wigan. It stands on high ground, about 200 feet above the River Douglas, from which it is distant about a quarter of a mile.

IX. THE BANK

THIS house, a little distance beyond Ayrfield, is also on Mr. Bankes' estate. Over the door of a shippon is carved "C.K.P. 1822," but it is possible that this was brought here from Ayrfield when the farm buildings there were transferred. It is said that here a fragment of the old house still exists.

communication with Charles was only made treason in August, 1651, and that he had never heard of it. But the mere levying of war in a peaceful country was then, as it would be now, a capital offence.

XI. THE EARLY ANCESTORS

UNDER this heading are included all the ancestors preceding John Prescott, the father of William, the Cavalier.

In the case of a copyhold estate, every transfer had to be sanctioned by the Court of the manor, and the proceedings were entered in the Court Roll. The fundamental law of the manor was "The Custom of the Manor," as decided by the jury of the Court.

When a copyholder wished to transfer his estate, he had to execute a deed out of Court by which he surrendered his estate to the lord of the manor in favour of the next man, whether a son or a purchaser. This deed had to be witnessed by two copyholders. The new copyholder then took the deed to the Court and asked for admission. If the jury found that the deed was in accordance with the Custom of the manor, and if there was no opposition, they gave their verdict accordingly, and the Steward who presided admitted the applicant. He would in due course be furnished with a copy of the Court Roll in which the proceedings were recorded, and this was his only, but sufficient, title deed.

If, then, the early Court Rolls or Copy Court Rolls could be found, there would be found also a complete record of the succession to Ayrfield, and, practically, a pedigree of the family.

Strenuous efforts were made to find the place of deposit of the Court Rolls of the manor of Upholland, but without success. The present Stewards, a firm of solicitors at Ormskirk, have no Rolls earlier than 1804, and I have been informed by a most competent authority on old manuscripts in Lancashire that it is unlikely that the early Rolls are in existence. But, even if they were found, the cost of research would be prohibitive.

The Copy Court Rolls would contain all the information as to Ayrfield recorded in the Court Rolls themselves: They were of course in the possession of the family, and such as had survived were transferred with the estate when the latter was sold by Charles Kenrick Prescot. These are now among the muniments at Winstanley Hall, and they have been deciphered and copied by Mr. Goodacre for the purpose of these notes.

They begin with the Copy Court Roll of the 12th June, 1553, recording the surrender of John Prescott, great grandfather of the Cavalier, in favour of his son William. As always, the immemorial rent of twenty-seven shillings is recorded (App. 11).

But Charles, in his chronology (App. 16) begins by giving a copy of "A piece of parchment" which carries the family back to a much earlier date. This document was before him as he wrote, and his copy was made from it, but the parchment itself has, like so much else, disappeared.

It is not possible to say with certainty what the parchment is. It is certainly not a Copy Court Roll, for we have several such Rolls, and their form is the same throughout, and has nothing in common with the parchment. It is rather in the nature of a memorandum, and its object evidently required that a pedigree of the family should be set out.

The first paragraph is not dated. It records that John Prescott was then in possession (tenet) of the estate, and that he paid the immemorial rent of twenty-seven shillings.

The next paragraph is dated 1532, but the month and the day of the month are not given. In that year it is recorded that a Court was held. The paragraph then goes on to state that William Prescott was then in possession. This shows that William was not then admitted to succeed his father John ("filius Johannis"). It would be altogether consistent with the statement that the business of the Court was the surrender of William in favour of his son John, who is not named on the parchment. This is also consistent with the Copy Court Roll of 1553 (App. 11). In the latter John surrenders in favour of his son William.

It is quite impossible to form an idea of the succession unless a framework of years is provided. I have, therefore, assumed that, on the average, three admissions go to the

century, and arranged the names on the parchment accordingly. The following is the result:—

John (1300), Robert (1333), Henry (1367), John (1400),
Henry (1433), John (1467), William (1500), John (1532),
William (1553).

The John Prescott who ends the first paragraph on the parchment is the John of 1300. The John Prescott who begins the first paragraph and ends the second paragraph is the John of 1400. Charles Prescott also took this view, as stated in his chronology.

The years assumed are purely fictitious, and anyone who reads these notes can substitute other years which he prefers. But the order of succession is undoubted. Again, it is a pure assumption that the John of 1532, whose name does not appear on the parchment, was then admitted. There is no evidence even that he existed. But no other assumption will reconcile the parchment with the Copy Court Roll of 1553.

The Copy Court Rolls from 1553 onwards show conclusively that the William Prescott of 1553 was the grandfather of William the Cavalier.

It only remains to refer to the very interesting Court Roll of the 28th January, 1557/8, a copy of which is given in App. 15. This is a Court Roll, not a Copy Court Roll. The question arises as to how it came to be among the family papers. No transfer of an estate is recorded, so that no Copy Court Roll was required. I suggest that William, the grandfather of the Cavalier, was Bailiff of the manors of Upholland and Rainford, and that it was his duty as such to see that all the dues and penalties recorded in the Roll were duly paid. In order that he might carry out this duty this Roll was given him, and, after he had finished his work, he omitted to return the Roll to the Steward. Hence it has remained among the family papers for nearly three hundred years, probably unnoticed. It was deciphered by Mr. Goodacre, and the work was long and difficult. Only a very experienced palæographer could have attempted it. It will be noticed in the Roll that the Bailiff had to seize a stray colt on behalf of the lord, so that it is evident that he acted as Sheriff to see that the orders of the Court were carried out.

LOT 6

(Coloured Grey on Plan A)

A PRIVATE DWELLINGHOUSE

known as

AYREFIELD HOUSE

AYREFIELD ROAD, APPLEY BRIDGE

Let to the Sister Superior of the Convent of Notre Dame at a rent of £62 10s. 0d. per annum and extending to an area of 3.041 acres or thereabouts. This is an attractive detached residence standing in a secluded position, and is partly stone and partly brick built, a portion of the roof being covered with flags and part with slates. The accommodation comprises:

Ground Floor: Large Hall; 2 Parlours; Dining-room; Pantry; Kitchen; Scullery; Boiler House.

First Floor: (East Wing) 9 Bedrooms; Chapel; Bathroom and W.C. (West Wing) 6 Bedrooms; Bathroom and W.C.

A small Conservatory; Greenhouse; Stone-built Barn; Harness Room; Coach House and Stables. Services: Main Water, Electricity, and Drainage to a Septic tank.

Rateable Value: £44.

Tithe R.A.: £0 1s. 10d.

SCHEDULE

Ord. No.	Acres
1013	3.041
Total area	
	3.041

Note 1.—This Lot is sold with the benefit of a right of way as existing over Lot 2 in the sale particulars.

LOT 7

(Coloured Yellow on Plan A)

A USEFUL SMALL FARM

known as

MELLINGS FARM, APPLEY BRIDGE

Let to Mr. J. Smith at a rental of £40 0s. 0d. per annum and extending to an area of 30.909 acres or thereabouts.

The Farm

is situated at the South end of Appley Bridge on the main road leading southwards to Billinge and St. Helens.

The Farmhouse

is well built and the accommodation includes: Living-room; Kitchen; Scullery; Pantry; 3 Bedrooms; Bathroom and W.C.

The Outbuildings

are built of stone with slated roof and include: Shippon for 8; Stone Barn; Dutch Barn; Implementation Shed and stores; Garage.

Services: Main Water, Electricity and Drainage.

Rateable Value: £9.

Tithe R.A.: £6 0s. 7d.

SCHEDULE

Ord. No.	Acres
1055	2.441
1056	5.096
1054	2.603
1053	1.067
1052	1.085
1018	11.077
Pt. 1020	6.455
Pt. 1019	.214
1022	.511
1023	.360
Total area	
	30.909

Note 1.—This Lot is sold subject to the right of the Vendors and their successors to grant an easement in perpetuity to lay a pipeline across Field 1020 in accordance with the terms of the agreement granted to the Upholland Urban District Council.

LOT 8

(Coloured Green on Plan A)

A COTTAGE

situate and numbered

8 WALTHEW GREEN, APPLEY BRIDGE

Let to Mrs. Cooper at a rent of 5s. per week, landlord paying rates and extending to an area of .310 acres or thereabouts.

The Cottage

is stone built and contains: Kitchen; Back Kitchen; Parlour; 2 Bedrooms.

Services: Main Water.

Rateable Value: £6.

Tithe R.A.: NIL

SCHEDULE

Ord. No.	Acres
Pt. 951	.310
Total area	
	.310

Note 1.—This Lot is sold subject to the right of way as existing in favour of the owners of the properties shown as Lots 10 and 11 in the sale particulars.

LOT 1
(Coloured Grey on Plan A)
RECREATION GROUND

fronting to
APPLEY LANE, APPLEY BRIDGE

Let to The Upholland Urban District Council for a term of 15 years from the 2nd August, 1948, at a rent of 1s. per annum, and extending to an area of 3.821 acres or thereabouts.

This land lies close to the centre of Appley Bridge, is level, and is now used as a Football Ground.

Tithe R.A. : £1 10s. 3d.

Ord. No.	Acres
1136	3.821
<i>Total area</i> 3.821	

Note 1.—This Lot is sold subject to the right of the Vendors and their successors to grant an easement in perpetuity to lay maintain and use a pipeline across Field 1136 in accordance with the terms of the easement granted in the deed dated 27th March, 1934, between George Hildyard Bankes Esq., and the River Douglas Catchment Board.

LOT 2
(Coloured Green on Plan A)

AN OUTSTANDING MIXED FARM
known as
AYREFIELD FARM, APPLEY BRIDGE

Let to the Reprs. of R. Valentine at an apportioned rental of £156 1s. 0d. per annum and extending to an area of 198.186 acres or thereabouts, together with a Lodge used as two cottages.

The Excellent Farmhouse

contains : Living-room ; Kitchen ; Scullery ; Pantry ; Washhouse ; 4 Bedrooms and Bathroom.

The Farm Buildings

a substantial proportion of which were re-roofed about ten years ago include : Shippon with tyings for 20 with loft over ; Dairy ; Stable ; Granary ; Loose Box ; Dutch Barn ; Implement Shed ; Pig-cotes.

Services : Main Water and Electricity.

Rateable Value : £10.

Tithe R.A. : £40 13s. 0d.

SCHEDULE

Ord. No.	Acres
1137	.017
1117	14.201
1118	5.972
1116	1.355
1114	9.182
1113	9.666
1089	.884
1091	.786
1090	3.346
1088	3.999
1087	.454
1082	2.267
1083	1.038
1084	10.096
1064	.194
Pt. 1063	.500
1062	11.211
Pt. 1086	25.525
1060	1.455
Pt. 1059	.693
887	15.416
886	11.501
Pt. 885	.360
Pt. 880	.170
1058	2.328
1012	1.295
1014	6.281
1014a	.147
Pt. 1015	.530
1011	1.606
1006	2.885
1010	4.856
889	27.785
888	20.185
<i>Total area</i> 198.186	

Note 1.—This Lot is sold subject to the right of way as existing in favour of the owner of the property shown as Lot 6 in the sale particulars together with a right of way in favour of the purchasers of Lot 3 and 4 to haul timber as necessary subject to paying compensation for any damage sustained.

Note 2.—This Lot is sold subject to the right of the Vendors and their successors to grant an easement in perpetuity to lay maintain and use a pipeline across Fields 1117, 1118, 1114 and 1086 in accordance with the terms of the easement in the deed dated 27th March, 1934, between George Hildyard Bankes, Esq., and the River Douglas Catchment Board.

Title Number : LA612597

This title is dealt with by HM Land Registry, Fylde Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 29 MAR 2019 at 13:35:08 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: LA612597
Address of Property	: land and buildings on the west side of Bank Road, Appley Bridge
Price Stated	: Not Available
Registered Owner(s)	: THOMAS FOULDS WHALLEY of 395 Gathurst Road, Shevington, Wigan, Lancs.
Lender(s)	: None

Title number LA612597

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 29 MAR 2019 at 13:35:08. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title.

LANCASHIRE : WEST LANCASHIRE

- 1 (02.02.1989) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land and buildings on the west side of Bank Road, Appley Bridge.
- 2 The land edged and numbered in green on the filed plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 3 There are excluded from this registration the mines and minerals excepted by the Conveyance dated 19 October 1951 referred to in the Charges Register in the following terms and the land is also subject to the following rights reserved thereby:-

THERE are excepted and reserved unto the Vendors in fee simple

(a) All minerals (other than such coal and mines of coal aforesaid) lying within and under the property hereby conveyed with full and free liberty and power to work get and carry away and make merchantable the same by underground operations only without liability to make compensation in respect of any damage which may be thereby occasioned to the surface or to any buildings or erections or drains or sewers for the time being thereon or therein.

(b) The free and unrestricted enjoyment as legal easements or rights of all privileges or quasi-easements now or heretofore enjoyed over the property hereby assured in respect of any adjoining or neighbouring property of the Vendors.

(c) The right to enforce or have enforced and to release or modify any covenant heretofore entered into by any Purchaser of any other land which may at present be inherent in or annexed to the ownership of the property hereby assured

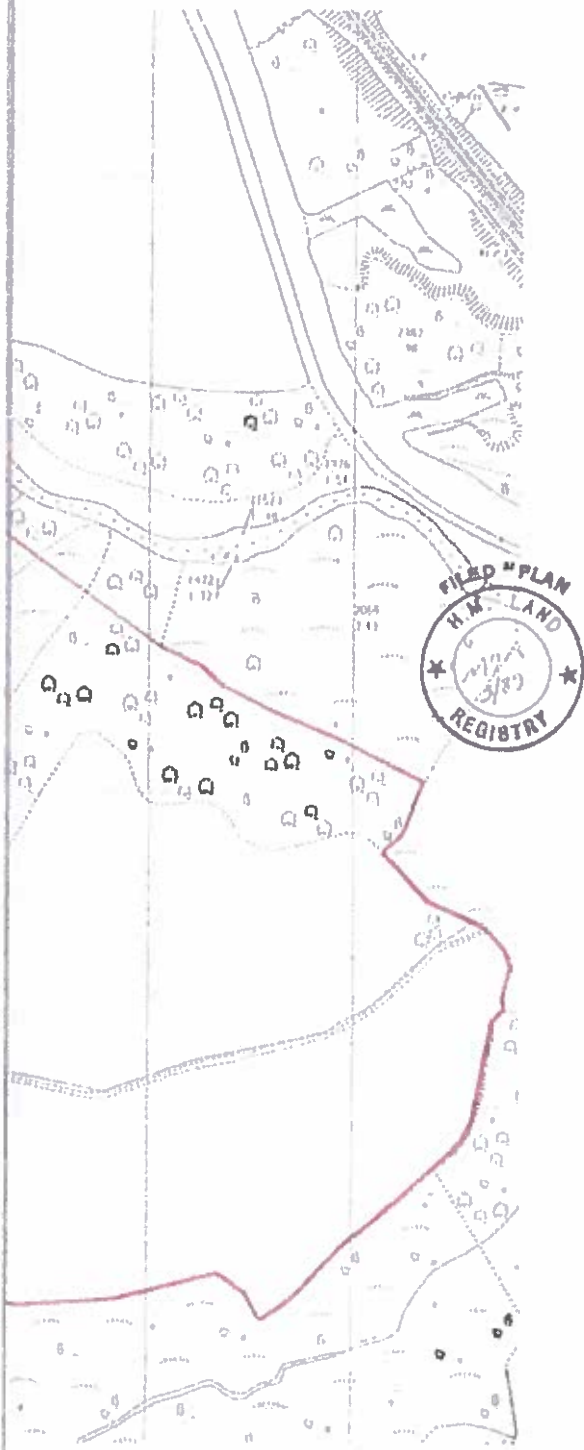
THERE are also excepted to the Vendors and the persons deriving title under them the benefit of all rents rentcharges and other payments in respect of all easements and wayleaves in connection with the pipelines drains electric cables wires poles stays and transformers (if any) and also all telephone poles and other poles at present erected on or passing through on or over the property hereby assured.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (09.10.1991) Proprietor(s): THOMAS FOULDS WHALLEY of 395 Gathurst Road, Shevington, Wigan, Lancs.



This is a copy of the title plan on 29 MAR 2019 at 13:35:08. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the title plan. An official copy of the title plan is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

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Andrew Grant
Ayrefield House
Ayrefield Road
Roby Mill
Wigan
WN8 0QP

Phone: 01772533878
Email: Joanne.Lawson@lancashire.gov.uk

Your ref:
Our ref: LSG4/JL2/888.1455/JL2
Date: 11 April 2019

Dear Mr Grant

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

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III
THE LANCASHIRE COUNTY COUNCIL
FOOTPATH AT AYREFIELD ROAD AND AYREFIELD HOUSE, UP HOLLAND
DEFINITIVE MAP MODIFICATION ORDER 2019**

I write to acknowledge receipt of your objection to the above mentioned Order contained in your letter of 25th March 2019. Having received objections to the Order, Lancashire County Council cannot confirm the Order. Instead the matter will be referred to the Planning Inspectorate, along with the objections received, for final determination.

Yours sincerely,

Joanne Lawson

Paralegal

Please quote our full reference number on all correspondence

804-000
888-1455
ref SM.

**Ayrefield House
Ayrefield Road
Roby Mill
Wigan
WN8 0QP**

Ms. Laura Sales
Director of Corporate Services
Lancashire county Council
County Hall
Preston
PR1 8XJ

25th March 2019

Dear Ms Sales,

**Wildlife and Countryside Act 1981 – Part III
Claim for Definitive Map modification order
Claimed addition of a public footpath along Ayrefield Road Past Ayrefield House to
Footpath Up Holland 2, Borough of West Lancashire**

I refer to your letter dated 1st February 2019 (but received much later) relating to the above proposal.

I am surprised that you would propose such a route for a public footpath, leaving a field at point D to go through a private garden, when the field itself is gated onto Ayrefield Road about 100 yards to the west of point B. So why propose a route through the garden?

I am a little bewildered by the map that was attached to the proposal (scale 1: 2,500) which shows only one pond in the garden when I have an ordinance survey land ranger map (scale 1: 25,000) which clearly shows two ponds, there are two ponds and always have been two ponds.

These ponds during the last five years have been de-silted and are used to prevent flooding to the Ayrefield House barn. Currently your proposed route goes through one of the ponds and is currently under a considerable amount of water and this is likely to occur every winter. So why propose a route that is unpassable for a large part of the year?

It is my belief is that there has never been a footpath through the garden with uninvited public access. However it appears you have some evidence to the contrary that it was used publicly as a footpath. Perhaps this evidence is worthy of some investigation.

I believe the local Parish Council initiated the claim that there is a footpath and a former member of that council John Hilton formerly of Ayrefield Road was instrumental in the claim and probably collected the evidence statements submitted to / by the Parish Council.

I with members of my family moved into Ayrefield House in May 2013 and Mr Hilton took a dislike to us. He even returned our Christmas card/gift unopened in the December and always looked the other way when we passed. I do not think I ever spoke to him. I believe this this may have been because he discovered that we were members of The Church of Jesus Christ of Latter Day Saints (sometimes known as Mormons) and this proposal is motivated by religious prejudice. He has now moved away from the area and this is his parting legacy.

Another of your testimonials will be from a man called Peter, a resident of Ayrefield Road who worked at Ayrefield House as a gardener and he lost his job when the house was sold to us by the Sisters of the Convent of Notre Dame. He also had an allotment in the garden and once he had collected his crop for 2013 this arrangement was terminated by us. I leave you to draw your own conclusions.

You will, I am sure, understand that I believe your evidence is unreliable at best especially as I could provide at least as many witnesses to state that there never was a footpath for uninvited public access. Such witnesses will include testimonies from some of the nuns who lived at Ayrefield House and another former gardener. When we moved in the only maintained paths, other than in the lawned areas, were in a field north east of point C on your map, where the grass was mowed in metre wide bands to enable the nuns to exercise.

In your notice of decision you state that you have taken all relevant evidence into account, clearly this statement is not correct. Consequently I object most strongly to your proposal.

I look forward to your comments

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Grant', with a long horizontal stroke extending to the right.

Michael Grant

Michael Grant
Ayrefield House
Ayrefield Road
Roby Mill
Wigan
WN8 0QP

Phone: 01772533878
Email: Joanne.Lawson@lancashire.gov.uk

Your ref:
Our ref: LSG4/JL2/888.1455/JL2
Date: 11 April 2019

Dear Mr Grant

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

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III
THE LANCASHIRE COUNTY COUNCIL
FOOTPATH AT AYREFIELD ROAD AND AYREFIELD HOUSE, UP HOLLAND
DEFINITIVE MAP MODIFICATION ORDER 2019**

I write to acknowledge receipt of your objection to the above mentioned Order contained in your letter of 25th March 2019. Having received objections to the Order, Lancashire County Council cannot confirm the Order. Instead the matter will be referred to the Planning Inspectorate, along with the objections received, for final determination.

Yours sincerely,

Joanne Lawson

Paralegal

Please quote our full reference number on all correspondence