

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:

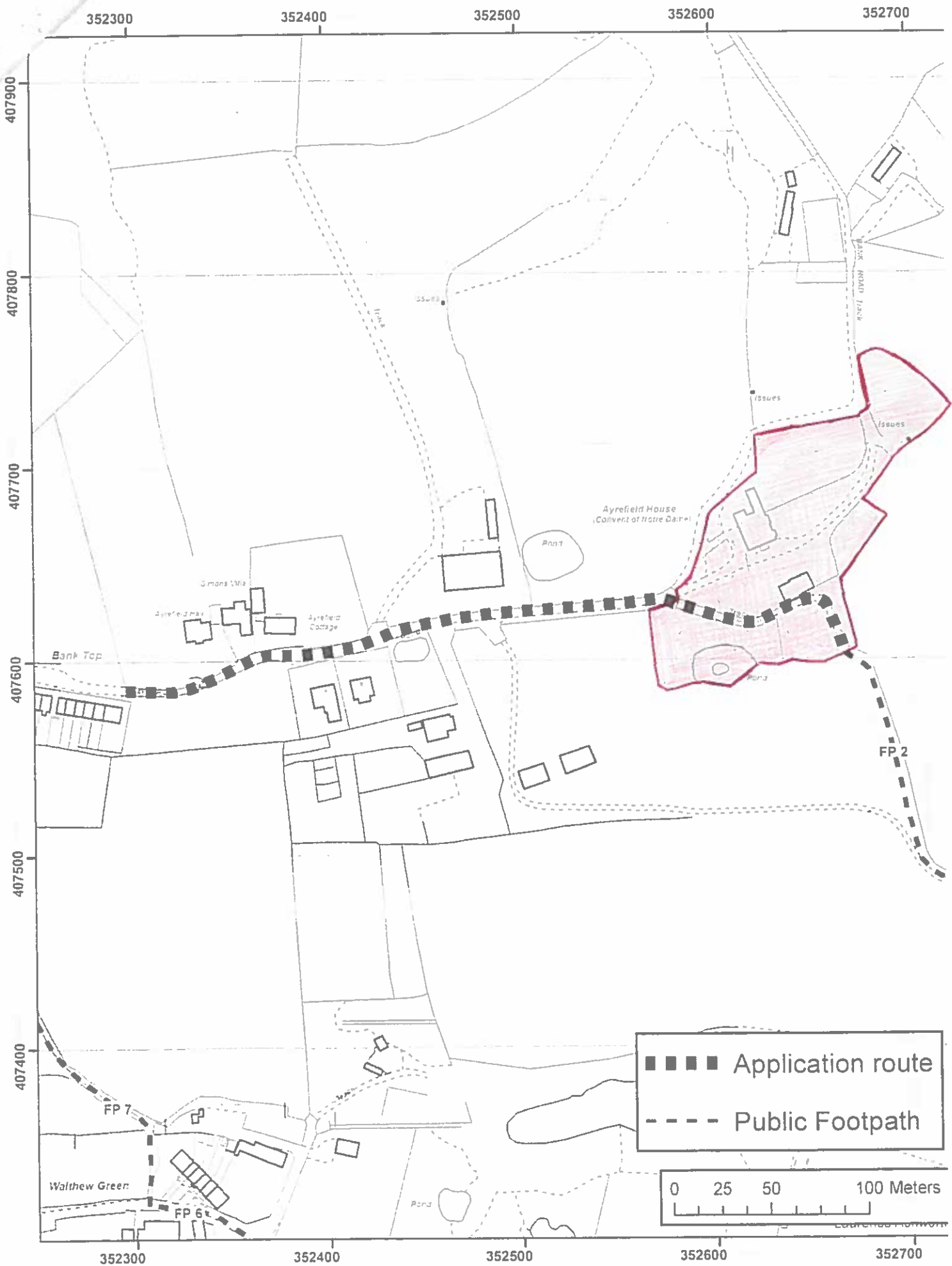
- 6 x User evidence forms
- 2 x Parish footpath walk leaflets 1995 & 1996
- 1 x Email from John Hilton referencing conversation with former maintenance manager at Ayrefield House
- 2 x Aerial photographs held by LCC

Yours sincerely,

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

Andrew Grant

Enc: Map of application



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

Phone: 01772 533196
Email: claire.blundell@lancashire.gov.uk

Your ref:
Our ref: LSG4/CB7/888.1455/804.600
Date: 02 October 2018

Dear Mr Grant,

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

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III
CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER
CLAIMED ADDITION OF A PUBLIC FOOTPATH FROM AYREFIELD ROAD TO
UP HOLLAND PUBLIC FOOTPATH NO. 2, BOROUGH OF WEST LANCASHIRE**

Thank you for your letter of 24th September highlighting your ownership.

On receipt of an application (compliant or otherwise) the county council carries out its own detailed investigation. This investigation involves us looking at a range of historical maps and documents to determine what the status of the application route might be. This research will be documented in the report presented to the Regulatory Committee and will be taken into account when determining whether or not to make an order to record the route as a public right of way. The enclosed list is an example of the range of historical documents we look at during such an investigation.

As requested please also find enclosed the documents submitted with the application.

Yours faithfully



Claire Blundell
Paralegal

Please quote our full reference number on all correspondence



Janine Marie Gibson
61 Ayrefield Road
Roby Mill
Skelmersdale
WN8 0QP

Phone: 01772 533196
Email: claire.blundell@lancashire.gov.uk

Your ref:

Our ref: LSG4/CB7/888.1455/804.600

Date: 03 September 2018

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

Dear Sirs

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III
CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER
CLAIMED ADDITION OF A PUBLIC FOOTPATH FROM AYREFIELD ROAD TO
UP HOLLAND PUBLIC FOOTPATH NO. 2, BOROUGH OF WEST
LANCASHIRE**

The County Council, as Surveying Authority, have received a Claim for a Definitive Map Modification Order. The details of the Claim are as follows and the route referred to is shown in a bold dashed line on the attached plan:-

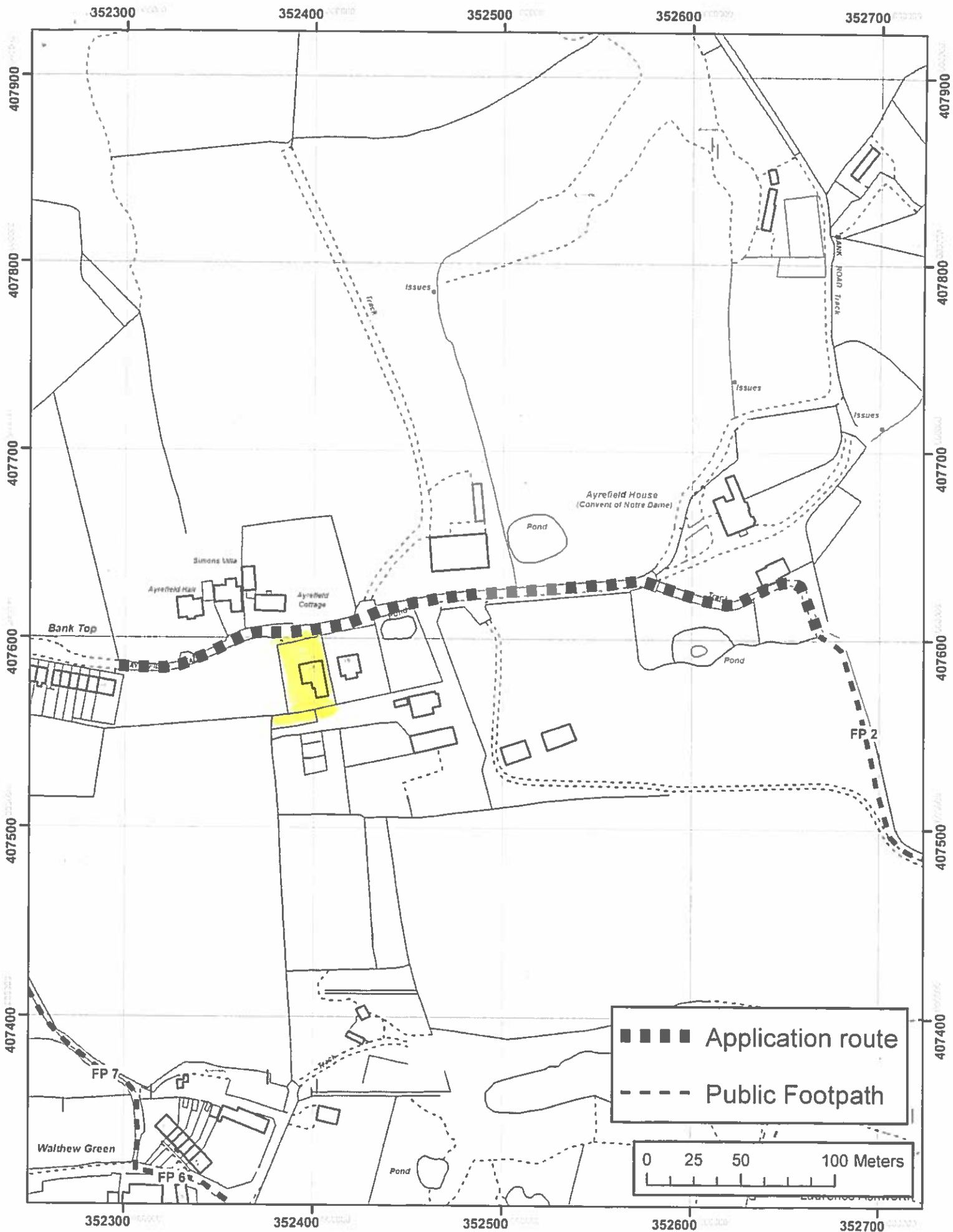
Claimed addition of a public footpath from Ayrefield Road to Up Holland Public Footpath No.2, Borough of West Lancashire

In accordance with paragraph 3 of Schedule 14 of the Wildlife and Countryside Act, 1981, the County Council are required to fully investigate the Claim and, after consulting with every local authority in whose area the Claim relates, to decide whether or not to make the Order applied for. The County Council are required to give Notice of their decision to every owner and occupier of any land to which the application relates.

In this connection, also enclosed with this letter is a further map of the area. I would be most obliged if you could colour in the exact extent of the land in your ownership in the vicinity of the claimed route, and return the map to me at the above address. I have enclosed a reply paid envelope for your convenience.

As I am required to contact all owners and tenants who may be affected by this application, any additional help that you can give me regarding the names and addresses of neighbouring landowners or tenants would be appreciated.

If the Council decide to make a Definitive Map Modification Order, Notice will be served on owners and occupiers, who may, at that stage, make representations or objections to it. In such case, the Order will be submitted to the Secretary of State, who will cause a local inquiry or hearing to be held, before deciding whether or not to confirm the Order.





Mervin Robert William Gibson
61 Ayrefield Road
Roby Mill
Skelmersdale
WN8 0QP

Phone: 01772 533196
Email: claire.blundell@lancashire.gov.uk

Your ref:

Our ref: LSG4/CB7/888.1455/804.600

Date: 03 September 2018

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

Dear Sirs

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III
CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER
CLAIMED ADDITION OF A PUBLIC FOOTPATH FROM AYREFIELD ROAD TO
UP HOLLAND PUBLIC FOOTPATH NO. 2, BOROUGH OF WEST
LANCASHIRE**

The County Council, as Surveying Authority, have received a Claim for a Definitive Map Modification Order. The details of the Claim are as follows and the route referred to is shown in a bold dashed line on the attached plan:-

Claimed addition of a public footpath from Ayrefield Road to Up Holland Public Footpath No.2, Borough of West Lancashire

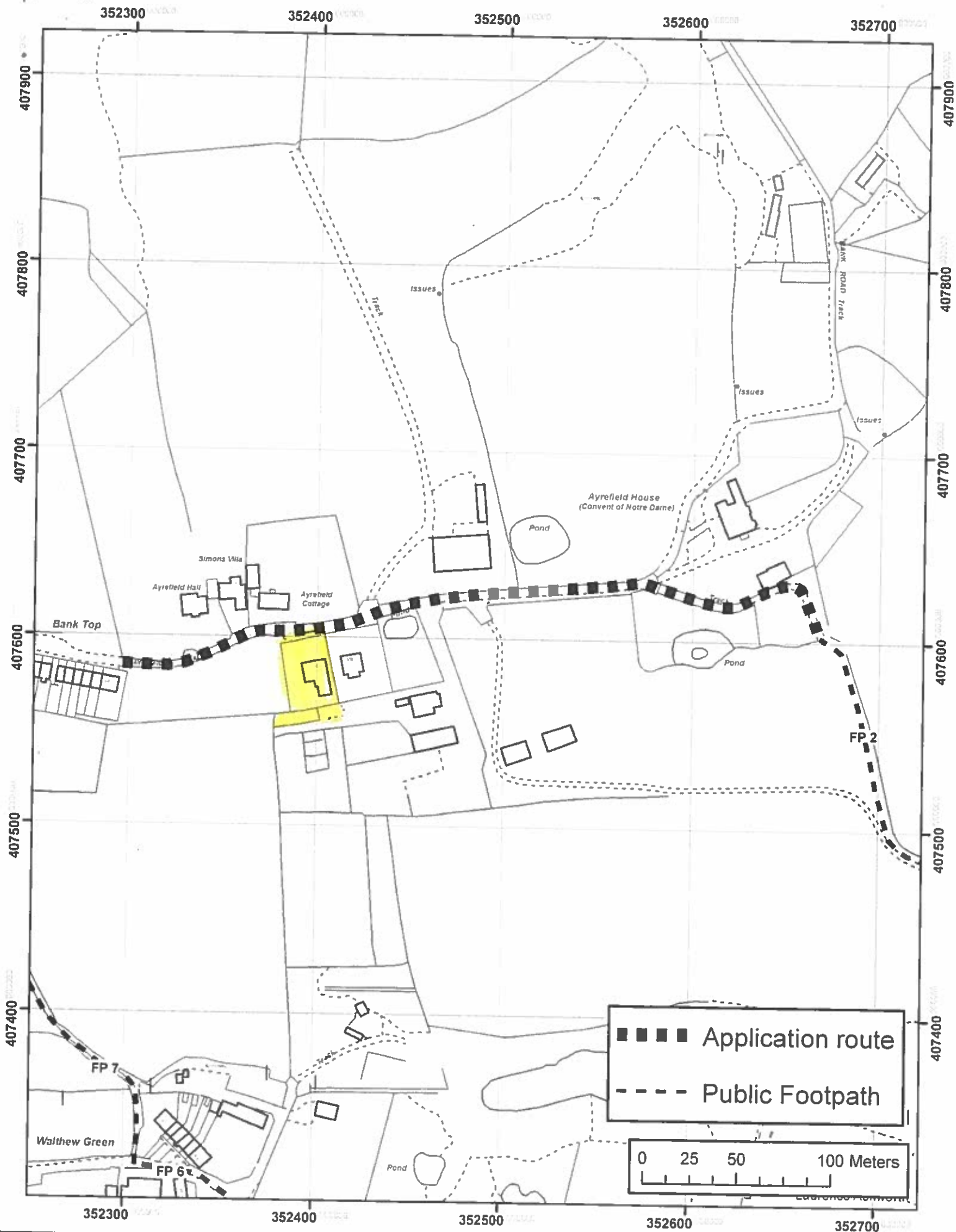
In accordance with paragraph 3 of Schedule 14 of the Wildlife and Countryside Act, 1981, the County Council are required to fully investigate the Claim and, after consulting with every local authority in whose area the Claim relates, to decide whether or not to make the Order applied for. The County Council are required to give Notice of their decision to every owner and occupier of any land to which the application relates.

In this connection, also enclosed with this letter is a further map of the area. I would be most obliged if you could colour in the exact extent of the land in your ownership in the vicinity of the claimed route, and return the map to me at the above address. I have enclosed a reply paid envelope for your convenience.

As I am required to contact all owners and tenants who may be affected by this application, any additional help that you can give me regarding the names and addresses of neighbouring landowners or tenants would be appreciated.

If the Council decide to make a Definitive Map Modification Order, Notice will be served on owners and occupiers, who may, at that stage, make representations or objections to it. In such case, the Order will be submitted to the Secretary of State, who will cause a local inquiry or hearing to be held, before deciding whether or not to confirm the Order.





Andrew Mullaney
Head of Planning and Environment

Wildlife and Countryside Act 1981
Addition of public footpath along Ayrefield Road to Footpath 2 Upholland
at Ayrefield House

1:2,500



The digitised Rights of Way information should be used for guidance only as its accuracy cannot be guaranteed. Rights of Way Information must be verified on the current Definitive Map before being supplied or used for any purpose.

This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320



Lancashire County Council,
Legal and Democratic Services,
P.O. Box 78,
County Hall,
Preston. PR1 8XJ

Your ref: LSG4/CB7/888.14
55/804.600
Our ref: JMGW/HD
Date: 25th October 2018

Dear Sirs,

Re: Wildlife and Countryside Act 1981 - Part III
Claim for Definitive Map Modification Order
Claimed Addition of a Public Footpath from Ayrefield Road to
Upholland Public Footpath No. 2, Borough of West Lancashire

We refer to your letter of 3rd September to our client Mr. T.F. Whalley and confirm that our client owns land affected by the proposed Modification Order.

We would be obliged if you would let us know who is promoting the matter. Our client will make representations in due course.

Yours faithfully,

Frank Marshall & Co

FRANK MARSHALL & CO.

121 Billinge Road
Garswood
Ashton-in-Makerfield
Wigan, WN4 0XD

Tel: 01744 893371
Fax: 01744 893393

wigan@frankmarshalluk.co

PROPERTY CONSULTANTS
VALUERS
LAND & ESTATE AGENTS
AUCTIONEERS
PLANNING & DEVELOPMENT

MANAGING DIRECTOR

Paul Johnson BA, FRICS, FAAV

ASSOCIATE

James Woods MRICS, FAAV

CONSULTANTS

Roy Brereton
George Westlake MRICS, MBE



Regulated by RICS

Frank Marshall & Co is a trading name
of Frank Marshall (Garswood) Ltd.
Company Registration No 6543828
Registered Office: 6th Floor, Cardinal
House, 20 St. Mary's, Parsonage,
Manchester, M3 2LG

Frank Marshall Chartered Surveyors
121 Billinge Road
Garswood
Ashton-in-Makerfield
Wigan
WN4 0XD

Phone: 01772 533196
Email: claire.blundell@lancashire.gov.uk

Your ref: JMGW/HD
Our ref: LSG4/CB7/888.1455/804.600
Date: 1 November 2018

Dear Sirs

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

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III
CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER
CLAIMED ADDITION OF A PUBLIC FOOTPATH FROM AYREFIELD ROAD TO
UP HOLLAND PUBLIC FOOTPATH NO. 2, BOROUGH OF WEST
LANCASHIRE**

Thank you for your letter of 25 October 2018.

Please find attached a copy of the application which is also available to view on the
Lancashire County Council Website:
<http://www3.lancashire.gov.uk/corporate/dmmoview/>

I look forward to receiving your client's representations in the near future.

Yours faithfully



Claire Blundell
Paralegal

Please quote our full reference number on all correspondence

From: [Blundell, Claire](#)
To: ["simon@lettingagentswigan.co.uk"](mailto:simon@lettingagentswigan.co.uk)
Subject: RE: LSG4/CB7/888.1455/804.600
Date: 21 November 2018 09:34:00

Dear Simon,

Thanks you for your email.

On receipt of an application under the Wildlife and Countryside Act 1981 to record a public right of way on the Definitive Map and Statement, the county council carries out its own detailed investigation, and has a statutory obligation to do so. This investigation involves us looking at a range of historical maps and documents to determine what the status of the application route might be. This research will be documented in the report presented to the Regulatory Committee and will be taken into account when determining whether or not to make an order to record the route as a public right of way.

If you wish to add further comments to your objection please do so as soon as possible as this matter is planned to go to the January Regulatory Committee on 30th January 2019 and the report is in its final drafting stage. Whilst the public is welcome to attend, there is not the opportunity to make representations at the Regulatory Committee meeting.

If you wish to provide further comments to your objection please note that information relating to the future use or maintenance or use of the route should it be found to be a public footpath – for example concerns over the potential for anti-social behaviour, dog fouling, noise pollution and disturbance to animals, whilst important to the management of the land is not relevant to the investigation into whether the route is a public right of way. This process is to establish whether a public right of way exists not what impact it would have.

You may view the application on the county councils website:
<http://www3.lancashire.gov.uk/corporate/dmmoview/application.asp?id=471>

Kind Regards,

Claire Blundell

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

From: Simon Woods [mailto:simon@lettingagentswigan.co.uk]
Sent: 21 November 2018 08:46
To: Blundell, Claire <Claire.Blundell@lancashire.gov.uk>
Subject: Re: LSG4/CB7/888.1455/804.600

Claire,

Is there a meeting that I am able to attend with my solicitor or planning consultant?

I thought you would just withdraw the application now that I've provided the evidence?

Regards,

Simon Woods
Managing Director
Robin Park Letting Agents Wigan

Mobile: [07788 918006](tel:07788918006)
Website: www.LettingAgentsWigan.co.uk
Email: Simon@LettingAgentsWigan.co.uk

Sent from my iPhone

On 21 Nov 2018, at 08:37, Blundell, Claire <Claire.Blundell@lancashire.gov.uk> wrote:

Dear Mr Woods,

Thank you for the confirmation of your land ownership in connection with the above-mentioned matter.

Your objection will be borne in mind by the county council when the matter is referred to the Regulatory Committee for determination. Once the Committee has considered the claim I will write to you again to notify you of the decision which has been reached.

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential and may be disclosed to third parties.

Kind Regards,

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

From: simon@lettingagentswigan.co.uk [<mailto:simon@lettingagentswigan.co.uk>]

Sent: 20 November 2018 13:18

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

Cc: sdean@abhlaw.co.uk; jaki@lettingagentswigan.co.uk

Subject: LSG4/CB7/888.1455/804.600

Importance: High

Claire,

We have received a letter in the post saying that you want to form a footpath over land that is under our ownership, just to let you know that this is not acceptable to ourselves under any circumstances!

Please find enclosed a copy of our Deed showing which part of the track/road we own between number 59 and the boundary of Ayrefield Hall our house which was formerly 2a on the plan (For ease on site the Hawthorn Hedge denotes the length of road in our ownership).

I have copied Steve Dean from Alker Ball Healds Solicitors into this email for information only at this stage.

Regards,

Simon Woods
Managing Director
Robin Park Letting Agents Wigan

Mobile: 07788 918006

Website: www.LettingAgentsWigan.co.uk

Email: Simon@LettingAgentsWigan.co.uk

This e-mail contains information intended for the addressee only.

It may be confidential and may be the subject of legal and/or professional privilege.

If you are not the addressee you are not authorised to disseminate, distribute, copy or use this e-mail or any attachment to it.

The content may be personal or contain personal opinions and unless specifically stated or followed up in writing, the content cannot be taken to form a contract or to be an expression of the County Council's position.

Lancashire County Council reserves the right to monitor all incoming and outgoing email.

Lancashire County Council has taken reasonable steps to ensure that outgoing communications do not contain malicious software and it is your responsibility to carry out any checks on this email before accepting the email and opening attachments.