

From: [John Winnard](#)
To: [Brindle, Megan](#)
Cc: [TIM CALDERBANK](#); [Christine Reddington \(christinereddington@hotmail.com\)](mailto:christinereddington@hotmail.com)
Subject: Public footpath upgrade to Bridleway Wrightington
Date: 09 January 2015 11:50:56
Attachments: [ATT00001.png](#)
[ATT00002.jpg](#)
[ATT00003.jpg](#)

Hi Megan

WILDLIFE AND COUNTRYSIDE ACT 1981 – PART 111
CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER
UPGRADE OF PUBLIC FOOTPATH 21 WRIGHTINGTON TO BRIDLEWAY, BOROUGH OF WEST
LANCASHIRE

Your ref: LSG4/MB3/5.53125/MB3

I have tried to ring you twice this week to discuss the above but unfortunately I have just got your voice mail.

Members of my family have discussed this matter with one of your colleagues several years ago and thought that the Council was in possession of the relevant details.

My aunties, Pauline Polding and Christine Reddington and myself are the registered owners of the top half of the field bordering Mossy Lea Road and the footpath. However there are several more members of the family who are co-owners of the same field which also includes part of the footpath. Will you require the other six members' addresses?

I am sure one of the family members has a copy of the footpath ownership that was provided to the council previously so I will make enquiries to where it is. I am of the opinion that our family own half the footpath adjoining our field and Tom Green the farmer owning the other half adjoining his field. I am not sure who owns the half of the path adjoining the lower half of the field at the rear of the church.

I personally would be against the footpath being upgraded to a bridleway mainly from a health and safety point of view. There have been several occasions when there have been incidents when horses, presumably unauthorised, have been cantering up the path when families have been trying to walk along and it will only be a matter of time before someone is hurt. If you have visited the site you will see that the path is fairly narrow and there is also a blind spot where a horse rider cannot see ahead properly about halfway down. The horses also churn up the ground which makes it difficult for families to enjoy the walk along what is supposed to be a "footpath".

Kind regards

John Winnard MBE



[Click here to see our Uncle Joe's Mint Balls brand overview](#)

From: [Brindle, Megan](#)
To: ["John Winnard"](#)
Subject: RE: Public footpath upgrade to Bridleway Wrightington
Date: 30 March 2015 11:58:38
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)

Hi John,

Please accept my apologies for the delay in replying to your email.

If you do have addresses of the other landowners that would be most helpful as I would also like to consult with them.

After the consultation the County Council will present a report to the Council's Regulatory Committee where a decision will be made based on the evidence submitted by the applicant, historical research and evidence from carrying out the consultation. Please can I ask whether the part highlighted in red is what you would like to be included in that report or whether you have more detailed response in mind?

I look forward to hearing from you in due course.

Kind regards

Megan

Megan Brindle
Paralegal Officer
County Secretary and Solicitors Group
Office of the Chief Executive
Lancashire County Council
Telephone: 01772 (5)35604

From: [John Winnard](#)
To: [Brindle, Megan](#)
Cc: [TIM CALDERBANK](#); [Christine Reddington \(christinereddington@hotmail.com\)](#)
Subject: RE: Public footpath upgrade to Bridleway Wrightington
Date: 31 March 2015 10:49:47
Attachments: [ATT00001.gif](#)
[ATT00002.png](#)
[ATT00003.jpg](#)
[ATT00004.jpg](#)

Hi Megan

More than happy to include the highlighted in red information into the report. Two of my cousins live in Hong Kong and Australia and an Uncle in Wales so don't have their addresses personally but will try to get in touch through other members of the family.

I have informed other "heads" of families so they will submit any further comments. Some have already been in touch with the Council as they live close to the footpath.

Regards

John Winnard MBE
Joint Managing Director

E: john@uncle-joes.com | W: www.uncle-joes.com | T: +44 (0)1942 243464 | F: +44 (0)1942 323023

William Santus & Co Ltd, The Toffee Works, Dorning Street, Wigan, WN1 1HE, England.

From: [Brindle, Megan](#)
To: ["John Winnard"](#)
Subject: RE: Public footpath upgrade to Bridleway Wrightington
Date: 31 March 2015 11:42:27
Attachments: [image001.gif](#)
[image002.png](#)
[image003.jpg](#)
[image004.jpg](#)

Many thanks for your email John,

I will ensure your comments are included in the report. I am hoping to draft the report soon as the historic research has already been carried out.

Do you have any timescales of when I can expect the responses?

Many thanks

Megan

From: [John Winnard](#)
To: [Brindle, Megan](#)
Subject: RE: Public footpath upgrade to Bridleway Wrightington
Date: 31 March 2015 11:59:37
Attachments: [ATT00001.gif](#)
[ATT00002.png](#)
[ATT00003.jpg](#)
[ATT00004.jpg](#)

Hi Megan

Have just spoken to my Auntie who is in touch with her brother in Wales so hopefully they will get back to you shortly. The rest I am not sure about.

Regards

John

John Winnard MBE
Joint Managing Director

E: john@uncle-joes.com | W: www.uncle-joes.com | T: +44 (0)1942 243464 | F: +44 (0)1942 323023

William Santus & Co Ltd, The Toffee Works, Dorning Street, Wigan, WN1 1HE, England.

From: [Brindle, Megan](#)
To: ["John Winnard"](#)
Subject: RE: Public footpath upgrade to Bridleway Wrightington
Date: 31 March 2015 14:04:52
Attachments: [image001.gif](#)
[image002.png](#)
[image003.jpg](#)
[image004.jpg](#)

Hi John,

Thank you for your e-mail.

I'll look forward to hearing from your Auntie, unfortunately unless I have contact details for the other owners affected I cannot carry out consultations with them.

Kind regards

Megan

From: [Carolyn Cross](#)
To: [Brindle, Megan](#)
Subject: Upgrading of Public Footpath 21, Wrightington to Bridleway
Date: 28 January 2015 16:43:25

Dear Megan,

I can confirm that Wrightington Parish Council fully support the claim to upgrade Public Footpath 21, Wrightington, to a Bridleway.

The Parish Council have for approximately 5 years been trying to make progress with upgrading this route to a bridleway without any joy. However, over the past 6 months or so I have provided several (approx 25-30) completed evidence forms to Wayne Selway to support the Parish Councils request. The evidence forms are for both propelled and non-propelled vehicles, horses, bicycles and even prams.

I am also aware that Jayne Elliott has copies of the evidence forms which have also been logged.

I trust that the evidence provided by the Parish Council and their total support for these proposals will assist in ensuring the application to upgrade this route is a smooth one.

Kind Regards

Carolyn Cross
Clerk to Wrightington Parish Council

From: [JACQUELINE COOKE](#)
To: [Brindle, Megan](#)
Subject: footpath LSG4/MB3/5.53125/MB3
Date: 12 February 2015 16:01:22
Attachments: [Deed 7.pdf](#)
[Deed 5.pdf](#)
[Deed 4.pdf](#)
[footpath Plan2.pdf](#)
[footpath Plan1.pdf](#)

Dear Megan

ref LSG4/MB3/5.53125/MB3

As owner of the footpath referred to, I have received a letter re upgrade of footpath to bridleway.

I have also been asked to provide details of ownership. I have provided these previously, in Nov 2012 to Wayne Selway and I am attaching the relevant documents again.

As in previous correspondence, myself and the other co owners of this footpath object to the upgrade to bridleway.

I have lived at 8 Mossy Lea Fold since 1996 and my property is actually on the footpath. I have had to complain several times about issues with horse riders using the footpath.

The path is quite narrow and gets very muddy. Horses churn the path up even more and cause it to be very uneven and dangerous. I know of at least one instance where my elderly neighbour fell and broke her arm due to the imprints left by horses. I also know of several locals who have been afraid to use the footpath because of fear of a similar thing happening.

There is also a blind corner about halfway down the path and when on foot it is impossible to see a horse approaching. There are many people who use this path and the health and safety risk would be too great.

In the past, we have had problems with several horses using the path at a time and also on occasions galloping up with no regard for footpath users. My own young children have been put at risk while playing in their own garden as the footpath cuts across our property.

We have also had instances where riders have lost control of their horses and have to use the larger tarmac area at the front of our property to bring them under control leaving deep skid marks on the tarmac.

We have repeatedly asked several riders not to use the footpath and explained to them the many safety issues raised by riding on a footpath.

The letter I recently received stated that there was a further map enclosed in order for us to colour in the exact extent of land but this was not included, but as I have stated, I have attached relevant documents.

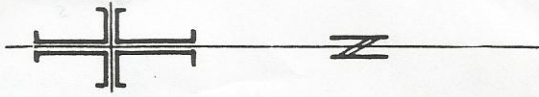
We will also look for more relevant evidence and forward to you.

If you require any further information please to not hesitate to contact me either to this email address, my home address or by telephoning 07968187905

Mrs J Cooke
8 Mossy Lea Fold

Wrightington
Wigan
WN6 9RD

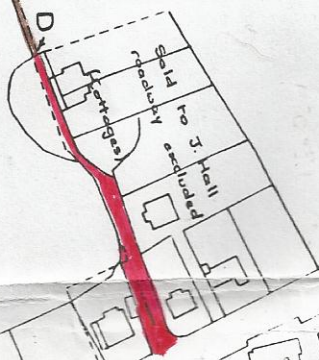
PLAN REFERRED TO



... (as Ltd) Public Footpath

Sold to Turley Lane Farm
roadway included (marked brown)

Sold to Thos Calderbank
Feb 1944
roadway excluded

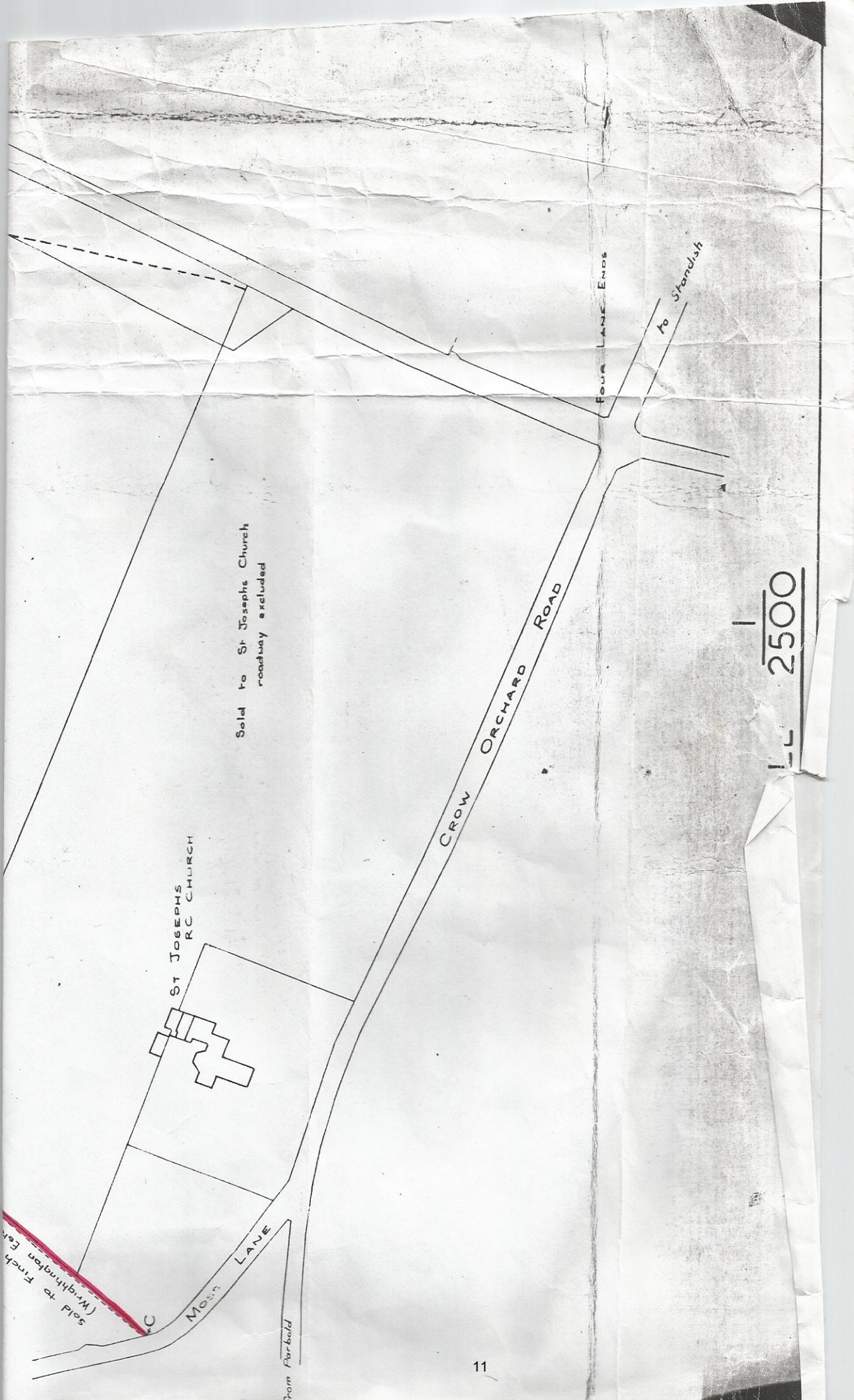


AINSCOUGH HOUSE

MARSTON

LEA ROAD

MCCOSSY



11 2500

estates and effects and the last survivor of them and that survivor's estate and effects as the case may be and the persons deriving title under the Owner and the Grantee respectively

2. Grant

In consideration of One pound receipt of which the Owner acknowledges the Owner grants the Rights to the Grantee with full title guarantee to hold to the Grantee in fee simple

3. Indemnity

The Grantee covenants with the Owner to keep the Owner indemnified from and against any act loss damage or liability suffered by the Owner in the exercise of the Rights

4. Reservation of Rights and exclusivity

4.1. All rights not specifically and expressly included in the Rights are reserved to the Owner

4.2. Unless otherwise stated the Rights are not granted exclusively and are granted in common with corresponding Rights of the Owner and other persons lawfully entitled to exercise such Rights

5. Acknowledgment for Production

The Owner acknowledges the right of the Grantee to production of the documents specified in Schedule 3 below and to delivery of copies of them and undertakes with the Grantee for their safe custody

5. Certificate of Value

It is hereby certified that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds Sixty thousand pounds

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first before written

SCHEDULE 1

The Owner's Land

ALL THAT strip of land situate adjacent to Mossy Lea Road Wrightington which is shown coloured brown on the plan attached hereto and which is part of the land comprised in a Conveyance dated the 13th December 1962 and made between Charles Robert Tolver Michael Gerard (1) Charles Leigh Pemberton and Charles Robert Tolver Michael Gerard (2) and Thomas Calderbank (3)

SCHEDULE 2

The Rights

Full right and liberty for the Grantee and their successors in title the owners and occupiers for the time being of the Grantee's Land and all persons authorised by them in common with the Owner and their successors in title to the Owner's Land and all other persons similarly entitled from time to time and at all times and for all purposes connected with the use and enjoyment of the Grantee's Land to pass and repass over and along the Owner's Land with or without vehicles of any description and animals

SCHEDULE 3

The Documents

13th December 1962	Conveyance (1) Charles Robert Tolver Michael Gerard (2) Charles Leigh Pemberton and Charles Robert Tolver Michael Gerard (3) Thomas Calderbank
5th November 1985	Probate to the Estate of Thomas Calderbank

SIGNED SEALED AND DELIVERED)

by the said PAULINE POLDING in the)

presence of:-)

P. E. Polding

Joseph Polding

Ken Lam

Newby

05 12492 96 5

From: [Brindle, Megan](#)
To: ["j.cooke473@btinternet.com"](mailto:j.cooke473@btinternet.com)
Subject: RE: footpath LSG4/MB3/5.53125/MB3
Date: 17 February 2015 10:03:14

Dear Mrs Cooke,

Thank you for your email and for the documents you have supplied.

I can confirm that the information you have supplied along with the associated documents will be included in the report when it is presented to the County Council's Regulatory Committee in due course.

Kind regards

Megan

From: JACQUELINE COOKE [mailto:j.cooke473@btinternet.com]

From: [MrAntonyw .](#)
To: [Brindle, Megan](#)
Cc: [mintyball](#); christinereddington@hotmail.com; tim@metal-recycling.co.uk
Subject: Public footpath upgrade to Bridleway Wrightington
Date: 31 March 2015 14:39:31

WILDLIFE AND COUNTRYSIDE ACT 1981 – PART 111
CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER
UPGRADE OF PUBLIC FOOTPATH 21 WRIGHTINGTON TO BRIDLEWAY, BOROUGH OF WEST
LANCASHIRE

Your ref: LSG4/MB3/5.53125/MB3

Good afternoon all,

Regarding the aforementioned application for upgrade:

Due to the obscured view which a rider would encounter and the lack of width of the footpath, surely this would be an accident waiting to happen which I certainly would not be a party to and must express my objection strongly.

Would it not be prudent to employ an independent Health and Safety Officer to assess the implications of the footpath to a change of use to bridleway and the probability of a serious accident due to peoples folly.

I also wonder who would be liable if there was an accident if there was a change of use?

I look forward to your observations.

Your sincerely,

Antony Winnard.

From: [Brindle, Megan](#)
To: ["MrAntonyw."](#)
Subject: RE: Public footpath upgrade to Bridleway Wrightington
Date: 31 March 2015 15:32:19

Dear Mr Winnard,

Thank you for your e-mail.

Please can you confirm that you are an landowner in respect to this matter so I am able to put a note on file.

Also do you have a postal address that I may add to our mailing list so I am able to serve notice of decision on you as a landowner of the claimed route.

I look forward to hearing from you in due course.

Kind regards

Megan

From: [MrAntonyw .](#)
To: [Brindle, Megan](#)
Subject: Re: Public footpath upgrade to Bridleway Wrightington
Date: 01 April 2015 07:28:42

Good morning Megan,

I am indeed a part landowner in respect to the matter, My Grandfather, Tom Calderbank who lived at "Lake House" was one of the original owners and on his demise it was willed to the five children's families. My Mother was Pat Calderbank and is now Pat Roberts. Along with my brother John I have 1/5th interest in the land. My address is:

2, Forest Drive,
Shevington Moor.
Standish.
Wigan.
Greater Manchester.
WN6 0SG

Yours faithfully,

Antony Winnard.

From: [Brindle, Megan](#)
To: ["MrAntonyw."](#)
Subject: RE: Public footpath upgrade to Bridleway Wrightington
Date: 01 April 2015 11:26:56

Dear Mr Winnard,

Thank you very much for your e-mail, I will update our records accordingly.
Where possible can you please provide me with addresses of the other owners so I am also able to inform them of the decision.

With regards to the comments you have made, the County Council are currently in the process of preparing a report that is to be presented at the Council's Regulatory Committee in due course, here all the comments / representations / evidence received will be included and a formal decision will be made whether to accept the claim or not.

Kind regards

Megan

From: [Brindle, Megan](#)
To: ["MrAntonyw."](#)
Subject: FW: Public footpath upgrade to Bridleway Wrightington
Date: 09 April 2015 10:54:56

Dear Mr Winnard,

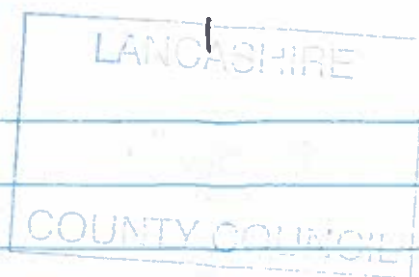
Further to my e-mail below, I have now had chance to speak to the rights of way officer dealing with this matter.

The application received by the County Council is for the route to be recorded as a public bridleway based on the evidence of use that has been submitted to us.

The County Council are not considering whether to 'create' a public bridleway along the route – in which case we would consider whether it was of a sufficient width or whether it would require widening - but that the County Council are required to consider whether there is evidence that the existing route, currently recorded as a public footpath, has been used by the public on horseback over a period of time and whether, as a result, the route has already become a public bridleway in law.

Kind regards

Megan



112 Mossy Lea Rd
Wrightington
Lancs

WN6 9RD

20/1/15

Ref. LSG4/MB3/5.53125/MB2.

With reference to the above, may I draw your attention to the following

- A My property 112 Mossy Lea Rd. (RED).
- B Property of Mr T Webster (shaded gray) inaccurate on your map. (118 M L Road)
- C Property of Mr A Cook, now one dwelling not 2 (shaded gray) inaccurate on map

It appears this map is out of date.

Points of Concern

- 1 Ownership of the land Mossy Lea fold is believed to belong to Mrs Calderbank resident of Tunley lane (& her family one a resident of Mossy Lea fold Mrs J Cook daughter).

This land is never maintained, and several years ago I paid with permission from the Council & Calderbank family to maintain

2

the trees as they have a TPO on them. As in the agreement they need to be maintained every year, and for the last 3 years this has never happened, especially as the Elm tree is in need of felling (Sms Trees orrell 07970 521692)

So who will maintain this.

2. Horses already use this pathway on a regular basis.
3. Cars & Van of both residents & visitors travel down at high speeds, which to me is a danger in itself.
4. The pathway (shaded green) is very uneven, with large pot holes and even bigger puddles so who will maintain this.
5. The fence of 112 consists of 16 1/2 fence panels, which have been hit by wagons on several occasions, and are replaced by me at great expense, what happens if an incident occurs damaging the property !!, as most of the time we are at work, and never see it happening.

3

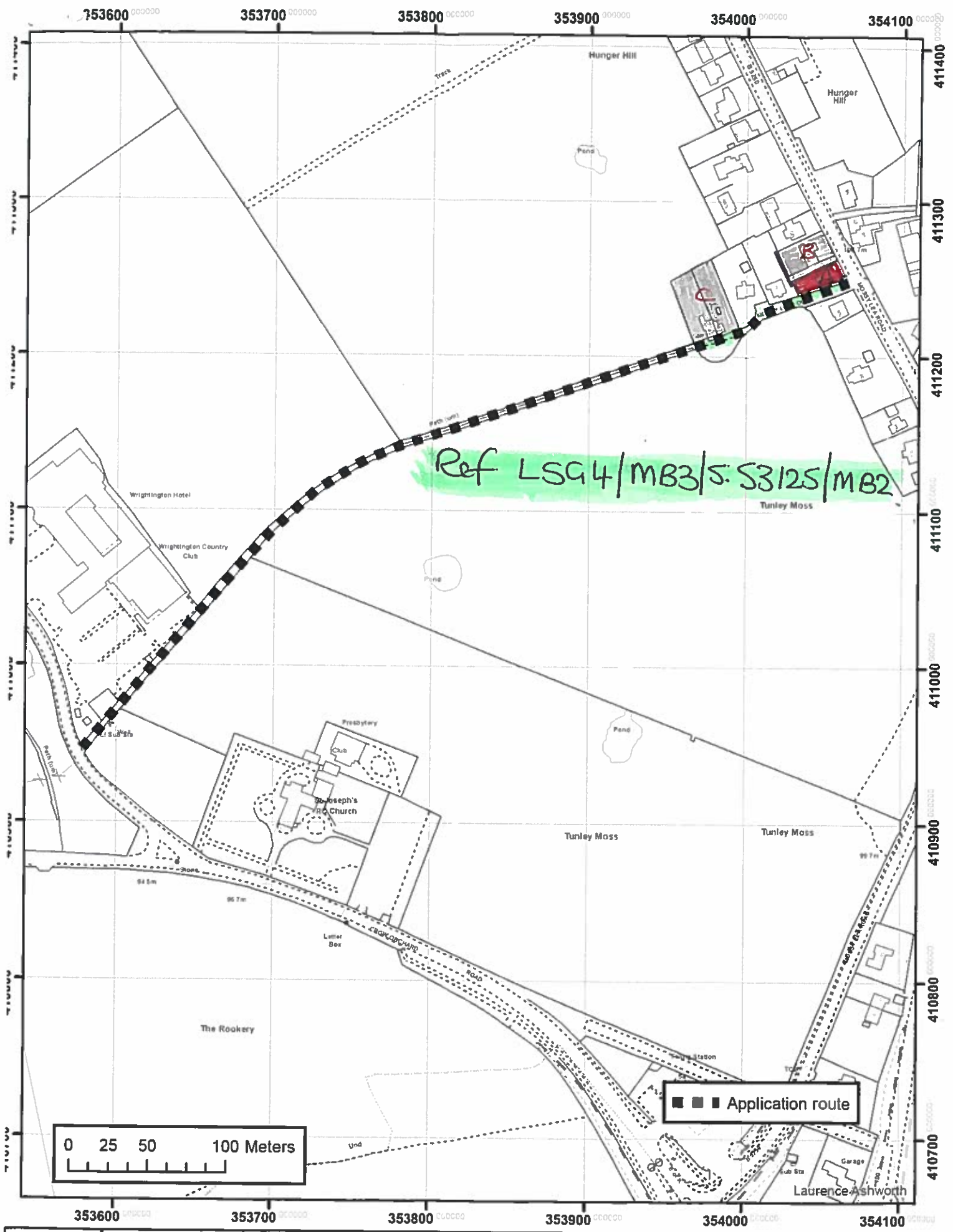
My final issue is just a personal one, being that I have lived here since 2002, and have had several dealings with the council, over planning & building of a house / garage / noise reduction / noisy neighbours, and an illegal 6ft³ fence build next to my property, which have all fallen of deaf ears, as nothing has been done about any issues I raise.

I have also reported in the past someone has cut the trees bushes, etc, without permission, for their own benefit, so what will change or be done about this bridleway !!

Regards

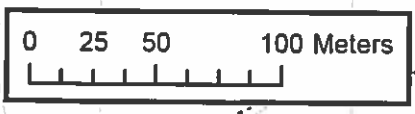
Paola Cranham.

P Cranham
S. Brittle



Ref LSG4/MB3/S.S3125/MB2

Application route





2 Mossy Lea Fold
Mossy Lea Road
Wrightington
Wigan
WN6 9RD

16 February 2015

County Secretary and Solicitor's Group
PO Box 78
County Hall
Preston
PR1 8XJ

Your ref: LSG4/MB3/5.53125/MB3

Dear Ms Brindle

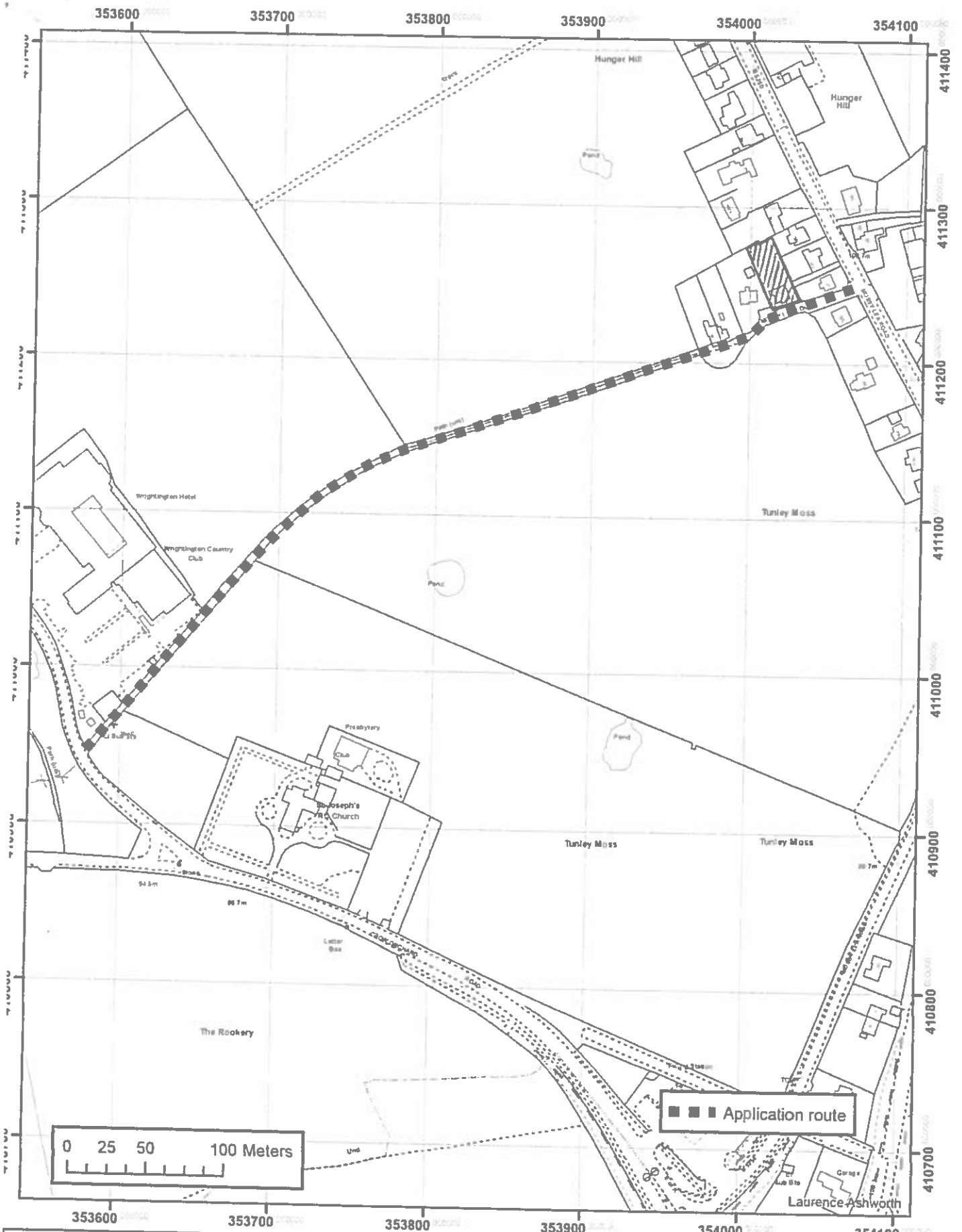
Further to your letter dated 18 December 2014 regarding the upgrading of the public footpath 21 Wrightington to a bridleway please find enclosed a map of the land we own coloured in red. We do have some comments and concerns about this upgrade which we have included below:

- 1) The only access we have to our house is down Mossy Lea Fold which as far as we are aware is a private right of way (easement) and follows the same route as part of the current public footpath. We are not aware who owns this land but Mossy Lea Fold provides private vehicular access to 3 houses and a farmer's field. If changing the footpath to a bridleway restricts vehicular access down Mossy Lea Fold, and therefore to our house, in any way then we would obviously have very strong objections to this upgrade.
- 2) The current surface of Mossy Lea Fold is in a bad state of repair. Upgrading to a bridleway would increase usage of this easement and therefore we would have concerns over the state of the ongoing maintenance of the surface. Where would responsibility for this lie?
- 3) Our driveway is very tight with visibility very difficult when reversing (straight out onto the footpath). It is also very difficult for those who are on Mossy Lea Fold/the footpath to see us emerging from the drive. This isn't a problem with walkers who aren't travelling at speed however this may raise a concern if the footpath is upgraded and cyclists are travelling at speed straight past our driveway entrance as they may not see us and we may not see them.
- 4) Given the tight vehicular access and the fact we need to reverse onto Mossy Lea Fold we have concerns that we would not be able to see a horse approaching – and the reaction time of the rider – and lack of anywhere to go could result in an unnecessary accident...
- 5) The track is very narrow in parts where it runs alongside the field. Horses have already been known to gallop up this track leaving no space for any walkers to pass – there is also a blind bend – We have two young children and use this path frequently to access Wrightington Country Club. We are therefore extremely concerned that this would be putting our children in unnecessary danger.
- 6) Too frequently we are having to reverse off the track onto Mossy Lea Road (which is done blindly) due to horses already coming down Mossy Lea Fold. Reversing in this manner on to a 30mph road is obviously extremely dangerous – especially given we are often completing this manoeuvre with young children in our vehicle.

If you require any further information please let us know.

Yours sincerely

Andrew and Liz McEvoy



	<p>Steve Browne Interim Executive Director for the Environment</p>	<p>Wildlife and Countryside Act 1981 Application to upgrade Public Footpath 21 Wrightington to Public Bridleway</p>	<p>1:3,000</p>
<p>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</p>			