

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

**THE LANCASHIRE COUNTY COUNCIL
FOOTPATH FROM WENNINGTON ROAD TO HOME FARM CLOSE, WRAY WITH
BOTTON
DEFINITIVE MAP MODIFICATION ORDER 2021**

**WITNESS STATEMENT OF
MR PETER JOHN EDGE**

1. My name is Peter Edge and I live at 20 Wennington Road, Wray, Lancaster LA2 8QH. I was born in 1946 and have lived in Wray since September 1971. I moved to my current address in 2016.
2. On 31st October 2019 I emailed Lancashire County Council to explain that there existed in the village of Wray near Lancaster a path adjacent to 32 Wennington Road, which had enjoyed access on foot without let or hindrance since after the Wray flood in 1967. I explained that the owners of 32 Wennington Road, who were also the land owners over which the path crossed, had given notice in the November edition of the village newsletter, that they intended to close access to the public along this path. I asked for details of how to apply to record the route as a public footpath and was sent the necessary application forms and blank copies of user evidence forms.
3. Several days later I emailed Lancashire County Council's Public Rights of Way Team and explained that Wray with Botton Parish Council held a meeting on 4th November 2019 and the proposed closure of our historic path adjacent to 32 Wennington Road was discussed. After the public had had their say it was agreed that no notices or other means had ever indicated to the public that the path was thought by the landowner to be just a permissive path. Some members of the public stated they had walked the path without let, hindrance or challenge for decades, 30, 40 and in one case 50 years.

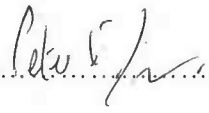
4. A further extraordinary meeting was held on 18th November 2019 where the matter was again discussed. The Parish Council voted for the Chairman (George Halstead) to contact the owners of 32 Wennington Road as soon as possible to advise them of a planning constraint dating from 1995 which required that the path be maintained as a public pedestrian route and to prevent them physically blocking off the path and going to the expense of erecting gates. The Councillors decided to see what happened before proceeding, or otherwise, with the Modification Order process.
5. When the path was subsequently blocked off it was agreed that the Parish Council gather evidence and submit an application to Lancashire County Council and I completed a user evidence form documenting my personal use and knowledge of the route.
6. I completed my user evidence statement dated 19th February 2020 prior to the application being submitted to the County Council in April 2020.
7. I subsequently completed this Witness Statement which gives more detailed evidence of my own personal use and knowledge of the route in October 2023.
8. I consider that the Order route should be recorded as a public footpath. When I completed the user evidence statement in 2020, I explained I had used the Order route as shown on the Order Map between points A-B-C from 1971 to 2020. There were no extended periods of time when I did not use the route – although my frequency of use did vary according to where in Wray I was living at the time. I would probably say that on average I used it weekly.
9. Between 1971 and 1977 I would use the route as part of a walk to the river or to link with other footpaths. From 1977 to 1981 I would use it to get to my allotment on the 'empty land' before the new vicarage was built and from 1982 I used it to access the school field for events and then from 2012 onwards my main use would be to access the playground with our grandchildren.
10. I often saw other people using the route on foot and small children being pushed along it in prams. Very occasionally I would see people in wheelchairs using it. I often saw people using the route when I was using it – there were frequently children, mothers with pushchairs, elderly people, footballers carrying goal posts, dog walkers and a man in a wheelchair.

11. The Order route has always followed the same course although before 1995 it was part of a wider farm access track used to access Home Farm. In 1995 the farm access was re-routed as a planning requirement for Home Farm Close housing development but the public continued to use the original route for access on foot.
12. When 32 Wennington Road was built the route was made narrower from Wennington Road alongside the building (marked A-B on the Order Map). Paragraph 13 of the Planning Consent letter for 32 Wennington Road said that this section of the route should be 2 metres wide. The rest of the route (point B to point C on the Order Map) is the remains of the old lane and is wide enough for vehicles.
13. To my knowledge, there have never been any stiles or gates across the route. I was never stopped or challenged when using the route but recall physical barriers being put across it in June 2019 and on 6th February 2020. The barriers were positioned at either end of the 2 metre wide passageway. I do not recall barriers ever being erected before that time.
14. I first recall signs on the path in June 2019 when access along the route was barred and it was closed for about 3 weeks to enable a trench to be excavated to lay services to a new housing development. The signs erected were the first ever indication of a claim that the path was permissive and not public.
15. Prior to June 2019 I do not recall any signs or notices being erected to prevent access along the route and I continued to use it until 2020.
16. Until the erection of signs in June 2019 and the notice was published by Mr and Mrs Parr in the 'Wrayly Mail' in November 2019 I had never been told that the Order route was not a public footpath. Around that time the landowner himself told me in person that he claimed the route was only permissive and that he and his wife were withdrawing permission for people to use it.
17. During all the years that I used the route I never asked for permission to use it but I did explain in my user evidence statement that since moving to live at my current address in 2016 my house deeds detail that I have a private right of access to access a garage which is located adjacent to the Order route. To my knowledge this does not exclude the public from using the Order route and I have used the route since 1971 to 2016 without the benefit of any private rights along it.

18.I also understand that the planning permission for 32 Wennington Road confirmed that the public had a right of access on foot along the route A-B.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed: 

Date: 24th October 2024

