

**COVERING LIST OF REPRESENTATIONS, OBJECTORS AND SUPPORTERS****THE LANCASHIRE COUNTY COUNCIL****WILDLIFE AND COUNTRYSIDE ACT 1981****THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR THE  
COUNTY OF LANCASHIRE****PUBLIC RIGHTS OF WAY (DEFINITIVE MAP MODIFICATION) (NO.6) ORDER 2010**

<b>No.</b>	<b>OBJECTIONS STILL OUTSTANDING</b>	<b>ADDRESS</b>
1	Mr Jason Stephenson	62 Victoria Apartments Padiham Burnley BB12 8PX
2	Daniel Walton	36 Fairways Drive Burnley BB11 3QF
3	Richard Crane	4 Victoria Apartments Padiham BB12 8PX  rich@rdcrane.co.uk
4	Martin Parker	19 Victoria Apartments Guy Mill Padiham BB12 8PX
5	Anthony Kirby	8 Victoria Apartments Guy Street Padiham Lancashire BB12 8PX  ajckirby@talktalk.net

6	Paul Kenny	30 Victoria Apartments Padiham Burnley BB12 8PX  p.kenny158@btinternet.com
7	Miss Carol Eliana Moore	36 Herbert Street Padiham Burnley BB12 8RH
8	Freehold Managers (Nominees) Limited	3 Butlers Wharf Building 36 Shad Thames London SE1 2YE  assetmanagement@fmplc.co.uk
9	D J and L M Kent	52 Furlong Lane Alrewas Burton Upon Trent Staffordshire DE13 7EE  dj kent@shemara.plus.com
10	Caroline McCardle	The Victoria Apartments Management Team on behalf of owners of the apartments located at Victoria Apartments Guy Street Padiham Burnley BB12 8PX  info@vicapts.co.uk
11	Matthew Grimshaw	gyttam@aol.com

12	Caroline Whitaker	44 Victoria Apartments Guy Street Padiham BB12 8PX  caroline.whitaker@hotmail.com
13	Lesley Sunderland	23 Victoria Apartments Padiham Burnley BB12 8PX
14	Carole and Edward Parker	co-owners of 19 Victoria Apartments Guy Street Padiham  caroleeparker@aol.com
<b>No.</b>	<b>OBJECTIONS WITHDRAWN</b>	
1	PCSO 7836 Lisa Tyler	Lisa.Tyler@lancashire.pnn.police.uk
<b>No.</b>	<b>SUPPORTER</b>	
1	Cllr Frank Cant	6 Badger Close Padiham Burnley BB12 8PP
2	Sheila Hudson	49 Garden Street Padiham Burnley BB12 8NP
3	Mrs R Denwood	2 Berkeley Crescent Padiham Nr Burnley Lancashire BB12 8ND

4	Mrs Bridge	3 Garden Street Padiham BB12 8NO
5	Miss M P Bailey	31 Fairweather Court Padiham BB12 8QB
6	Gill Harbour	17 Town Hill Bank Padiham Burnley Lancashire BB12 8DH
<b>No.</b>	<b>OTHER RESPONSES</b>	
1	BT Openreach	robert.waring@openreach.co.uk
<b>No.</b>	<b>OTHER RESPONSES OUTSIDE OF STATUTORY OBJECTION PERIOD</b>	
-		

1-14

Mr Jason Stephenson  
62 Victoria Apartments  
Padstow, Burnley  
BB12 8PX

Tel 07851 260856

Director of Governance  
Finance and Public Services  
Christ Church Precinct  
County Hall  
Preston  
PR1 8XJ

Ref: LSG4/PROW/CB/888.340

2-14

For the attention of Mr Ian Young, director of Governance, Finance and Public Services.

Dear Mr Young, I am writing regarding the proposed footpath from Clithero Street to Guy Street in Padham, and I am strongly objecting to this.

The grounds on which I am objecting are as follows.

- First of all there is nothing in writing that the Council can find which makes the pathway legal.

3-14

- There is no actual documentation which supports that the pathway was a right of way.

- Records clearly state that the land under investigation is privately owned, and that the points A-B on the map is owned by Freehold Managers LTD of London.

- The date the path was constructed is not clear. However final plans indicate that it was the 30th of December 1995 when these were prepared and

4-14

dated, with possible  
Completion Sometime in 1996,  
although the only real  
evidence of the pathway  
being in existence are  
pictures from 1999/2000.

-The only real conclusion from  
this is that the path  
did not exist in 1995,  
and has Statutory law  
States a pathway must  
be present and used for  
at least 20 years for it  
to be deemed as a  
public right of way.  
In this case the pathway  
was in use for well



5-14

Under 20 years prior to  
it being closed off in  
2015. (Under Statutory law it fails)

- In 2015 Victoria Apartments  
LTD were permitted to  
seize the land and block  
off the pathway. This  
demonstrates that the  
Company collectively opted  
to dedicate the land as  
private and not public.

- When I purchased my  
property I was advised  
by both the management  
of Victoria Apartments and  
the previous owner of my

6-14

apartment, that the pathway in question was only intended to be used by the residents of Victoria Apartments ie for private use.

- In relation to this I have analysed all my personal information when I bought my apartment and there is no reference to there being any public access through the complex, and nothing which suggests that the land purchased has a claim or any public right of way through it.

7-14

- Another matter to consider  
is maintenance of land.

In this case the pathway has always been maintained by Victoria Apartments LTD, at their cost and have always been liable for it.

This surely further illustrates that its private land and not meant to be used by the public.

Further grounds for objection

Other Considerations: Ant-Social Behaviour and crime.

There are legitimate concerns

8-14

that should the route be opened there would be a vast increase in Anti-social and Criminal behaviour in the area.

- I live at Number 62 Victoria Apartments, Padikhan. Myself, my neighbours, residents and general public would all be directly effected if the path was opened, regarding the above mentioned.

- My apartment backs directly onto Clitheroe Street in which the proposed route would run.

9-14

I fear that it would encourage the problems which existed before.

Below are just a few examples of the problems which we faced before the pathway was closed.

- Youths would Congregate on the Steps behind my apartment and on the residents car park for Victoria Apartments.

They would drink alcohol and on occasions myself other residents and passer-bys would feel intimidated by

10-14

their presence.

- Youths would often kick balls against the apartment walls and generally be disruptive with noise.

- Stones and other items would be thrown at the apartment windows. My neighbours had their windows smashed on at least three occasions, and food would be thrown through windows if left open.

- There was also a big problem with vehicle crime

11-14

including break-ins, thefts, bins being set on fire and constant dog fouling both on the car park and Clitheroe Street.

Thanks to the closure of the route and erection of security fencing these problems have been minimised somewhat.

The other consideration is of alternative routes.

In this instance there are already at least two alternative and safer routes which lead towards Padilow town Centre.

12-14

one of which is down Higham Street which is only a very short distance away from the proposed route. This route is well lit with street lighting and is paved. Clitheroe Street on the other hand has no street lighting and is pitch black at night, this is not a safe ideal route.

-In regards to this, myself, friends, visitors and other residents were reluctant to use the cut through due to the nature of it being seen as unsafe, especially at night and with the



13-14

gathering of youths.

-Now I and other residents enjoy relative peace and quiet, and feel that if the route was to be opened it would stir up and cause more of the problems which previously existed before it was secured.

-It is also understood that both the MP for Burnley and Padiham Julie Cooper and the Police support the objection, due to the issue for the residents being one of crime and Anti-Social

14-14

behaviour.

-It is of our shared opinion that there is no need for the raibe under discussion to exit.

Jason Stephenson

Yours Faithfully  
Jason Stephenson (Concerned resident)

1-3

Ian Yang  
Director, Governance  
Finance and Public  
Services.

Ref: LSG4 CB7.888.340

Jason Stephenson  
62 Victoria Apartments  
Paddham, BB12 8PX.

I can confirm that I still  
want to object to the  
proposed opening of the footpath  
in question from Clitheroes Street  
to Guy Street, in Paddham  
Burnley.

2-3

The points raised in my original objection letter and the issues raised are too strong to ignore and that I will be objecting.

With Police Supporting the stance regarding objecting and Lancashire County Council ignoring this, If the pathway does re-open I will be holding Lancashire County Council entirely responsible for any damage caused to my property by acts of vandalism and or anti-social behaviour, and will act to claim any costs from you if

3-3

This does occur.

Yours faithfully

Jason Stephenson  
Concerned resident.

THE DIRECTOR OF  
GOVERNANCE, FINANCE  
AND PUBLIC SERVICES  
LANCASHIRE COUNTY COUNCIL  
PO BOX 78  
COUNCIL HALL  
PRESTON  
PR1 8YJ.

DANNY WALTON  
36 FARWATTS DR  
BURPLEY  
LANCS  
BB11 3QF

DEAR CLAIRE BLUNDELL

THANK YOU FOR YOUR LETTER DATED 7/11/17.  
AFTER CONSIDERATION, I DO NOT WISH TO  
WITHDRAW MY OBJECTIONS.

ALTHOUGH I NO LONGER RESIDE IN THE AREA,  
I STILL FEEL IT'S IMPORTANT AN ISSUE TO  
CONTINUE MY OBJECTION.

KIND REGARDS  
DANNY WALTON

REF. LSG4/PROW/CB/  
888.340.

Mr. Daniel Walton

1-3

36 FAIRWAYS DR.

BURNLEY

LANCS.

BB11 3QF.

TEL 07946 323904

DIRECTOR OF GOVERNANCE, FINANCE, +  
PUBLIC SERVICES

CHRIST CHURCH PRECINCT

COUNTY HALL

PRESTON

PR1 8XJ

REF- LSG4/PROW/CB/888.340

2-3

DEAR MR. YOUNG - DIRECTOR OF GOVERNANCE,  
FENCE AND PUBLIC SERVICES.

I AM WRITING REGARDING THE PROPOSED  
FOOTPATH ISSUES BETWEEN CLITHEROE STREET  
TO GUY STREET IN PADHAM.

AFTER CONSIDERATION OVER THE LAST FEW  
MONTHS I FEEL I NEED TO WRITE TO  
YOU REGARDING MY OBJECTIONS OF OPENING  
UP OF THE GATES BETWEEN THE ABOVE NAMED  
STREETS.

SPEAKING FROM EXPERIENCE, I FEEL THAT  
THE OPENING OF THE GATE AND FENCE  
WILL ENCOURAGE AN INCREASE IN ANTI  
SOCIAL BEHAVIOUR WHICH WAS MINIMISED  
AFTER THE ERECTION OF GATES AND ASSOC.

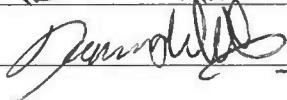


3-3.

FENCES.

WHEN I RENTED MY APARTMENT, I WAS TOLD THAT THE AREA IN QUESTION WAS OWNED BY VICTORIA APARTMENTS LTD - THEREFORE IT FALLS UNDER "PRIVATE HANDS". DURING MY OCCUPANCY THE AREA IN QUESTION WAS MAINTAINED BY VICTORIA APARTMENTS LTD.

WE WERE TOLD THAT ACCESS WOULD BE LIMITED TO THE RESIDENTS OF VICTORIA APARTMENTS ONLY.

KIND REGARDS  


DANNY WALTON  
FORMER RESIDENT.

4 Victoria Apartments  
Padiham  
Lancashire  
BB12 8PX

18<sup>th</sup> October 2017

Ian Young  
Director of Governance, Finance, and Public Services  
Lancashire County Council  
PO Box 78  
County Hall  
Preston  
PR1 8XJ

Re: LSG4/PROW/CB/888.340

Dear Ian

Please take this letter as notification of my wish to object to the proposal to create a footpath between Guy Street and Clitheroe Street in Padiham.

In the decade-long period that I've been resident at the apartment complex through which this proposed footpath runs, I've noticed a significant decrease in anti-social behaviour, littering, theft, and vandalism since trespass across the site was prevented with gating and fencing, as approved by Burnley Council following our application to secure the area through APP/2015/0189 in 2015.

It has also cut down on criminality on the adjacent bin store across which the footpath runs, where previously residents had experienced arson attacks on refuse containers, and had to deal with intruders rummaging through the bins. This has made it much safer to use the bin store during evening hours and so had a positive impact on the approximately 100 local residents at the Victoria Apartments community.

I am aware of no documented evidence which supports that the proposed footpath to link Guy Street and Ightenhill Street has ever been a right of way. The path was intended by the original developers of the site to be for residents use only, hence it has never been previously denoted as a right of way, nor has there been any dedication of this land to public use. To this end, the landowners at Victoria Apartments have previously chosen to maintain this path wholly at their own expense, until the benefits to the residents were outweighed by the issues noted earlier, whereby planning permission was granted to secure the area.

The benefits to the local public in creating this footpath are unclear. There are two other paved, street-lit, easily-accessible, step-free routes which provide a more direct route into the town centre for residents and dwellings in the area than the proposed footpath – either along the well-maintained pavement on Higham Street, or down the charming Factory Lane. These are just metres away

from the new route being proposed and as noted earlier are closer to any homes nearby, which makes this new footpath somewhat redundant, save perhaps to those who previously (illegally) parked on the apartment car park and then walked into town, presumably under the impression that our residents car park was a more secure place to leave their car than the public car parking freely provided in the town centre.

As a long-standing resident and owner I'm keen that we continue to make a positive impact on the local community at the Victoria Apartment complex, with the recent investment in repairing the previously damaged walls bordering the site and adding attractive fencing demonstrating our commitment to being good neighbours.

Creating an unnecessary permanent footpath across private land, which is not and has never been a long-standing recognised public right of way, would denigrate the hard work of the landowners in preventing crime for the 60+ homes at the complex, and I would urge you to strongly consider my objection when reviewing this proposal.

Yours sincerely

A handwritten signature in black ink that reads "Richard Crane". The signature is written in a cursive style with a large initial 'R' and a long, sweeping underline.

Richard Crane

Apt 19 Victoria Apartments  
Guy Mill, Padiham.  
BB12 8PX

The Director of Governance  
Finance and Public Services,  
Lancashire County Council  
PO Box 78  
County Hall,  
Preston  
PR18XJ

16 October 2107

Dear Sir

LSG/PROW/CB/888.340

I wish to lodge a formal objection to the proposal to reinstate a right of way/access across the car park at Victoria Apartments, Guy Street, Padiham.

On 2nd July 2015 approval was granted by the Council's Development Control Committee for fencing and secure gates at the apartment complex to block off this access. This was due in part to the vandalism, antisocial behaviour and continual criminal activity to vehicles in the car park. There was also concern that members of the public could suffer injury on what were very steep steps if they remained open.

However, I understand you raised the order based on objectors providing evidence the path was there in 1995/96. I became a tenant of Apartment 19 on 9 September 2003 and there was no mention of a public right of way at that time. I have requested clarification from my landlord who has confirmed that no such access was mentioned on the purchase deed. It does not appear Kiely Developments ever designated this path as a public/disabled access.

Whatever public use there may have been in the past no such legal access (Public Right of Way) is supported.

I trust you give my objections due weight when making your decision.

Yours faithfully,



Martin Parker  
Tenant Apt. 19

804-579

LANCASHIRE  
24 OCT 2017  
COUNTY COUNCIL

TELEPHONE : 01282 772507  
EMAIL : ajckirby@talktalk.net

8, Victoria Apartments,  
Guy Street,  
Padiham,  
Lancashire.  
BB12 8PX.

15<sup>th</sup>. October, 2017

**Your reference:** LSG4/PROW/CB/888.340

Mr. Ian Young,  
Director of Governance, Finance and Public Services,  
Lancashire County Council,  
PO Box 78,  
County Hall,  
Preston.  
PR1 8XJ

Dear Mr. Young,

I write concerning the recent 'Notice of Modification Order' – referenced as above.

The document on the following webpage has been found online and noted – <http://council.lancashire.gov.uk/mgConvert2PDF.aspx?ID=95969>

I would like to strongly object to the order opening of the route in question to the general public. The modifications which are in place (railings & gates) were given full planning permission by Burnley Council in a Development Control Committee meeting – held at Burnley Town Hall on Thursday, 2nd July 2015. There were 16 councillors present - who voted in favour of the modifications.

Below is a copy of the recommendation - between the lines : -

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Recommendation: That planning permission be granted subject to the following conditions:

1. The development must be begun within three years of the date of this decision
2. The development shall be carried out in accordance with the application details and the drawings listed in the decision notice.

3. The fencing and gates proposed for erection and retention in the application shall be finished in black within one month of the gated scheme being brought into operation.

#### Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
  2. To ensure that the development remains in accordance with the development plan.
  3. In the interests of visual amenity.
- 

All of the conditions were met and the gates/fences were installed according to an Architects instructions.

The main reasons for installing the gates were because of anti-social behaviour by youths from the surrounding vicinity. This included : spraying of foul graffiti on walls either side of Clitheroe street - including Victoria Apartments, damage to windows of the coach houses/apartments, general noise and abuse and multiple cases of vehicle break-ins & theft on the Victoria Apartments car parks. In addition, there were similar problems on the other (West) side of the building – as well as under age youths drinking & loitering – plus a case of arson on doors of the building – which could have had tragic consequences. The installation of the gates has virtually eliminated these problems. Re-opening them would most probably see the return of these issues. The police were consulted and the installation of the fences and gates was their suggestion.

Deeds for the apartments have been checked and there is no mention of any access rights to the general public anywhere on the premises – including the car park / refuse area in question.

The Earliest change in the planning application to include a public pathway was **November 1995** - this means that the time of the existence of the right of way (even if it was defined as that) was from then until the **2nd. July 2015** (when Burnley council approved the installation of the gates to block public access - although the gates had already been installed). This falls short of the required 20 years by **4 calendar months (minimum)**. Please refer to the link below : -

<http://www.lancashire.gov.uk/roads-parking-and-travel/public-rights-of-way/take-action-to-prevent-a-public-right-of-way-coming-into-existence.aspx>

Furthermore, the following extract was copied from the following webpage and is self explanatory : -

<http://council.lancashire.gov.uk/mgConvert2PDF.aspx?ID=95969>

**“....the planning permission leading to this route being constructed was very late 1995 with construction likely to have been 1996. The route was on balance not available at the start of the twenty year period the law requires under this statutory provision.”**

Basically, this means that the route in question has been open for public access for less than 20 years – making any attempt to re-open it null and void – according to your advice on your website, as in the previous link above.

*As there has been no evidence of this route ever being a right of way before, the period above is the only timescale which is relevant.*

I do hope that the information above, which is all factual, will be taken into account along with the other submissions.

Yours Sincerely,  
Anthony Kirby.



Paul Kenny  
30 Victoria Apartments  
Padiham  
Burnley  
Lancs  
BB12 8PX

16th November 2017

Your Ref LSG4/PROW/CB/888.340

Dear Mr Young,

I am writing to you to raise a formal objection to the recent "Definitive Map Modification Order 2017 – With Regards To The Footpath From Clitheroe Street To Guy Street, Padiham, Burnley" that was issued on the 27<sup>th</sup> September 2017.

The grounds of which I raise my objection are as follows.

Firstly, I have read all of the 32 page document from the "Regulatory Committee Meeting" held on the 28<sup>th</sup> September 2016. this document clearly shows (from maps dating as far back as 1786) that a public right of way has never existed at this location and no other documentary evidence has been found supporting this claim.

However, according to this document, in 1995 there appears to have been some suggestion between the developers (Keily) and Burnley Borough Council of creating an alleged pedestrian link, with disabled access, between Guy Street and Clitheroe street, together with a grant of £20.000 from the council.

Again, there is no documentary evidence to support this claim, or any other evidence can be found as to what the developers intentions were. Perhaps because the council did not provide the agreed funding, the developers decided that a link between Guy Street and Clitheroe Street was not to be made. Who knows? The onus of providing any such evidence must surely lie with the claimant.

Finally, on this point. The author of the report from the "regulatory Committee Meeting" states that "The affected land is not designated as access land under the Countryside and Rights of Way Act 2000, and is not registered land".

Secondly, my other issues for raising an objection to this proposed order are on the basis of security.

Prior to the gates being installed, many acts of anti-social behaviour were constantly being carried out on these premises. These included thefts from cars, the waste bin area being set fire to, glass bottles were also removed from the recycle bins and were thrown at people and property. Since the gates have been installed (with Permission from Burnley Borough Council) all of the aforementioned anti-social problems have been eradicated.

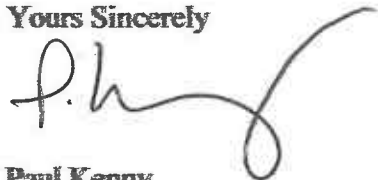
I believe another resident of Victoria Apartments has already submitted a letter to you from the local police supporting this claim.

Finally, if the gates were to be removed/reopened and a member of the public was to have an accident on the proposed walk through, then we would be legally responsible. This is totally unfair. The current pathway being used by the public is only a mere 20 metres away, is well lit and provides full access for the disabled. The proposed walkway does not.

I now hope that you can now see (aside from the legal point of view) that opening of the gates and creating a public right of way will cause untold misery to the lives of the occupants of Victoria Apartments, and will only provide limited access for the public.

I look forward to hearing from you regarding this matter. I have also sent an email of this letter to MS C Blundell. Thank you.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'P. Kenny', with a long, sweeping flourish extending to the right.

Paul Kenny

Your ref. LSG4/PROW/CB/888.340  
 ↑  
 (LSG4)

36 Herbert St.,  
 Padiham  
 BB12 8RH  
 16.11.17

Carol  
 Eliana  
 Moore

Dear Sir,

I am writing to you to express my utter disapproval and opposition to the proposed opening up of a pathway at Victoria Apartments.

When I purchased my flat (namely 21 Victoria Apts.), the documents given to me on completion of the sale, did not show a public access from Clitheroe St. to Guy St. These documents included those relating to Keily Developments - again no public access across the land was evident.

Therefore, any ingress to the flats' complex was only intended for the use of flat owners, and has been since maintained solely by Victoria Apartments (Padiham) Ltd. The cost of this maintenance has been included in the service charge paid monthly by the owners. Had it been a public right of way, maintenance costs would have been met by the local authority.

Yours faithfully,

C. E. Moore (Miss)

P.S. Please address any follow up correspondence to 36 Herbert St., Padiham BB12 8RH.

To: Mr. Ian Young  
 Director of Governance, Finance or Public Services.  
 LCC Preston.

**Butlers Wharf Building**  
**36 Shad Thames**  
**London SE1 2YE**  
 Telephone: 0207 940 4760  
 DX 157390 Southwark 14  
[www.fmplc.co.uk](http://www.fmplc.co.uk)

Lancashire County Council  
 DX 710928  
 Preston County Hall

Your ref: LSG4.CB7.888.340 (840.579)  
 Our ref: 30040482

15<sup>th</sup> November 2017

Dear Sirs,

**Re. Public footpath from Clitheroe Street to Guy Street, Padiham, Burnley Borough**

We act on behalf of the landlord, Freehold Managers (Nominees) Limited whose registered address is 250 Bishopsgate, London EC2M 4AA.

We can confirm that the freehold was acquired from Kiely Developments on the 26<sup>th</sup> November 1999.

Having conducted a thorough investigation into the documents held in relation to the purchase we were advised of the following being extracts from the Certificate of Title as outlined below:

*"the property is not subject to any right, interest, option, easement, privilege, quasi-easement, right of pre-emption, covenant, condition, stipulation, obligation, restriction, agreement, declaration, provision, wayleave, liberty, exception or reservation of an unusual or onerous nature or which adversely affects the title to the property or its value."*

*"So far as we are aware the means of access to the property is over roads which have been taken over by the local or other highway authority and which are maintainable at the public expense, or if not so adopted no means of access to the property is subject to rights of determination by any other party."*

*"there is no matter disclosed by the searches and enquiries (including enquiries of the Owner) which adversely affects the Property, its value, its use or the title of the Owner thereto or the creation of the Lender's Charge."*

We are not aware, nor have we been informed of any public right of way being created since completion in November 1999. Furthermore, there is nothing contained within the leases which suggests that a public right of way was granted.

We attach a copy of a letter from the Management Company which contains further objections.

Yours faithfully



Asset Management Team  
 Freehold Managers Plc



# Victoria Apartments

Freehold Managers Plc  
Butlers Wharf Building  
36 Shad Thames  
London  
SE1 2YE

30 October 2017



Dear Freehold Managers

**RE: Victoria Apartments, Guy St, Padiham.**

We are writing as representatives of owners, who are freeholders of land you own at VA in Padiham. On 27 September 2017, Lancashire County Council ("LCC") advised their intention to place an order which will enforce provision of a public right of way through the VA land boundary. We ask for your support in raising objection to this order in your position as land owner. Unless objection is received **before 20 November** the local council will progress to enforcement under the Wildlife and Conservation Act 1981.

The right of way is intended to cut through the boundary of land to provide a thoroughfare to the public, one which was insinuated by the original developer; Kiely Developments Limited as part of their planning application in 1995. It is the collective owner's belief that enforcement of this order will lead to a devaluation in the complex generally through provision of open access rather than the current semi-privatised state.

LCC are requesting that objection be raised in relation to the historical provision of a right of way as "once a right of way, always a right of way" and have conducted extensive investigation through review of historical maps dating back to 1786. The only evidence arising of creation of the foot path across your land arose in 1995 when Kiely Developments Limited sought local grant funding to create a disabled access path and to apply to close the road on to which this led; Clitheroe St. This was never completed, although a path with steps at either side was put in place.

We ask that you review your records to ascertain whether on purchase of the freehold any map or conveyance document stated that a public right of way existed at the time and indeed whether it was shown on any map you have in your possession. The timing of such transaction is imperative as a public right of way is only recognised in law (we believe) if present and accessible for at least 20 years.

It is also important to note that your intentions as a landowner are valid in relation to raising an objection to one being provided now. If Kiely Developments Ltd (from whom you purchased the land) did not expressly dedicate the access way, you were not aware or were not advised that a path way was present on purchase in 1995 / 1996 then you would not have intended to or been obliged to maintain that dedication.

As you will appreciate time is of the essence and we would appreciate your support in raising objection and ensuring your land boundary remains intact. As collective owners, we do not want to support this access or area of land within boundary as a dedicated public right of way due to many issues with crime and anti-social behaviour. We have received support from local police officers to maintain the path as private and continue to secure gates for resident access only.

We would appreciate acknowledgement of this letter via email to [info@vicapts.co.uk](mailto:info@vicapts.co.uk) and confirmation of what your intentions are in relation to the order, so that we have a collective understanding of all information being presented to Lancashire County Council.

**We have attached all information available to us and advise that objections can be submitted online via: [Claire.Blundell@lancashire.gov.uk](mailto:Claire.Blundell@lancashire.gov.uk) quoting the reference LSG4.CB7.888.340**

Yours sincerely,

  
Caroline McCardle  
Director

On behalf of the Board of Directors and Shareholders of Victoria Apartments (Padiham) Limited



Your Ref: **LSG/PROW/CB/888.340**

Our Ref: LCC 17.01

3<sup>rd</sup> November 2017

52 Furlong Lane  
Alrewas  
Burton upon Trent  
Staffordshire. DE13 7EE

~~Mr Ian Young~~  
The Director of Governance, Finance and Public Services  
Lancashire County Council  
PO Box 78  
County Hall  
Preston  
PR1 8XJ

Dear Sir,

**The Lancashire County Council (Footpath from Clitheroe Street to Guy Street, Padiham, Burnley)  
Definitive Map Modification 2017 - LSG/PROW/CB/888.340**

We wish to object most strongly to this footpath being opened for public access.

We purchased two flats in Victoria Apartments in 2004 to be used as rental properties. There is no mention in our leases or correspondence from the solicitors acting for us in the purchases of a public right of way through Victoria Apartments.

From our purchase until the present fencing was erected, permission having been obtained from Burnley Borough Council, we received regular reports of vandalism, theft from cars, graffiti and anti-social behaviour occurring. Since the fencing has been erected we have not heard of any incidences. We understand that the Police supported the initial application for the fencing and are against the reopening of the footpath.

It must be asked why the residents of Victoria Apartments and their visitors should be subjected to the same previous levels of abuse as detailed above by removing the fencing when pedestrian access in a North South direction from Guy Street is already catered for by the use of Factory Lane and Higham Street.

We feel allowing this order to succeed is a retrograde step benefitting mainly the irresponsible minority to the detriment of the responsible owners and tenants of Victoria Apartments.

Yours faithfully,

**D J and L M Kent**

# Victoria Apartments

Mr Ian Young  
 Director of Governance, Finance and Public Services  
 PO Box 78  
 County Hall  
 Preston  
 PR1 8XJ

21 October 2017

Dear Mr Young

**REF: LSG4/PROW/CB/888.340**

We are writing on behalf of owners as the appointed members of the complex management team following receipt of the definitive map modification order 2017.

This letter serves and details the grounds of our objection to that order.

We have read through the detailed and thorough report prepared by your investigating officer and have located the following documentation which demonstrates and supports that it was indeed the developers' intentions for the path now under question to be placed wholly under ownership of the private residents. On completion the complex, consisting of 70 private residencies was presented without dedication, permission or provision of public access to the owners.

Summary of the documentation included in the appendices supporting this:

Appendix content	Date	Detail	How we feel this applies
Appendix 2 A copy of agreement for sale, made between Kiely Developments Ltd & off plan purchaser (name anonymised)	19 January 1996	This agreement was a template format used for all residential sales of homes converted by Kiely. There are approx. 70 individual residencies on the Victoria Apartments Complex.	There is no reflection or detail of any "overriding interests... or apparent on inspection of the land or revealed by the usual searches and enquiries made"  Kiely made no representation to any prospective purchaser that any dedication of land, provision for public right of way or amendment to the boundary had been made at the time of sale.
Appendix 3 – Title doc provided to	12 Dec 1995	OS Plan Ref SD7934 – marked	Kiely clearly documented and provided in conveyance of 70



all purchasers on Victoria Apartments Complex		red by Kiely Developments	properties that the boundary of Victoria Apartments Complex included the area now under question. There is no reflection of a path or public access way.
Appendix 4 – Extract from the lease to which all owners are party	20 Feb 1996	Standard lease terms provided to all purchasers of Victoria Apartments Complex	The extract details the Amenity Area provided by the Kiely Developers as clearly “The parking area, access roads, footpaths and the garden grounds within the Estate including its boundary walls and fences”
Appendix 5 – Email extract from local police officer	16 Oct 2017	Support for our position	Local enforcement officer were called regularly to the Victoria Apartments estate to resolve criminal cases, disturbances of the peace etc. They advised they would provide direct objection to support our objection. We trust this has been forthcoming to you under separate cover.

We acknowledge that the planning application raised by Kiely Developments in 1995 documented a path, however would suggest that this provision was made on the basis of securing potential grant funding and to achieve a favourable outcome to the planning application. Kiely Developments Ltd was a company incorporated by two brothers, who were subsequently convicted of fraud. We would pose to you that their actions; not providing a disabled access and not progressing to an application for road closure of Clitheroe St are testament that their intention was not to fulfil council requirements for provision of a public right of way. In fact the above provides evidence to the contrary – sale to all owners as a private complex.

On completion of the complex Kiely Developments sold the freehold to Freehold Managers Plc, again without any legal conveyance evidencing that the land referred to was dedicated as an access way.

The earliest concrete evidence of the route being present is through photographs dated 2000.

In summary we object to the order on the following grounds:

- No rights were established prior to Kiely Developments taking ownership of the Victoria Apartments Complex.
- There is no documented evidence that Kiely Developments Ltd or their successor; Freehold Managers Plc expressly dedicated the path as a public right of way. It was a residents entry and exit point to the complex.

- 
- The leaseholders (present from 1996) have made no representation that this area of the Victoria Apartments complex be granted for public access. The application made & approved by Burnley Borough Council in 2015 supports the collective intention to change the Amenity area within the Victoria Apartments Complex Boundary. The Amenity area having been purchased wholly from Kiely Developments.
  - There is sufficient evidence that Kiely Developments Ltd did not comply with the planning permission granted generally and as part of that permission did not complete a disabled route in 1995 / 1996. The planning from which the investigator proposes inferred intentions of the developer can be made were not completed as agreed. The path is not safe, well lit or sufficient for disabled passage. Nor was it supported by an application to close the road on Clitheroe St.
  - At some time in late 2014 / 2015 and as displayed on the images (dated May 2015) presented to the development control committee on 2 July 2015, the path was secured partially with fencing and gates. The planning application which was passed and included aesthetic changes to that provision and approval for the gates to be secured provided. All works undertaken and supported financially by the owners of the Complex.
  - The path was never maintained by anyone other than the Victoria Apartments Complex. There are sufficient alternative, safe, well lit routes to Ightenhill & Clitheroe St which are public and maintained by the Council.
  - There is sufficient documentation (appendices) which supports that on completion of the complex and through sale Kiely Developments repeatedly confirmed to purchasers that the complex included all aspects up to the boundary.
  - We are in agreement with the investigating officer that "the route on balance was not available at the start of the twenty year period the law requires under statutory provision".

Whilst the path may have been used by members of the public this was through informal agreement and acceptance by the Victoria Apartments Complex. Escalated issues with anti-social behaviour and arson attacks forced a decision to relocate communal bins within our Amenity area and safeguard our property and vehicles against repetitive criminal activity. We were guided by the fire service and building regulations and the only option available to us to provide continued council access to empty the bins and retain these on our property was to reduce car spaces and secure our boundary.

Progressing this order to confirmed as made, we feel will be prejudicial against 70 owners on the basis that the public have sufficient alternative routes to the destination of Ightenhill St.

Yours sincerely,



Caroline McCardle



On behalf of the owners of Victoria Apartments Complex

Enc.

# Victoria Apartments

## APPENDIX 1 – RESPONSES TO DOCUMENTATION SUBMITTED BY THE APPLICANT:

Reference	Summary	Victoria Apartments Comment / Response	Our conclusion
1	Detail of objections to the planning application made in 2015	The planning application was submitted, justified and approved by Burnley Borough Council.	This piece of documentation is not relevant to current decision making as the order states no social aspects will be considered.
2	Letter dated March 1993 detailing that prior to building work a path existed	Perhaps a path was created, purely by feet treading over what would have been open waste land. There is no evidence to substantiate the claim made.	Documentation presented is supported by the investigation outcomes – there is no evidence a path existed before planning documentation was submitted in 1995.
3	Letter dated May 1992 relating to a path being created as an alternative to one which was proposed to run through the kingdom of hall site. There would be a proposal for the council to adopt such land	There is a path from Grove Lane to access Clitheroe St – it is known as Higham St. The council have not adopted any path.	Documentation presented is supported by the investigation outcomes – there is no evidence a path existed before planning documentation was submitted in 1995.
4	Email August 2015 confirming the path had not been adopted by the council	There is no record of the council adopting a path through the Victoria Apartments Complex.	Documentation presented is supported by the investigation outcomes – there is no evidence a path existed before planning documentation was submitted in 1995.
5	A petition signed by 57 local residents objecting to the path being closed	In our view the petition relates to the inconvenience of closing an access way to reach local shops. There are 3 alternative routes down Higham St, Factory Lane or Slade Lane with the nearest alternative route being only a further 10 steps away and providing a well lit, safer route.	The petition should not be used in the decision making process of this order.

		<p>The residents of the Victoria Apartments, approx. 120 could and would generate and sign a petition against the 57 objections raised to continue to enjoy a peaceful living environment after suffering criminal activity and anti-social behaviour when the boundary was open and used by non-residents.</p> <p>Local police and fire service activity during 1996 to 2015 would support that the open complex gave rise to continued calls for assistance to resolve arson, car break ins and theft.</p>	
6	Extract of OS map 1890	We are not sure what the OS map shows as the investigation outcomes offer a differing view.	Documentation presented is supported by the investigation outcomes – there is no evidence a path existed before planning documentation was submitted in 1995.
7	Extract of OS map 1947	We are not sure what the OS map shows as the investigation outcomes offer a differing view.	Documentation presented is supported by the investigation outcomes – there is no evidence a path existed before planning documentation was submitted in 1995.
8	Photo of path	We acknowledge that there was a path in 1999	No comment
9	Photo of path	We acknowledge that there was a path in 2000	No comment



AGREEMENT FOR SALE



DATE

for  
L  
A: 7am January 1996

THE SELLER

KIELY DEVELOPMENTS LIMITED whose registered office is situated at Durham House, 4 Castlecroft Court, Bury, Greater Manchester

THE COMPANY

VICTORIA APARTMENTS (PADIHAM) LIMITED whose registered office is situated at Durham House, 4 Castlecroft Court, Bury, Greater Manchester

THE BUYER



THE PROPERTY

... being shown  
... of the Sell  
Padiham, Burnl  
the Lease ("

THE PURCHASE PRICE

£ 38,950.00.

THE DEPOSIT

£ 1,947.50.  
100.00.

Balance purchase money (but not

including items in 8(a)(ii)-(v))

£ 36,902.50.

THE RENT

The yearly rent reserved by the Lease

AGREED

The Seller will complete the renovation and construction of property and will grant and the Buyer will accept a Lease the Property for the Purchase Price and the rent on conditions endorsed hereon.

AS WITNESS

The hands of the parties hereto the day and year first above written.

.....

SIGNED by the Buyer

*all*  
.....

Signed for and on behalf of The Seller  
The Company. Duly Authorised.



1. THE Seller shall at its own expense complete the construction of the property hereby contracted to be sold in accordance with the plans already submitted to and approved by the Planning Authority provided that the Seller reserves the right to vary the plans and to make additions thereto and omissions therefrom not substantially affecting the value of the said property or the accommodation to be comprised therein. Fittings to be installed in the said property shall be in accordance with the specifications produced to the Buyer but the Seller hereby reserves the right to vary the fittings and to install fittings of similar materials

2. THE Seller shall carry out the completion of the property with all reasonable speed but the Seller shall not be liable for nor shall the Buyer be entitled to receive compensation for any delay in the construction or completion of the said property by reason of fire, storm, tempest, frost, snow, accident, shortage of labour or materials, government control, restrictions, riots, acts of war, insurrection, civil disturbance, strikes, lockouts or other causes outside the direct control of the Seller

3. THE layout plan of the development has been produced to the Buyer who shall be deemed to purchase with the full knowledge thereof provided that the Seller shall have the right to alter and amend such layout without reference to the Buyer. Whilst the Seller believes that the description of the Property shown edged red on the plan annexed to the Lease is approximately correct such plan is used for identification purposes only and no warranty is given or is to be implied as to the accuracy and the Seller reserves the right prior to completion of the sale of the property to vary the boundaries of the property but not that the area of the property is substantially diminished and any variation shall not annul the sale or give rise to any claims for compensation by either party

4. THE Seller sells with full title guarantee

5. THE Lease of the property to the Buyer shall be in the form hereto annexed and the Buyer shall pay to the Seller's Solicitors the sum of £40.00 plus VAT for the provision of the copies of the Lease together with plans.

(2)



6. THE Title shall consist of a certified copy Office Copy of the entries in the register and filed plan of Title Number LA755410 under which the Seller is registered as Proprietor with absolute title and the Buyer having had full opportunity of raising any queries or requisitions or requiring any explanation thereon shall be deemed to purchase with full knowledge of all of the contents of the same and shall not be entitled to raise requisitions or objections in respect thereof

7. THE Seller knows of no overriding interests other than those (if any) already disclosed or apparent on inspection of the land or revealed by the usual searches and enquiries but subject thereto the land is sold as subject to all overriding interests

8. (A) THE deposit has been paid on or before the signing hereof to the Sellers Solicitors as Agents for the Seller and on the date fixed for legal completion the following monies shall be paid by the Buyer to the Sellers Solicitors:

- (i) the balance of the purchase price following deduction of the deposit
- (ii) the cost of any extras ordered by the Buyer
- (iii) the proportion of rent paid in advance to 31st December next
- (iv) the sum of £100.00 as an initial payment towards the first year's service charge
- (v) the cost of plans and prints referred to in Clause 5 herein
- (vi) the one pound share referred to in subclause E(iii) herein

B. (i) completion of the sale shall take place within 7 days following the date on which the Sellers Solicitors shall notify the Buyers Solicitors in writing that the Property has been completed and is ready for final survey and is in a condition that would be reasonably acceptable to a Mortgagees Surveyor

(ii) completion of the sale shall take place notwithstanding the existence of minor defects and minor items of outstanding work and The Buyer shall not be entitled to refuse completion or make a retention on the grounds that any landscaping or other external works or any additional works to the property specifically requested by the Buyer are incomplete



11/21  
H.M. LAND REGISTRY

TITLE NUMBER

LA755410

ORDNANCE SURVEY  
PLAN REFERENCE

SD 7934

SECTION F

Scale  
1/1250

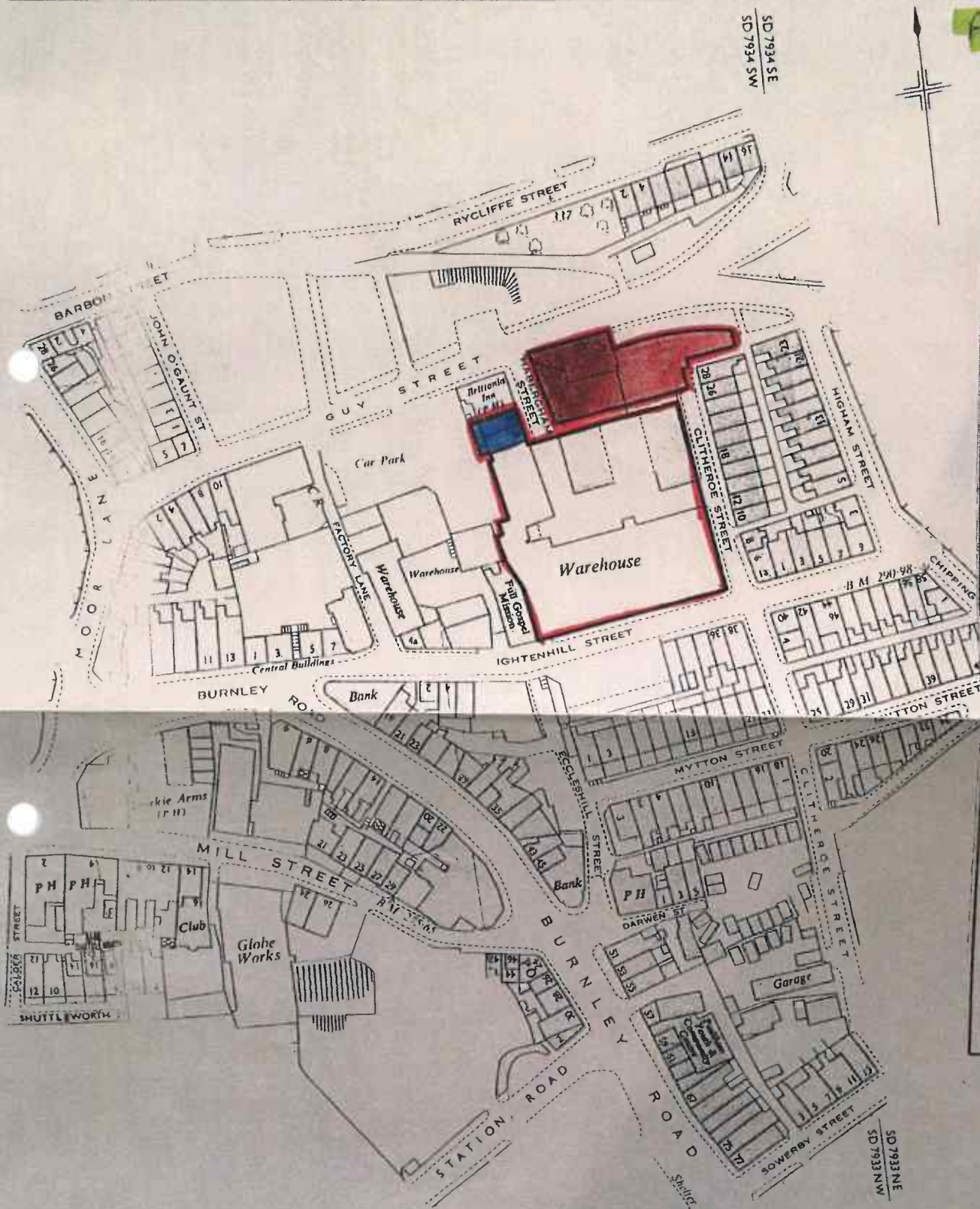
COUNTY LANCASHIRE

Ⓢ

DISTRICT BURNLEY

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APPENDIX 3



This OFFICE COPY shows the state of the title plan on 1/12/2013.  
 Under s.113 of the Land Registration Act 1925 this copy is admissible in evidence to the same extent as the original.  
 This office copy of the title plan may be subject to minor distortions in scale.  
 Issued on 15/12/2013 by HM Land Registry. This title is administered by the Lytham District Land Registry.  
 Crown Copyright. All rights reserved.

HALLIWELLS  
We hereby certify that this is  
a true copy of the original document



INLAND REVENUE  
 PRODUCED  
 27 FEB 1996  
 FINANCE ACT 1931  
 6

## LEASE OF PART

County & District : Lancashire - Burnley  
 Freeholder's Title Number : LA755410  
 Property : Land and buildings on the north side of  
 Ightenhill Street, Padiham

PARTICULARS

1. DATE OF LEASE : 20th day of February 1996.
2. THE FREEHOLDER : KIKLY DEVELOPMENTS LIMITED whose registered office is situate at Durham House, 4 Castlecroft Court, Bury, Greater Manchester (which expression shall include the estate owner for the time being of the reversion of the property demised by the within written Lease)
3. THE COMPANY : VICTORIA APARTMENTS (PADIHAM) LIMITED whose registered office is at Durham House, 4 Castlecroft Court, Bury, Greater Manchester
4. THE FLAT OWNER : DANIEL CHRISTIAN JACKSON  
 of 61 Kirkfell Drive, Burnley, Lancs, BB12 8AZ  
 (which expression shall include The Flat Owner's successors in title and those deriving title under The Flat Owner)
5. THE PLAN : The plan or plans annexed hereto
6. THE ESTATE : The Freeholder's residential flat development at Victoria Apartments, Guy Street, Padiham and edged blue on the plan
7. THE FLAT : No 44 on the second floor of Victoria Apartments, Guy Street, Padiham aforesaid and for the purpose of identification only shown edged red on The Plan and as is more particularly defined in Part 1 of the First Schedule to the within written Lease
8. THE BUILDING : The block of flats which The Flat forms part within The Estate including all common parts and appurtenances exclusively serving the said block



**9. THE PREMIUM** : THIRTY EIGHT THOUSAND NINE HUNDRED AND FIFTY

POUNDS (£ 38,950.00 )

**10. THE FLAT OWNER'S SHARE** : a 1.5% share payable annually in advance on 1st January

**11. THE RENT** : The yearly rent from time to time payable under this Lease shall be the rent specified in the Second Schedule

**12. THE TERM** : 999 years from 1st January 1995

**13. THE NEARBY PREMISES** : The Estate excluding The Flat

**14. THE AMENITY AREA** : The parking areas, access roads, footpaths and the garden grounds within The Estate including its boundary walls and fences and hatched yellow on The Plan

**15. THE INSURED RISKS** : Loss destruction or damage by fire lightning explosion thunderbolt earthquake subterranean fire impact by vehicles or animals flood storm tempest and (in peacetime) aircraft and articles dropped therefrom riot civil commotion strikes or labour disturbances subsidence of The Estate and land slip and such other risks as The Freeholder shall from time to time reasonably require

**16. THE PERPETUITY PERIOD** : 80 years from 1st January 1995

**THIS LEASE** is made on the Date of Lease BETWEEN The Freeholder of the first part The Company of the second part and The Flat Owner of the third part

WHEREAS:

In this Lease save where the context otherwise requires:

(a) The Freeholder is the Registered Proprietor with Absolute Title of The Estate

(b) Where there are two or more individuals in the expression "The Flat Owner" covenants herein expressed to be made by The Flat Owner shall be deemed to be made by such persons jointly and severally

**WITNESSETH AS FOLLOWS:**

**1. IN** consideration of The Premium now paid by The Flat Owner to The Freeholder (the receipt whereof The Freeholder hereby acknowledges) and in consideration of the respective yearly rents hereinafter reserved and of The

**Appendix 5**

----- Original Message -----

**From:** [Tyler, Lisa](#)  
**To:**  
**Cc:** [Ellis, Phil](#) ; [Haywood, Jordan](#)  
**Sent:** Monday, October 16, 2017 12:35 PM  
**Subject:** proposed Foot Path

Hi Anthony,

I have been up and had a look at the gate which the council want to remove to make a footpath between Clitheroe Street and Guy Street and totally agree that it would create yet another escape route for delinquents and in my opinion is completely unnecessary. I will email the council with my concerns.

Kind Regards

PCSO 7836  
Lisa Tyler

\*\*\*\*\*  
This message may contain information which is confidential or privileged. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments, without retaining a copy.  
Lancashire Constabulary monitors its emails, and you are advised that any e-mail you send may be subject to monitoring.  
This e-mail has been scanned for the presence of computer viruses.  
\*\*\*\*\*

## Blundell, Claire

---

**From:** Matthew Grimshaw <gyttam@aol.com>  
**Sent:** 19 October 2017 09:30  
**To:** Blundell, Claire  
**Subject:** Re: LSG4/PROW/CB/888.340

Thanks Claire.

I've never written anything like this before however I do feel strongly about this subject due to the negative impact it will have on the security and the residents of the apartments.

Making this access point into a public right of way will not only allow for disruption on the premises at all hours, it will invite more individuals to view and manipulate the security in place at the properties.

The current residents include those of vulnerable ages and abilities and an increase in traffic is also an increase in said vulnerability.

Public access isn't essential and will have no impact on anyone other than the residents of the apartments and surrounding buildings who have spent years cleaning and maintaining the area on the understanding it was part of our property.

Thank you for your time and consideration.

Kind regards,

Matthew Grimshaw

On 19 Oct 2017, at 09:04, Blundell, Claire <[Claire.Blundell@lancashire.gov.uk](mailto:Claire.Blundell@lancashire.gov.uk)> wrote:

Hi Matt,

Thank you for your email. You can send your objection to myself on this email address.

Kind Regards,

**Claire Blundell**  
Paralegal Officer  
Legal and Democratic Services  
Lancashire County Council  
Telephone 01772 533196  
Email [claire.blundell@lancashire.gov.uk](mailto:claire.blundell@lancashire.gov.uk)

**From:** Matt Grimshaw [<mailto:gyttam@aol.com>]  
**Sent:** 19 October 2017 09:01  
**To:** Blundell, Claire <[Claire.Blundell@lancashire.gov.uk](mailto:Claire.Blundell@lancashire.gov.uk)>  
**Subject:** LSG4/PROW/CB/888.340

Hi Claire,

11/21

Sorry to bother you. I was hoping you could advise the best way for me to object to the council turning an access point to my building into a public right of way?

Thanks for your help.

Matt Grimshaw  
07932 650 306  
[gyttam@aol.com](mailto:gyttam@aol.com)

---

\*\*\*\*\*

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.

Ms Caroline Whitaker  
44 Victoria Apartments  
Guy St  
Padiham  
BB12 8PX

11 October 2017

The Director of Governance, Finance and Public Services  
Lancashire County Council  
PO Box 78  
County Hall  
Preston  
PR1 8XJ

Dear Director

**RE: LSG4/PROW/CB888.340**

I am writing to raise objection to your intention to enforce a modification to the complex I live on, being; Victoria Apartments in Padiham. Your order has been received and I understand the intention is to provide that a footpath from Guy St to Clitheroe St is opened for any public access.

My objection to this is raised on the following grounds:

- **There is alternative route**

As mentioned above, there are currently two alternative routes which anyone can take on foot – I have marked one on the attached map. This is literally an extra 20 foot steps, along a much more well used and lit road. I am bemused why this order has been raised given the proposed “route” has not to my knowledge been open or used for more than 4 years. As a local resident it is not an essential walk way in my opinion, I shop locally and walk to Tesco / shops on a regular basis, I choose to take one of the alternative and much safer routes along Higham St or Mill St or Slade Lane. There is no access to any building or premises on Clitheroe St.

- **Security**

As part of the residents association we have spend a considerable amount of money securing our property, namely our vehicles on our car park. My husbands vehicle which was parked in a space adjacent to the proposed foot path was broken in to and items stolen – this was prior to us, at our expense securing the area. There were a number of cars broken in to before the improvements were made. Since the area has been secured and there is now only one entrance / exit there have been none reported. Thief’s are deterred when there is only one exit point. Permitting access and two new

get away points on to Guy St and Clitheroe St I fear will once again return us to repetitive break ins and theft.

- **Vandalism**

The communal bin area is located adjacent to the proposed walk way (as marked on the map) this was relocated from the side of the main apartment building in approx. 2012/2013 following a spate of vandalism and arson. Moving the bins and also securing them has stopped any further occurrence of these incidents as people, other than residents can no longer access the bins to cause fires or discard rubbish around. Providing access will I fear once again open up repetitive calls to the fire brigade to tackle nuisance fires.

- **Anti-social behaviour and gathering of youths**

Clitheroe St is a sheltered dead end effectively with walls and limited over sight from regular traffic or monitoring. The occupants of the Coach Houses which back on to Clitheroe St would regularly complain about Youths gathering behind their homes (directly under their bedroom windows) drinking and creating noise. I personally would never use this walk way for that very reason. Any route I would take would be along the road side down Higham St or along the road of Guy St – where regular cars were passing and the walk way was well lit.

- **Dog Foul**

Despite there now being an enforced “collect your own dog poo” policy in the area, this does not deter local owners fouling the footpath on Guy St or the grass opposite our complex. I honestly expect that providing dog owners with the additional, very private thoroughfare in to Padiham centre will present a further opportunity for them not to pick up their foul or actually be seen doing so.

I hope my personal comments are taken in to consideration, the Victoria Apartments complex has been living in relative peace and quiet for a number of years now with no incidents and I truly believe this is down to the money we have spent creating a safer, secure boundary.

I look forward to receiving acknowledgement and progress in due course

Yours sincerely



Ms Caroline Whitaker

Enc.





11/21

23 Victoria Apartments  
Padtingham  
Burnley  
Lancashire BB12 8PX

The Director of Governance  
Finance and Public Services,  
Lancashire County Council  
Po Box 78  
County Hall  
Preston  
PR18XJ

18<sup>th</sup> November 2017

Dear Sir

LSG/PROW/CB/888.340

I wish to make a formal objection to the proposal to reinstate a right of way/ access across the car park at Victoria Apartments, Guy Street, Padtingham, Lancashire.

On 2nd July 2015 approval was granted by the Council Development Control Committee for fencing and secure gates at the apartment block. This was due in part to the vandalism, anti social behaviour and continual criminal activity to vehicles in the car park. My living room window on the first floor, over looks this pathway and I have experienced first hand this atrocious and unacceptable behaviour. In particular, drunken behaviour



From groups of youths, to couples screaming and shouting in the early hours of the morning.

I would never open my windows in fear of someone attempting to throw things through it, which could result in personal injury or damage to my property. Items have been thrown though.

The property beneath me (No 7) is on the ground floor. Reprex covering has been secured over the windows after having the window kicked in on a couple of occasions. Thus, resulted in damage to the property and the owner/tenant not being able to open their window, at all.

There was also concern that members of the public could suffer injury on what were very steep steps if they remained open.

However, I understand you raised the order based on objections providing evidence the path was there in 1995/96. I purchased my Apt No 23 on 28<sup>th</sup> September 2005 and there was no mention of a public right of way at that time. I have consulted the legal deed to confirm that no such access was annotated. It does not appear Kiely Developments ever designated this path as a public/ disabled access.

Whatever public use there may have been in the past, no such legal access (Public Right of Way) is supported.

Also, there are at least two alternative routes towards Padigham centre, Higham St and Mill St both provide a well lit and paved routes

I trust you will give my objections serious consideration when making your decision as the thought of path way being reinstated fills me with fear and dread.

Yours faithfully

Hesley Sunderland  
Owner - Apartment 23.

15 Waystead Close  
Northwich  
CW98NN

The Director of Governance  
Finance and Public Services,  
Lancashire County Council  
PO Box 78  
County Hall,  
Preston  
PR18XJ

15 October 2107

Dear Sir

LSG/PROW/CB/888.340

We wish to lodge a formal objection to the proposal to reinstate a right of way/access across the car park at Victoria Apartments, Guy Street, Padiham.

On 2nd July 2015 approval was granted by the Council's Development Control Committee for fencing and secure gates at the apartment block. This was due in part to the vandalism, antisocial behaviour and continual criminal activity to vehicles in the car park. There was also concern that members of the public could suffer injury on what were very steep steps if they remained open.

However, we understand you raised the order based on objectors providing evidence the path was there in 1995/96. We purchased Apartment 19 on 5 September 2003 and there was no mention of a public right of way at that time. We have consulted the legal deed to confirm that no such access was annotated. It does not appear Kiely Developments ever designated this path as a public/disabled access.

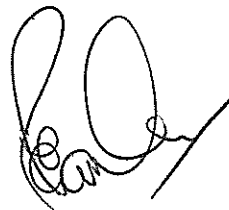
Whatever public use there may have been in the past no such legal access ( Public Right of Way) is supported.

We trust you give our objections due weight when making your decision.

Yours faithfully,



Carole Parker  
Owner Apt 19



Edward Parker  
Owner Apt 19

## Moore, Simon

---

**From:** Blundell, Claire  
**Sent:** 24 October 2017 13:14  
**To:** Elliott, Jayne  
**Subject:** FW: Proposed Footpath between Clitheroe Street and Guy Street, Padiham

Hi Jayne,  
Please see below.  
Kind Regards,

### Claire Blundell

Paralegal Officer  
Legal and Democratic Services  
Lancashire County Council  
Telephone 01772 533196  
Email [claire.blundell@lancashire.gov.uk](mailto:claire.blundell@lancashire.gov.uk)

---

**From:** Tyler, Lisa [<mailto:Lisa.Tyler@lancashire.pnn.police.uk>]  
**Sent:** 24 October 2017 13:12  
**To:** Blundell, Claire <[Claire.Blundell@lancashire.gov.uk](mailto:Claire.Blundell@lancashire.gov.uk)>  
**Subject:** RE: Proposed Footpath between Clitheroe Street and Guy Street, Padiham

Hi Claire,

As a non-resident I think a formal objection would be inappropriate so please treat my email as a view to keeping the Police informed regarding the outcome of the order making process and future management of the path should the order be confirmed.

Kind regards

Lisa

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**From:** Blundell, Claire [<mailto:Claire.Blundell@lancashire.gov.uk>]  
**Sent:** 23 October 2017 12:10  
**To:** Tyler, Lisa  
**Subject:** RE: Proposed Footpath between Clitheroe Street and Guy Street, Padiham

Dear Lisa,

Thank you for your comments and for explaining the difficult policing issues that you are currently experiencing in Padiham Town Centre.

With regards to the Order to record a footpath from Clitheroe Street to Guy Street the County Council are not seeking to create new public rights but to record public rights deemed already to exist. As such issues regarding the anti-social behaviour, vandalism, drug abuse and the fact that a suitable alternative route already exists, whilst important issues regarding the future use or management of the route are not relevant to the making or confirmation of the Order.



To be relevant, representations or objections should relate to the existence or status of the route and other issues - such as privacy, security, misuse and amenity are unlikely to be relevant.

A number of people have already expressed concerns about vandalism and anti-social issues and such management issues can be considered jointly with yourselves with regards to the future management of the route if the Order is confirmed.

Please can you confirm/clarify whether you wish for your below email to be treated as formal objection to the order or whether your comments are to be noted with a view to keeping the Police informed regarding the outcome of the order making process and future management of the path should the order be confirmed?

Kind Regards,

**Claire Blundell**

Paralegal Officer

Legal and Democratic Services

Lancashire County Council

Telephone 01772 533196

Email [claire.blundell@lancashire.gov.uk](mailto:claire.blundell@lancashire.gov.uk)

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**From:** Tyler, Lisa [<mailto:Lisa.Tyler@lancashire.pnn.police.uk>]

**Sent:** 17 October 2017 15:13

**To:** Blundell, Claire <[Claire.Blundell@lancashire.gov.uk](mailto:Claire.Blundell@lancashire.gov.uk)>

**Cc:** Ellis, Phil <[Phil.Ellis@lancashire.pnn.police.uk](mailto:Phil.Ellis@lancashire.pnn.police.uk)>; Haywood, Jordan <[Jordan.Haywood@lancashire.pnn.police.uk](mailto:Jordan.Haywood@lancashire.pnn.police.uk)>

**Subject:** Proposed Footpath between Clitheroe Street and Guy Street, Padiham

Dear Claire,

I am the local Police Community Support officer for Padiham town centre and it has been brought to my attention that there a plan to open up a footpath that will lead between Clitheroe Street and Guy Street in Padiham; the ref for this is **LSG4/PROW/CB/888.340**

In my opinion as a officers who regularly patrol this area on foot there is no need extra access between Clitheroe Street and Guy Street as both streets can be adequately reach via the steps between Ightenhill street and Eccleshill Street, the footpath on Factory Lane or the footpath off of Grove Lane onto Higham Street then onto Clitheroe Street.

Also from a policing point of view this would not be a good idea as we are experiencing Anti-social behaviour in this specific area namely stone throwing, youths climbing on the side of Victoria Apartment and trying to get into peoples windows and also grates being removed by youths from the nearby Jehovah's witness meeting hall. We also have reason to believe that drug dealing is going on near to Guy Street and opening up this footpath would give criminals and anti-social youths another escape route or even a more secluded area to deal drugs.

Yours Respectfully

PCSO 7836

Lisa Tyler

Gawthorpe Neighbourhood Police Team

Above Cc'd – PC 2838 Phil Ellis  
and PCSO 7576 Jordan Haywood

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8/21  
888.340/CB.

Cllr Frank Cant,  
6 Badger Close,  
Padiham,  
Burnley BB12 8PP

Dear ~~Mr Young,~~

Director of Governance, Finance and Public services

I write on behalf of myself and a number of my constituents regarding the proposal to make a definitive right of way in my ward. I refer to the pathway between Clitheroe St. and Guy St.

By and large most of my constituents are in favour of this proposal as it is a good short cut into town. I personally have used this route over many years and some of the people I have spoken to who are clearly in their eighties remember using this pathway when they were young children.

The route was closed off by the owners of the adjacent apartment block on the grounds that they needed to secure the site due to incidents of vandalism on their car park. A few years on and the car park has still not been secured as they planned.

As far as I am aware there has not been any incidents directly attributed to this pathway and is in my opinion a red herring. Indeed I consider that the closure has created a cul-de-sac where criminal behaviour can be carried out with no fear of detection from prying eyes. If heaven forbid a serious assault was carried out, a body could lie in the shadows for days.

If this proposal is granted and the owners of the apartments were serious about security a fence could easily be erected at the side of the pathway adjacent to the car park.

Thank you for your attention to this letter,

Yours faithfully,

Cllr. Frank Cant



Burnley borough councillor

Representing Gawthorpe ward Padiham

49 GARDEN ST  
 PADHAM, BURNLEY  
 BB12 8NP.  
 5th Nov. 2017.

Director of Governance,  
 Finance & Public Services  
 L.C.C. P.O. Box 78  
 County Hall, Preston PR1 8XJ.

(REF. LSGA/PROV/CB/888.340)

Dear Sir/Madam,

With regard to the footpath between Guy Street and Clitheroe Street in Padham, I wish to state that I support the opening of said footpath.

As I am nearly 86 years old, without transport I find that it is harder for me to walk further down into the town now that the said footpath is closed.

Many older people live in this area and it has become much harder for us since the closure of the path especially as the bus which used to run up Garden St every 1/2 hour ceased to come this way.

I hope these things will be taken into consideration, especially as there was NOT any consultation with us by the owners of Victoria Flats about closure of the footpath which incidentally was done PRIOR TO PLANNING PERMISSION.

Yours faithfully  
 Sheila Hudson

888-5 PO.

Mrs. R. Demmond

2 Berkeley Crescent  
PocahontasNt. Burlington  
Kansas

BB128NR

Dear Sir

Please open the foot path between Guy St. and Clitheroe St. in Pocahontas. I've lived in the area all my life, I'm 70 yrs old now and that path is a shortcut to the shops, its all uphill from the shops and that path makes it so much easier, there are a lot of elderly people in this area and not everyone has a car, that path has been open all my life untill a few years ago someone who doesn't live up here decided to close it, there's no



11/21

ANMO 804-579.

3 Garden St  
Padiham  
BB12 8NP

Dear Sir

I am writing to you about the footpath that runs between Guy St. and Clitheroe St. at the side of the Victoria apartments Padiham

I can not understand why the owner of the carpark decided to block the path off. If he wanted to secure the carpark all he had to do was put railing down the side of the path instead of putting a gate across the path closing it off.

He did this when it was a bank Holiday without the councils permission and we were unable to contact the Burnley Council until it reopened after the Holiday

I then phoned them and they came and unopposed it and he the railing he had proposed to

to erect along the carpark wall and paint them black. The other railing looked like a prison from our houses.

The we had to establish that it was a right of way. The Council had made the footpath when the mill was turned into apartments in the first place as an agreement with owner.

Since the path has been closed off the bus that ran up Garden St. has been stopped and there are a lot of elderly people that live round here. There are blocks of old peoples flats just above and they now have a lot further to walk

I hope that you will decide to reinstate the footpath  
Yours Faithfully  
Mrs J Bridge

31 Fairweather Court  
 Pochlam Lane  
 RB12 8QB  
 5/11/17

Ref: LS 6A/PROW/CB/888.340

Dear Sir,

I write in support of councillor Frank Cant's efforts to get the footpath between Guy Street and Clitheroe Street reopened.

This has always been a short cut into town, which was very helpful to the people living in the surrounding streets and the large housing estate nearby.

The owner of Victoria Mill cites the closing of the path as a safety measure against vandalism of cars etc.

The ground adjacent to the path i.e. the car park is completely open on one side which completely invalidates the objection.

Please give consideration to local peoples needs when making your final decision.

Yours faithfully

M. P. Barclay M.S.

17 Town Hill Bank  
Padiham, Burnley  
Lancs, BB12 8DH

16<sup>th</sup> November 2017

Dear Mr ~~Young~~

**Re: Public footpath from Clitheroe Street to Guy Street, Padiham, Burnley  
Definitive Map Modification Order 2017**

I am writing to let you know that I am very much in favour of this footpath being added to the Definitive Map and Statement of Public Rights of Way for our area, Up until a few years ago when it was suddenly blocked off it had always been a right of way. I remember using it when I was a little girl and I am 60 now.

It has been a great inconvenience to me and many other people in the area over the period of time it has been out of use. It is quite a long walk round and has been very difficult for elderly people coming up from the town with bags of shopping.

I hope to be using this route again very shortly.

Yours sincerely

Gill Harbour

Gill Harbour



LANCASHIRE COUNTY COUNCIL  
Legal & Democratic Services  
PO Box 78  
County Hall  
Preston  
PR1 8XJ

Our Ref: BLK345/265791/RW  
Your Ref:  
25th October 2017

**FAO: Claire Blundell**

Dear Madam

**PUBLIC FOOTPATH FROM CLITHEROE STREET TO GUY STREET PADIHAM**

Thank you for your letter and drawing dated 04/10/17

Openreach records indicate that no apparatus exists within the area of your proposed works. Please note that a site survey has not been carried out at this stage, and therefore, if any Openreach apparatus is affected by your works, please contact us so that we can provide you with the necessary Estimate of Costs for alteration/diversion.

It should be noted our network is being enhanced on a daily basis. Therefore, to make absolutely certain no apparatus exists, we recommend you obtain on-site advice and confirmation of the location of Openreach apparatus by contacting the Openreach "Click-Before-You-Dig" Service:

E-mail: [cbyd@openreach.co.uk](mailto:cbyd@openreach.co.uk)

(Office hours: Monday - Friday 08:00 to 17:00)

Click-Before-You-Dig services are free of charge, but please note that seven working days notice is required for these services.

If you wish to discuss your proposal further, please do not hesitate to contact me.

Yours faithfully

Robert Waring  
Repayments Project Engineer

**Repayments (Alterations)**  
PP 601  
Blackburn TEC/MTW  
Byrom Street/Sumner Street  
Blackburn  
BB2 2LD

**tele:** 01254684609  
**fax:**  
**mob:** 07802 190337  
**email:** [robert.waring@openreach.co.uk](mailto:robert.waring@openreach.co.uk)

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