

Chief Executive/Clerk's Observations

The Parish Council have not submitted any evidence to support the claim other than a map to show the route in question.

Two landowners have been consulted and one of these did not offer any comment either for or against the claim. The major landowner, the Forestry Commission, have objected stating that the route has not been properly surveyed, is erroneous and follows no defined route. They have also stated that there is no access to the east of the wood, nor any ride or pathway on the claimed route.

There is no evidence of any route on the claimed line on the Teesdale/Hennet's Map, 1829 or on the 1845 Ordnance Survey Map. The Parish Survey Map and the original Draft Map also do not show any route, although other tracks are shown in the wood on the background to the Maps.

In the absence of any evidence to support the claim, it is considered that the claim should be rejected.

RECOMMENDATION: That the claim for a Public Footpath extending between Public Footpath No. 15, Over Kellet and Public Footpath No. 2, Over Kellet, Claim No. 804/38/1/24/1, be not accepted.

10. WILDLIFE AND COUNTRYSIDE ACT 1981
CLAIMED BRIDLEWAY FROM SWARTHBECK BRIDGE, ALONG LORDS LOT ROAD
TO BORWICK ROAD, OVER KELLET, LANCASTER DISTRICT
CLAIM NO. 804/39/1/24/2

Description and Location of the Claim

The claim is for a bridleway extending from the B6254 near Swarthbeck Bridge along the route shown as Lords Lot Road to Borwick Road. The total length of the route is approximately 1,935 metres and it is shown 'A'-'B' on the attached plan.

Consultations

a) Lancaster City Council

The City Council have stated that the access to the wooded area from Borwick Road is gated and padlocked and this indicates that the route is not intended for general usage.

b) Over Kellet Parish Council

The Parish Council have not been consulted as they submitted the claim.

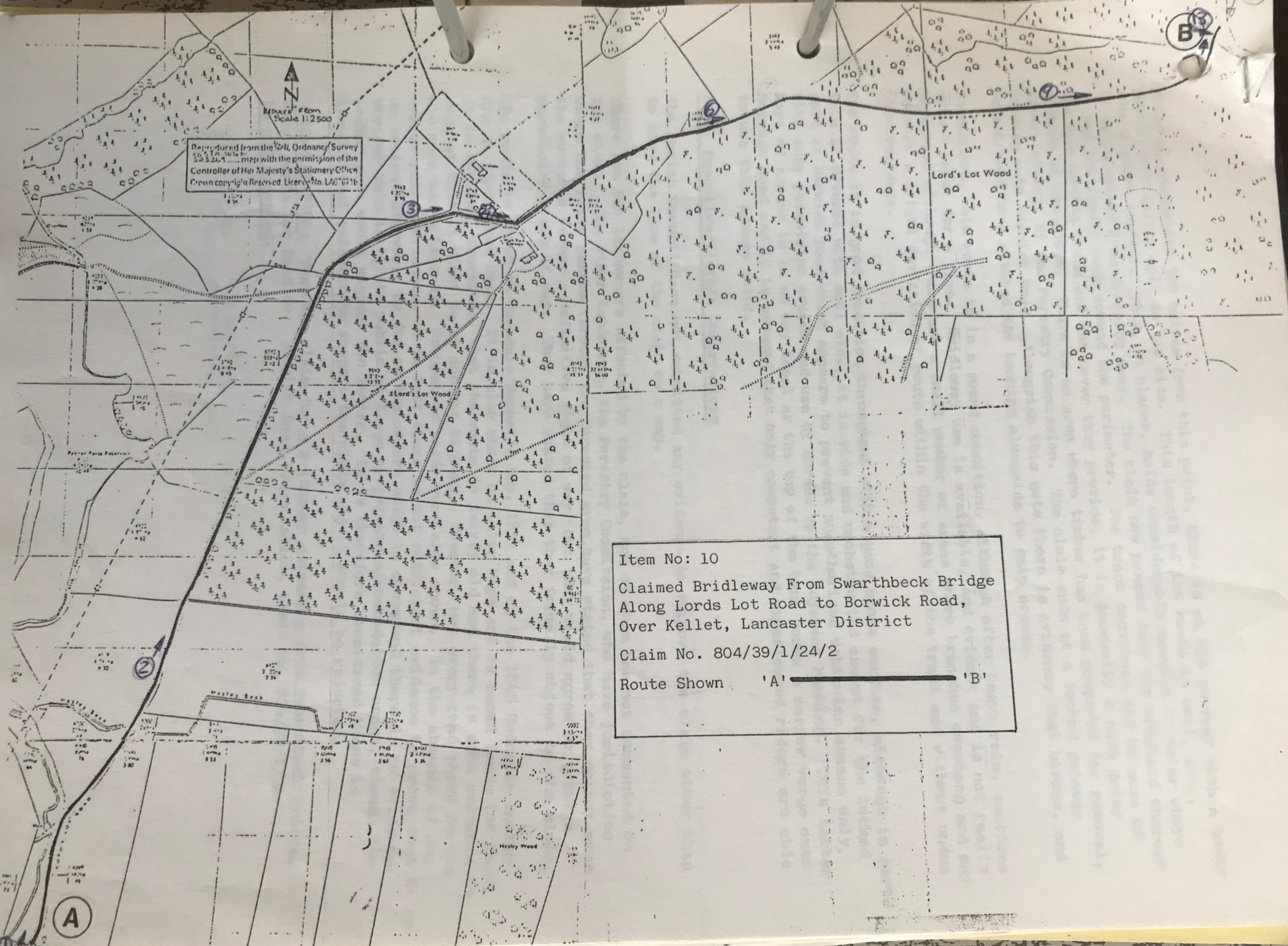
County Surveyor's Observations

From the B6254 near Swarthbeck Bridge, this claim passes over a stone surfaced road with vehicular use, this road is in good condition but has some hollows which hold water in places. The average width of the road is approximately 4 metres. At a point to the South of 'Withets' (now demolished), the stone surface is replaced by a soil surface beyond a turning area. This length is still well used by vehicles, tractors etc., and the route turns to the North East near High Park Cottage, (now derelict). At the access to those cottages, there is a sign 'Private Shoot' and also fire warning notices. Many signs of pedestrian, vehicular and equestrian use are evident.

Reduced from
Scale 1:2500

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Item No: 10
Claimed Bridleway From Swarthbeck Bridge
Along Lords Lot Road to Borwick Road,
Over Kellet, Lancaster District
Claim No. 804/39/1/24/2
Route Shown 'A' ————— 'B'



After approximately 370 metres from this point, there is an old gateway with a badly rotten gate laying open to the side. This length of the route is soil, etc., over a stone surface. This, in places, holds considerable amounts of water where it is prevented from draining away. The claim now passes into the woodland whereas it had previously been around the perimeter. The track continues and because of the surrounding trees and the cover they provide, it is generally a much drier section of the route. There is an area where timber has been prepared for removal, after felling, by the Forestry Commission. The claim ends at a locked gateway leading onto Borwick Road. Alongside this gate there is evidence that horses, and pedestrians have climbed the banking alongside to gain access.

Throughout, this route is in a sound condition, although after heavy rain, sections retain water for a time. Bridleway use is available, and evident and is not really prevented although there are a small number of areas where branches overhang and may require a slight deviation of route within the width of the track and without undue inconvenience.

The route is in good condition throughout with a good stone surface, although in parts this is covered with soil etc., it is wide and unobstructed except for the locked gate at Borwick Road which appears to prevent unauthorised vehicular access only, with easy pedestrian access and use by horses up the adjacent banking. This latter form of access is in no way ideal as the top of the bank forms a narrow verge onto Borwick Road and it is assumed that only competent and experienced riders are able to use this access point.

Chief Executive/Clerk's Observations

The Parish Council have not submitted any evidence to support the claim other than to show the line of the claim on a map.

There are two landowners affected by the claim, one of whom has not commented on the claim. The other landowner, the Forestry Commission, who have jurisdiction where the route passes through the forested area, have stated that they do not wish the route to become a definitive right of way, but they would agree to grant a permissive right of way. They have stated that they formally object to the claim.

The route is shown on Teesdale/Hennet's Map, 1829 and on the 1845 Ordnance Survey Map as Lords Wood Road. It is also shown on later Maps and is named Lords Lot Road. It is obvious, therefore, that the route is fairly old and there is some evidence to suggest that it might be an ancient highway. However, not every road shown on the old maps was a highway. Occupation roads were also shown. In the absence of any corroborative evidence, it is felt there is not sufficient evidence to prove that it is an ancient highway. So far as the modern usage is concerned there is no evidence whether this is by the public at large or private accommodation usage, though the locked gate would suggest the latter. It is therefore considered there is insufficient evidence to support the claim and it should be rejected.

RECOMMENDATION: That the claim for a bridleway extending from Swarthbeck Bridge, along Lords Lot Road to Borwick Road, Over Kellet, Claim No. 804/39/1/24/2, be not accepted.

G.S. Deter. site inspection. 11/2 carried