

**COVERING LIST OF REPRESENTATIONS, OBJECTORS & SUPPORTERS**

**WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III AND SCHEDULE 14**

**THE LANCASHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF  
PUBLIC RIGHTS OF WAY  
DELETION OF PART OF FOOTPATH NO. 3 BROUGHTON AND ADDITION OF A  
FOOTPATH FROM SANDYFORTH LANE TO LIGHTFOOT LANE (DEFINITIVE  
MAP MODIFICATION) ORDER 2014**

**(DATED 26 FEBRUARY 2014)**

<b>No.</b>	<b>OBJECTIONS STILL OUTSTANDING</b>	<b>ADDRESS</b>
1	M W Swinbourne	The Cottage Lightfoot Lane Fulwood Preston Lancashire PR4 0AE
<b>No.</b>	<b>OBJECTIONS WITHDRAWN</b>	<b>ADDRESS</b>
<b>No.</b>	<b>SUPPORTER</b>	
<b>No.</b>	<b>OTHER RESPONSES</b>	
2	Russell Rees (Head of Engineering)	Preston City Council Town Hall Lancaster Road Preston PR1 2RL
3	Preston Ramblers Group (Joe Howard)	9 Victoria Parade Ashton Preston PR2 1DS
4	NRSWA Coordinator Atkins Telecoms	<a href="mailto:osm.enquiries@atkinsglobal.com">osm.enquiries@atkinsglobal.com</a>

16.4.14

The Cottage

Lightfoot Lane

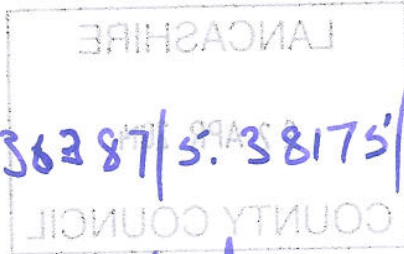
Fulwood

Preston Lancs

PR4 0AE

Your Ref.

LS94/PROV/S. 38287/S. 38175/ME.



Dear Sir or Madam

For over 20 years now the footpath has been a constant source of wrangling and it still goes on.

How can it be safe or sensible to bring a footpath off the very safe Guild wheel, over a cricket pitch, over a rugby pitch and then over a golf driving range with 7,000 golf balls a day being hit towards anyone on the path and, if that is not enough, to make the exit/access point straight out onto a major highway with no footpath.

On the original footpath, 40 years ago, your access point "g" was 60 feet east of where you show it on the map (The old sign post is still there)

Your new map shows the exit going through my garden, onto my drive

and immediately onto light foot lane, this  
of course will never be a safe point and  
my garden is all fenced off and gated  
as security for my dogs and small children  
and if you are insistent that this long closed  
path be re opened then you have to  
respect the old point of exit/access.

The only safe way in my view  
is to keep the walkers on the guild wheel  
to its junction with lightfoot Green lane,  
down to where it joins lightfoot lane and  
a very safe pelican crossing, purpose built  
for that very reason.

I hope you can see my  
point of view as the only certainty on this  
access/exit will be a very sad end  
to someones life


Yours faithfully


M. W Swinburne


01772 863669




This is a "VERY SIMPLE" guide to the area under discussion

 This line denotes Sandysforts lane which is part of the Guild wheel and apart from being very safe, leads to a pelican crossing on Lightfoot lane with proper footpaths. where nothing will hit you.

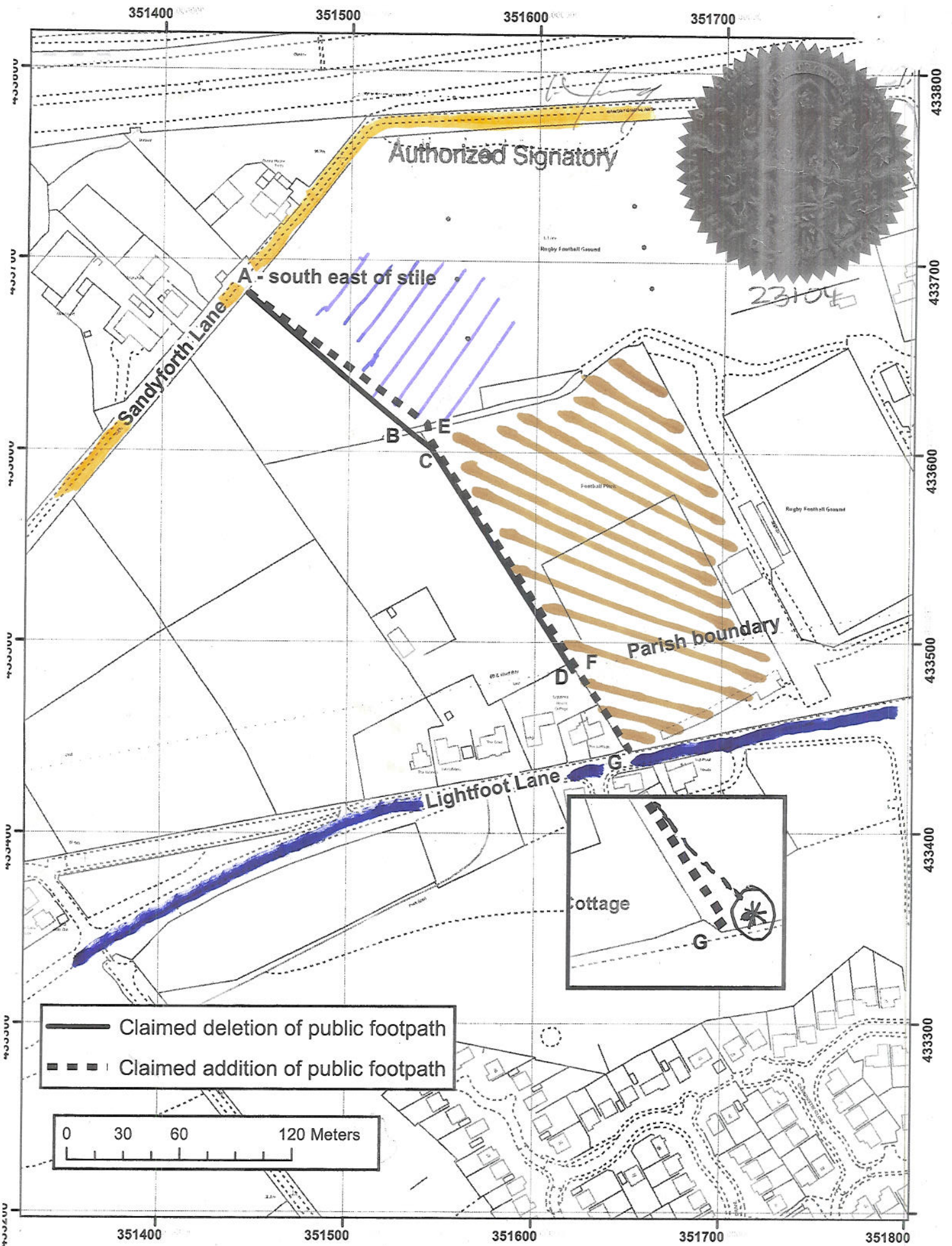
 This area is where the cricket pitch is, where very hard balls travel very fast and is very painful if they hit you.



 This area denotes, not only a football pitch but is also a golf driving range where 7,000 golf balls per day are fired up the field. These balls travel very fast and it is very painful if they hit you.

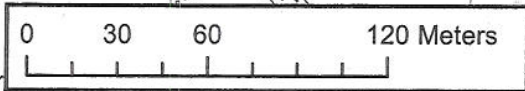
 This line denotes Lightfoot lane which, at your point "G" there is no foot way - many cars & lots of wagons travel very fast along this road and it is very painful if they hit you.

Please Note:- Your Exit "G" was always 50 feet east of your mark.





 Claimed deletion of public footpath  
 Claimed addition of public footpath



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Mr Swinburne  
The Cottage  
134 Lightfoot Lane  
Fulwood  
Preston  
PR4 0AE

Phone: 01772 535604  
Email: [megan.brindle@lancashire.gov.uk](mailto:megan.brindle@lancashire.gov.uk)

Your ref:  
Our ref: LSG4/PROW/5.36387/5.38175/MB  
Date: 23 April 2014

Dear Mr Swinburne

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

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III  
DELETION OF PART OF FOOTPATH NO. 3 BROUGHTON AND ADDITION OF  
A FOOTPATH FROM SANDYFORTH LANE TO LIGHTFOOT LANE  
(DEFINITIVE MAP MODIFICATION) ORDER 2014**

Thank you for your letter dated 16<sup>th</sup> April 2014, please can you confirm whether you wish your letter to be treated as a statutory objection to the Order?

I have spoken with the Rights of Way Officer dealing with matter and she has provided a response to the points you have raised.

In deciding whether it is appropriate to maintain an objection following receipt of an application under Schedule 14 of the Wildlife and Countryside Act the County Council were legally required to investigate the matter and that an Order was subsequently made because only part of the route of the public footpath from Sandyforth Lane to Lightfoot Green Lane had been recorded on the Definitive Map and because the part that had been recorded was incorrectly shown.

The County Council carried out detailed research to identify the correct route of the full length of the public footpath and consulted relevant landowners at various stages of the process. The research led the County Council to make an Order to delete from the Definitive Map the route shown on the Order plan by a solid black line between points A-B-C-D and to add to the Definitive Map the correct historical route of the footpath shown as a thick dashed line between points A-E-F-G.

The Order does not seek to create a new public footpath but to rectify mistakes that were made when the footpath was originally recorded on the Definitive Map.

The Order has been made based on the documentary evidence which (when viewed as a whole) shows the correct route of the footpath to be the route A-E-F-G.

It is understood that in recent years the footpath has received very little use. On the ground access onto the route is available (and signposted) from Sandyforth Lane at

point A and it is possible to walk across the rugby pitch to point E. However between point E to point G the Order route follows a line along what is now the edge of the football pitch/golf driving range and has partially been obstructed by a line of Leylandii trees and fencing. It exits onto Lightfoot Lane at point G – currently through a garden gate belonging to yourself.

The County Council understand you have serious concerns about the safety of pedestrians exiting onto Lightfoot Lane. However, issues relating to public safety, the current use of the land over which the route passes and existence of alternative (and possibly more suitable alternative routes) cannot be taken into account when considering whether the Order to record the correct route of the footpath should have been made and whether it should be confirmed.

If the Order is confirmed the County Council will then need to consider how best to open up the public footpath so that it can be used by the public. This will involve discussions with yourself, the owners of the rugby club, the football club and the golf driving range with regards to the current obstructions and to the safety of the public using the route. At this stage it will be possible to consider what precautions may be necessary at the exit onto Lightfoot Lane and whether a better route could be provided for the public if the footpath was to be legally diverted onto a different alignment.

We note that you have previously explained that before the football pitch was constructed there was a gate directly opposite the entrance to a farm on Lightfoot Lane (east of point G) and that you believed that this was the correct exit point of the footpath onto Lightfoot Lane. We have looked at the evidence, and whilst not doubting the existence of the gate referred to by yourself we believe that the historical route of the public footpath exited the field at point G and that it was never legally diverted to exit onto the lane via the gate.

Yours faithfully

Megan Brindle  
Paralegal

**Please quote our full reference number on all correspondence**



Your ref:.

LSG4/PROW/5.36387/5.38175/ME

1 The Cottage  
Lightfoot Lane  
Fulwood

Position PR4 OAE  
01772 863669

LANCASHIRE  
14 MAY 2014  
COUNTY COUNCIL

Dear Megan Brumfit

Your letter dated 23rd April '14 asks if I wish my letter of the 16<sup>th</sup> April '14 was to be treated as a statutory objection to the order and the answer would be, I suppose, yes. if it is in order.

I must add that, due to my own forgetfulness. The top field between Point "A" and point "E" which is a rugby field and a cricket pitch, is also used by Salnesbury Longbow archery club with 42 members using very large & powerfull English Longbows right across the proposed footpath.

This point had to be put into the equation.



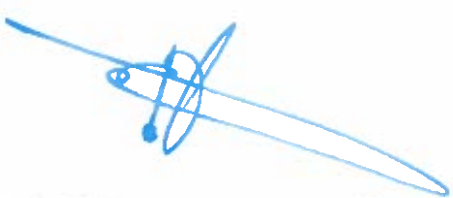
I am also concerned that you appear to be doubling my word on the exit point "G". Historically, going back 45 years that I know of (actually even longer, we used to play in those fields when we were children) the gate was the exit point and it was illegally moved by the rambles when Fulwood Amateurs blocked off the gate when they purchased the field.

Point "G" could never have been where you place it as that corner was always an implement store for the farm and after that became my woodshed

Point "G" where you place it, through a garden gate belonging to me is ~~not~~ absolutely wrong, that gate was only built there 15 months ago, before that it was a solid fence.

Yours faithfully

M. W. Swinburn



Mr Swinburne  
The Cottage  
134 Lightfoot Lane  
Fulwood  
Preston  
PR4 0AE

Phone: 01772 535604  
Email: [megan.brindle@lancashire.gov.uk](mailto:megan.brindle@lancashire.gov.uk)

Your ref:  
Our ref: LSG4/PROW/5.36387/5.38175/MB  
Date: 01 July 2014

Dear Mr Swinburne

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

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III  
DELETION OF PART OF FOOTPATH NO. 3 BROUGHTON AND ADDITION OF  
A FOOTPATH FROM SANDYFORTH LANE TO LIGHTFOOT LANE  
(DEFINITIVE MAP MODIFICATION) ORDER 2014**

Thank you for your letter which the Council received on 14<sup>th</sup> May 2014. I have now had chance to speak with the Environment Directorate and provide you with a response below.

With regards to the current use of the rugby pitches by the Salmesbury Longbow Archery club I will ask for this to be investigated further as it already has an implication on the use of the route currently recorded on the Definitive Map and Statement as Broughton Public Footpath 3 between points A-B on the Order map.

However, such use at the current time (or in the future) cannot be taken into account when considering whether the Definitive Map Modification Order should be confirmed.

Would you please note that the County Council are not doubting that a farm gate existed opposite the entrance into the farm on Lightfoot Lane and it is actually possible that use of this route by the public may actually mean that an alternative route to that contained within the Order (which exits onto Lightfoot Lane at point G) may have legally come into existence at some point in the past. However, the County Council is not in receipt of an application requesting that this route be recorded as a public footpath and we do not have sufficient map, documentary or user evidence to make an Order for this route.

If you do wish to make an application to record this additional route as a public footpath it would be necessary for you to gather the evidence pertaining to it and submit an application. Guidance notes and application forms are attached. However, please be advised that any application received would be treated separately to this Order that you are currently objecting to.

This particular Order is based on historical evidence as detailed in the attached Committee report. It is the Council's opinion that the map and documentary evidence

supports the view that historically the route of the public footpath exited the field in the corner at point G and I would refer you specifically to the Tithe Map 1840, 25 inch Ordnance Survey maps published in 1893, 1911, 1932 and 1939 and the aerial photograph from the 1960s.

It was noted in the Committee report that in more recent times there may have been a gate existing opposite Lightfoot House Farm - as the route of the footpath is shown differently on the 1978 25 inch OS map. The existence of a gate is also noted on the map forming part of the Planning Application submitted in respect of the golf driving range in 1989. However, there is nothing to suggest that the original route (exiting at point G) had been legally diverted to pass through this gate.

The fact that the Order route at point G is now partially obstructed is irrelevant when considering whether the public footpath historically existed along the Order route and should the Order be confirmed the practicalities of opening up the legal line of the path will be discussed with yourself and other affected parties.

I would be grateful if you would reconsider your stance in view of the comments made and the information provided in the Committee report.

I look forward to hearing from you in due course.

Yours faithfully

Megan Brindle  
Paralegal

**Please quote our full reference number on all correspondence**



amayson001

**From:** R.Rees@preston.gov.uk  
**To:** Brindle, Megan  
**Cc:** L.Mistry@preston.gov.uk  
**Subject:** Consultation response - Public Footpath 3 Broughton

Sent: 30/05/2014 15:59:21

Your ref: LSG4/PROW/5.36387/5.38175/ME

Our Ref: LAS/LM/12848 &amp; 13044

**WILDLIFE AND COUNTRYSIDE ACT 1981 - PART III  
 DELETION OF PART OF FOOTPATH NO. 3 BROUGHTON AND ADDITION OF A FOOTPATH FROM SANDYFORTH LANE TO  
 LIGHTFOOT LANE,  
 (DEFINITIVE MAP MODIFICATION) ORDER 2014**

I refer to your letter of 22<sup>nd</sup> April 2014 to the Chief Executive concerning the above.

I have consulted ward councillors and the Cabinet Member for Community and Environment on the matters raised in your letter and I have not received any responses.

Comments on this proposed change were relayed to you on 27 September 2013 by e-mail and as it is proposed to make the modification of the route of the footpath then the City Council raises no objection to the confirming, as made, of the Order.

I trust that this information is of assistance

Regards

Russell

**Russell Rees**

Head of Engineering

- ☒ Telephone: +441772906792
- ☒ Engineering - Transportation  
Town Hall, Lancaster Road, Preston, PR1 2RL



Preston City Council



Banner



The Prestonian

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amayson001

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**From:** joehoward@uwclub.net **Sent:** 15/04/2014 09:37:48  
**To:** Brindle, Megan  
**Subject:** DMMO - LSG4/PROW/5.36387/5.38175/ME  
**Attachments:** DMMO - FP No. 47 2014.doc

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Hello Megan,  
Please find attached my comments about the above order.

I would just like to comment on another fact, that I received on, consecutive days,  
the same communication about this order, one of which came by registered post and on the day  
the same information was in the local press.

Regards,

Joe Howard

(Area footpath secretary  
& Assisstant Preston group FP. secretary.)



**ramblers**  
at the heart of walking

9 Victoria Parade,  
Ashton  
Preston  
PR2 1DS  
01772/493098  
joehoward@uwclub.net

15/4/14

**LSG4/PROW/5.36387/5.38175/ME**

Dear Megan,

In reference to the above "Definitive Map Modification " order for Public Footpath No. 47 Fulwood, I would like to make one observation.

At Lightfoot Lane, where there is no footpath, the exit from the field could be very hazardous if the stile or gate were to be too close to the hedge boundary and so an allowance can be made for more than one walker, at least, has room to stand there before accessing the road.

I trust that this can be taken into consideration.

Yours faithfully,

Joe Howard  
(Assistant footpath secretary - Preston Group.)



amayson001

**From:** Krishnaraj.Kumar@atkinglobal.com **Sent:** 04/04/2014 06:49:16  
**To:** Brindle, Megan  
**Subject:** No Objection: LSG4/PROW/5.36387/5.38175/ME; Deletion of Footpath No. 3 and add Footpath from Sandyforth Lane to Lightfoot Lane;  
**Attachments:** image001.jpg, Scan-to-Me from 10.30.9.234 2014-04-01 152444.pdf

**This response is made only in respect to electronic communications apparatus forming part of the Vodafone Limited electronic communications network formerly being part of the electronic communications networks of Cable & Wireless UK, Energis Communications Limited, Thus Group Holdings Plc and Your Communications Limited.**

Dear Sirs,

New Roads and Street Works Act 1991  
**Stopping Up Order / Footpath Diversion / Extinguishment / Gating Order**

**No Objection**

We refer to the below or attached order and confirm that we have no objections

**Please email Stopping Ups to [osm.enquiries@atkinglobal.com](mailto:osm.enquiries@atkinglobal.com)**

**To enable us to process your application as quickly as possible, please ensure you include Grid References.**

A copy of the Cable and Wireless process 4461 'Special Requirements relating to the external plant network of Cable and Wireless UK Services Ltd' is available on request. The process provides guidance on working in the vicinity of Cable and Wireless's apparatus.

Many thanks.

Plant Enquiries Team

T: 01454 662881

E: [osm.enquiries@atkinglobal.com](mailto:osm.enquiries@atkinglobal.com)

**ATKINS** working on behalf of



cid:image001.jpg@01CE2F84.4C71D4  
80

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**Diversions may be necessary if the existing line of the highway/railway or its levels are altered, where apparatus is affected. Where apparatus is affected and requires diversion, you must submit draft details of the proposed scheme with a written request for a 'C3 Budget Estimate' to the above address. These estimates should be provided normally within 20 working days from receipt of your written request. Please include proof of this C2 response when requesting a C3.**

**From:** Alison.Friend@atkinglobal.com [mailto:Alison.Friend@atkinglobal.com]

**Sent:** 01 April 2014 18:55

**To:** Friend, Alison

**Subject:** Scan-to-Me from 10.30.9.234 2014-04-01 152444

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