

**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 30 DECEMBER 2014)**

<b>No.</b>	<b>OBJECTIONS STILL OUTSTANDING</b>	<b>ADDRESS</b>
1	Michael Swinbourne	The Cottage Lightfoot Lane Fulwood Preston Lancashire PR4 0AE
<b>No.</b>	<b>OBJECTIONS WITHDRAWN</b>	<b>ADDRESS</b>
2	Peak and Northern Footpaths Society	Peak and Northern Footpaths Society Taylor House 23 Turncroft Lane Offerton Stockport SK1 4AB
<b>No.</b>	<b>SUPPORTER</b>	
3	Janet Casey	Bridlefold Sandyforth Lane Higher Bartle Preston Lancashire PR4 0AL
4	Helen Littler	23 Mossbrook Drive Cottam Preston PR4 0AR
<b>No.</b>	<b>OTHER RESPONSES</b>	

Your Ref  
LSG4/MB3/5. 36387/MB3  
25.6.2015

The Cottage  
Lightfoot Lane  
Fulwood  
Preston Lancs  
PR4 0AE

Dear Sir or Madam  
Whilst deliberating the correct notation of this footpath, I would respectfully request you give due consideration to the exit onto Lightfoot Lane at point 'G' which, in the 1800's was shown at my gateway but since 1950 has been shown as exiting through a field gate, east of Point 'G', directly opposite Lightfoot House.


I have included copies of statements by Broughton Parish Survey cards 1950, Ordnance Survey maps of 1978 and the planning authority map when granting planning permission for the golf Driving range in 1989.

Having lived in this cottage since 1969 I can confirm that this

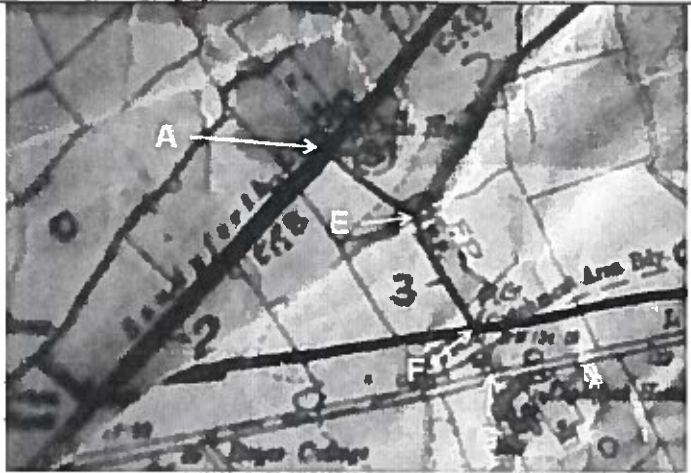
access/exit point onto Lightfoot lane has in my time here, always been through the gate in question until it was blocked off years ago as the path was not used.

I can also confirm that all the other drawings of the footpath are correct and the existence of the footpath has never been in doubt. but I feel it is important to have the exit where it had been since 1950 to give ramblers their access to the countryside without too much disturbance to others

Thank you for your time




  
Michael Swinburne

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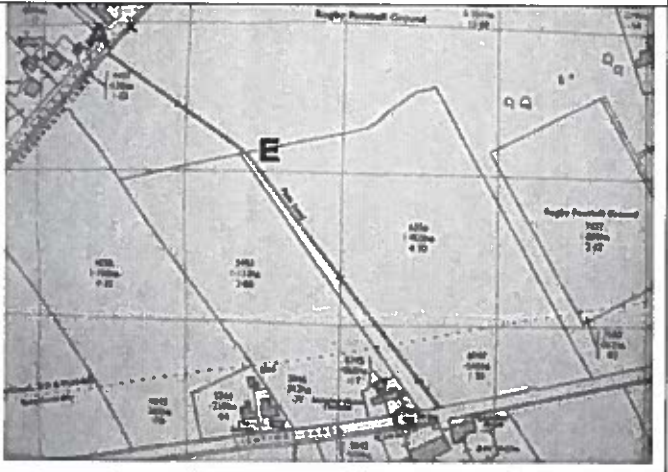
<p>Observations</p> <p>Proof of gate</p>		<p>The Parish Survey map for Broughton shows a route labelled with a number 3 that corresponds to part of the claimed route to be added as a public footpath. It shows the route starting on Sandyforth Lane at point A - at which point it notes the existence of a stile (S). It then continues (along the claimed route to be added) to point E where a further stile (S) is marked. From point E it continues in a south easterly direction along the eastern side of a field boundary on the same alignment as the claimed route to be added as far as the parish boundary at point F where the existence of a field gate (FG) is marked.</p> <p>The claimed route to be added between point F and point G is not shown.</p> <p>The claimed route to be deleted is not shown on the parish survey map.</p> <p>The parish survey card describes the route drawn on the parish survey map. It is dated July 1950 and describes the route (corresponding to the claimed route to be added on the survey map) as starting at <u>field gate opposite Lightfoot house on Lightfoot Lane</u>. It then describes it along east side of hedge to wooden stile (at point E on the Committee plan) and then across next field to a double wooden stile (point A on the Committee plan) onto Sandyforth Lane. A note has been made that the path is little used and closure recommended.</p>
<p>Investigating Officer's Comments</p>		<p>The Parish Council has marked the claimed route to be added as a public footpath between point A-E-F. They were not required to show the continuation of this route to Lightfoot Lane beyond the parish boundary as this part of the route would have been expected to have been recorded on the map of the Fulwood Urban District. Although</p>

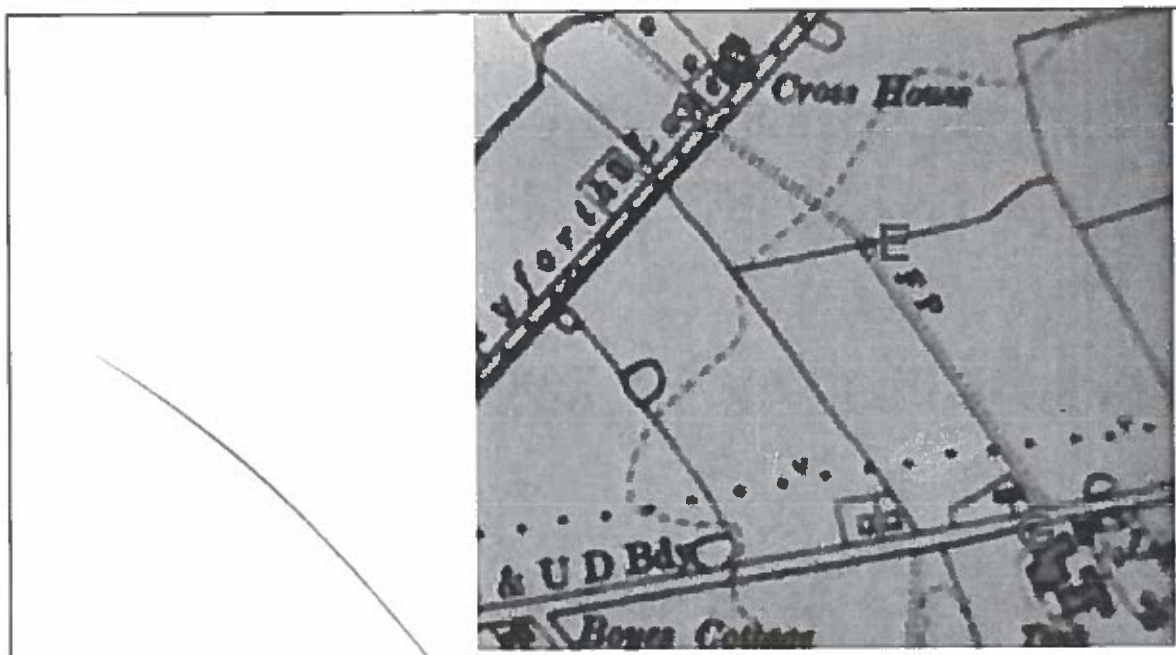
over. →

		<p>reported to be 'little used' the claimed route to be added was acknowledged as a public right of way - even though recommended closure. The field gate (FG) marked on the map at point F was unlikely to be correct as there is no evidence of there ever being a physical boundary at this point on any of the maps examined and it is suggested that it refers instead to the description of the path starting at field gate opposite Lightfoot house i.e. either at <u>point G or the point 10 metres east shown on the 1978 map.</u></p> <p>The claimed route to be deleted between points A-B-C-D is not shown and does not fit the description of the path described on the parish survey card.</p> 
<p><b>Draft Map</b></p>		<p>The parish survey map and cards for Broughton were handed to Lancashire County Council who then considered the information and prepared the Draft Map and Statement for Preston Rural District.</p> <p>Within the Urban District of Fulwood the preliminary survey work was carried out by Fulwood Urban District Council who produced a map of routes they believed to be public drawn onto a 6-inch Ordnance Survey map.</p> <p>The Draft Maps were given a "relevant date" (1<sup>st</sup> January 1953) and notice was published that the draft map for Lancashire had been prepared. The draft map was placed on deposit for a minimum period of 4 months on 1<sup>st</sup> January 1955 for the public, including landowners, to inspect them and report any omissions or other mistakes. Hearings were held into some of these objections, and recommendations made to accept or reject them on the evidence presented.</p>
<p><b>Preston RD Draft Map</b></p>		



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Investigating Officer's Comments		Neither route existed as a physical feature on the ground at the time that the map was revised.
2½ inch OS Map	1966	Further edition of the 2½ inch map published in 1955 and reprinted with the addition of new roads in 1966
Observations		No changes from the 1955 2½ inch – only revised to show addition of new major roads. The claimed route to be added to the map is shown as a single dashed line. The claimed route to be deleted is not shown.
Investigating Officer's Comments		The claimed route to be added existed on the ground at the time of the survey. The claimed route to be deleted did not exist.
25 inch OS Map	1978	Further edition of the 25 inch map revised in 1976.
<p style="font-size: 2em;">Proof of Route &amp; gate</p>		
		Observations



**Observations**

The Ordnance Survey 1:10560 (6 inches to 1 mile) sheet SD 53 was published in 1955 with the area of the claimed route having been revised before 1930.

The full length of the claimed route to be added is shown on the map. The claimed route to be deleted is not shown.

**Investigating Officer's Comments**

The claimed route to be added existed on the ground at the time of the survey. The claimed route to be deleted did not exist.

**25 Inch OS Map**      1961      Further edition of 25 inch map revised in 1961.

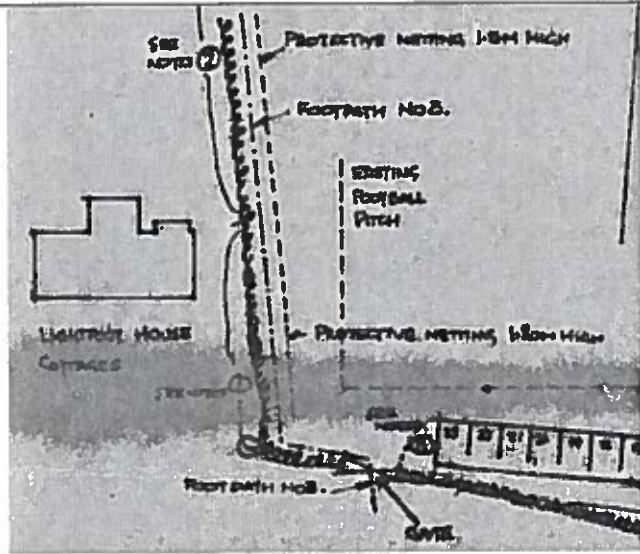


**Observations**

Neither the claimed route to be added or the claimed route to be deleted are shown on the map.

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		status of the route into question).
Observations		There are no statutory deposits for the land over which the claimed route to be added to the definitive map is situated or for the land over which the claimed route to be added is situated.
Investigating Officer's Comments		There is no indication by a landowner under this provision of non-intention to dedicate public rights of way over his land.
Planning Application 06/1989/0457	1989	



Observations		The land over which part of the claimed route to be added (between points E-F-G) is owned by Fulwood Amateur Football Club. In 1989 an application was submitted by the football club to the planning authority for the development of the site as a golf driving range (with retention of the football pitches to be used at weekends). Attached to the request for planning permission was a drawing of the site which included details of planting along the western boundary and which acknowledge the existence of a footpath – labelled on the plan as FP No. 3. The plan shows the proposed provision of protective netting 1.8 metres high which would separate the public footpath from the golf driving range. The footpath is shown along the edge of the field in accordance with the claimed route to be added. The footpath is shown to exit onto Lightfoot Lane through a gate approximately 10 metres east of point G. Notes on plan refer to the species of plants to be planted along the boundary.
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gate



<p>Investigating Officer's Comments</p> 	<p>The existence of the claimed route to be added was acknowledged between point E-F-G by the landowners as part of the planning application. By that time, however it appears that access onto Lightfoot Lane was by a field gate approximately 10 metres east of point G and it is not clear whether a gap or stile still existed at point G. Planting was proposed alongside the existing field boundary and it appears that the line of tall (relatively quick growing) coniferous trees that now partially obstruct the claimed route to be added was planted as a consequence of the granting of planning permission. Sections of the netting shown on the plan still exists on site (although this has not been maintained) and it appears that before the row of trees grew tall and wide it may have been possible to walk between the trees and the fencing.</p>
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The land crossed by the route for addition and the claimed route for deletion is not recorded as access land under the provisions of the Countryside and Rights of Way Act 2000. It is not recorded as a Site of Special Scientific interest or a biological heritage site.

To summarise, there appears to be no physical or documentary evidence that the claimed route to be deleted (recorded at present as Public Footpath no. 3 Broughton) ever existed as a public footpath and the definitive map material points towards a drafting error having occurred when the Definitive Map (First Review) was drawn.

The route proposed to be added is first shown on the Tithe Map of 1840 and then consistently shown to exist on Ordnance Survey maps from 1893 onwards (with the exception of the 1961 1:2500 map). The route to be added is also consistently shown in the definitive map material up until the publication of the Definitive Map (First Review) which shows none of the route to be added but instead shows the claimed route to be deleted strongly supporting the view that a drafting error occurred at this stage of the legal process.

#### **Claimant/Landowners/Supporters/Objectors**

The evidence submitted by the claimant/landowners/supporters/objectors and observations on those comments is included in 'Advice – County Secretary and Solicitor's Observations'.

#### **Description of the new path for inclusion in the Definitive Map and Statement if Order is to be made (and subsequently confirmed)**

The following revision should be made to the Definitive Map and Statement for Broughton and Fulwood, Preston City;

**From:** [Alan Hooley](#)  
**To:** [Brindle, Megan](#); [Shirley Northcott](#)  
**Subject:** Deletion of part of FP3 Broughton and addition of FP from Sandyforth Lane to Lightfoot Lane Order 2014  
**Date:** 22 June 2015 11:26:17

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Our reference: LA-BRU-3

Your reference LSG4/MB3/5.36387/MB3

Thank you for your letter of the 12 May 2015. The Society objects to the confirmation of the orders on the grounds that DEFRA's Good Practice Guidance for Local Authorities on compliance with the Equality Act 2010 does not appear to have been complied with.

Annex D is the relevant part. To particularise:

1. The addition of a new stile to the network is not desirable;
2. the path exits beside a very large gatepost (there are no gates) of an old cottage, onto hard standing that is of a very minimal width; not a pavement, but merely a means by which the people of those cottages can interact with each other. Anyone coming over a stile backwards at this point will be in a potentially dangerous situation in the gateway. The road is a 40mph bypass, and anyone coming from the east in a car and wishing to drive into the garden, possibly dashing through a gap in oncoming traffic, could hit a pedestrian at this point. The pedestrian will generally need for safety reasons to cross the road, where there is a grass verge on the other side

There is nothing in the paperwork to suggest an awareness of this problem, e g by setting the proposed stile (preferably a gate) back from the road. There has previously been access from the road into this field, because there is an old but well-made gate in the hedge at point G on the map, and this gate has been screwed shut with a new-looking non-rusty screw.

Alan Hooley

Consultation and Orders Manager

The Office is open on Mondays from 9 30 am to 12 30 pm

**From:** [Brindle, Megan](#)  
**To:** ["Alan Hooley"](#)  
**Subject:** RE: Deletion of part of FP3 Broughton and addition of FP from Sandyforth Lane to Lightfoot Lane Order 2014  
**Date:** 30 June 2015 10:45:23  
**Attachments:** [Appendix A.pdf](#)

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Our reference: LSG4/MB3/5.36387/MB3  
Your reference LA-BRU-3

Dear Mr Hooley,

Thank you for your e-mail and for the objections you have made in relation to the above reference Order.

Please note that the Order has been made under the Wildlife and Countryside Act 1981 to rectify a series of errors that occurred when a route was originally recorded on the Definitive Map. (I have attached a copy of the original committee report for your information).

Whilst the Order seeks to delete one route and to add another it is not an extinguishment and creation order and it is not within the legislation to consider the desirability of the inclusion of a stile. The Definitive Map Modification Order seeks to correctly record a public footpath that already legally exists and the evidence available to the County Council has led us to conclude that a stile historically formed part of the route and for that reason the limitation (right of the landowner to erect a stile) should be recorded in the Order.

In comparison, if the County Council were seeking to legally create a 'new' public footpath (or to divert an existing path) we would always seek to create a route free of any limitations or to limit the number and type of limitations required.

Similarly, whilst an important practicality in terms of the management of the public rights of way network, the safety of pedestrians exiting (or accessing) the route on Lightfoot Lane and the modern day suitability or safety of the route are not valid considerations with regards to the making and confirmation of a Definitive Map Modification Order under the Wildlife and Countryside Act.

The Order has been made because there is sufficient evidence to show that a route that legally exists as a public footpath is not recorded on the Definitive Map and the map and documentary evidence available shows that historically the footpath existed onto Lightfoot Lane adjacent to the cottage at point G on the Order plan. It is accepted that the current use of Lightfoot Lane by vehicles has greatly increased since the footpath came into existence but such issues are not relevant to the confirmation of the Order. That said, the County Council are aware of concerns raised by the public over the exit point at point and there are both practical and legal ways to address this issue should the Definitive Map Modification Order be confirmed.

The County Council are also aware that a farm gate previously existed east of point G on the Order plan but we have been provided with insufficient evidence to consider whether this route should also be recorded as a public footpath.

With these comments in mind, can you please let me know if you are willing to withdraw your objection of whether your current position still stands.

I look forward to hearing from you in due course.

Kind regards

Megan

Megan Brindle  
Paralegal Officer  
Legal and Democratic Services  
Lancashire County Council  
Telephone: 01772 (5)35604

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**From:** [Alan Hooley](#)  
**To:** [Brindle, Megan](#)  
**Subject:** Re: Deletion of part of FP3 Broughton and addition of FP from Sandyforth Lane to Lightfoot Lane Order 2014  
**Date:** 06 July 2015 10:48:06

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Dear Megan,  
Many thanks for the full explanation.  
The Society now withdraws its objection.

Brian Hamilton

pp Alan Hooley  
Consultation and Orders Section  
Peak and Northern Footpaths Society  
The office is open on Mondays from 9 30 am to 12 30 pm

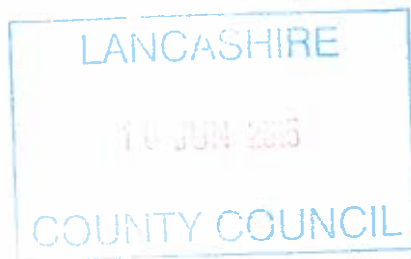
**From:** [Brindle, Megan](#)  
**To:** ["Alan Hooley"](#)  
**Cc:** [Elliott, Jayne](#)  
**Subject:** RE: Deletion of part of FP3 Broughton and addition of FP from Sandyforth Lane to Lightfoot Lane Order 2014  
**Date:** 13 July 2015 11:00:55

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Many thanks for your e-mail Brian and confirming you now withdraw your objection.

Kind regards

Megan



904/498

Bridlefold, Sandyforth Lane,  
Higher Bartle,  
Preston  
Lancs PR4 0AL  
5th June 2015

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

Dear Sir/Madam

Ref: LSG4/5.36387/5.38175/MB

I would like to register an approval to the redirection of the footpath in question on the grounds that myself and my husband have walked that footpath for many years since living in the area.

My father used to walk that particular footpath as a child with his dog and go over to what was then the old Bradleys Duck Farm which used to be on the area of ground around and adjacent to Jacksons Quarry (also known as Bradleys Sand pit). My father was seventy four when he died nearly three years ago now and when I was younger he used to show me all the places that he walked as a child so that footpath has been walked regularly by my family for about seventy years.

I myself moved to Sandyforth Lane in 1998 and now live nearly opposite the stile to access this footpath and used to walk it as a circular route regularly. However in 2001 when the country was subjected to all the footpaths being closed due to the Foot and Mouth outbreak this footpath too was indeed fenced off. However I suspect not by the Council or other such official body but probably by the occupants of the house at the side of where the footpath came out onto Lightfoot Lane.

The Footpath stile which was on Lightfoot lane was blocked by a wire mesh 6/7 foot high fence the type used by builders on construction sites, over the following months and years the stile was removed and the hedge grew over to eradicate any trace of the access to the footpath .

However when the country's footpaths were re-opened for use again after the Foot and Mouth outbreak I went to walk this particular one I found that it had no access out onto Lightfoot lane as previously and that the footpath area of about 3 to 4 feet wide had been incorporated into the garden of the house which was adjacent to the footpath.

As this footpath is still clearly shown on the ordnance Survey maps of the area I enquired to the occupants of the house as to where it had gone when they challenged my intrusion into their garden. I was told in no uncertain terms that the path no longer existed and that it stopped at the bottom of their garden! However their apparent self closure of this footpath at a time when all footpaths were closed was ill informed as it did not go through farmland only alongside the Golf Driving range and through the Grasshoppers Rugby pitch so it appears that they took the opportunity to block it off themselves. I object to the blocking of this footpath and would like to resume walking it once more as I know that this footpath should still have its access onto Lightfoot Lane.

Please find enclosed copies of the Ordnance Survey maps for this area:-

**A) Ordnance Survey Blackpool & Preston 102 1:50,000 Dated 1980**

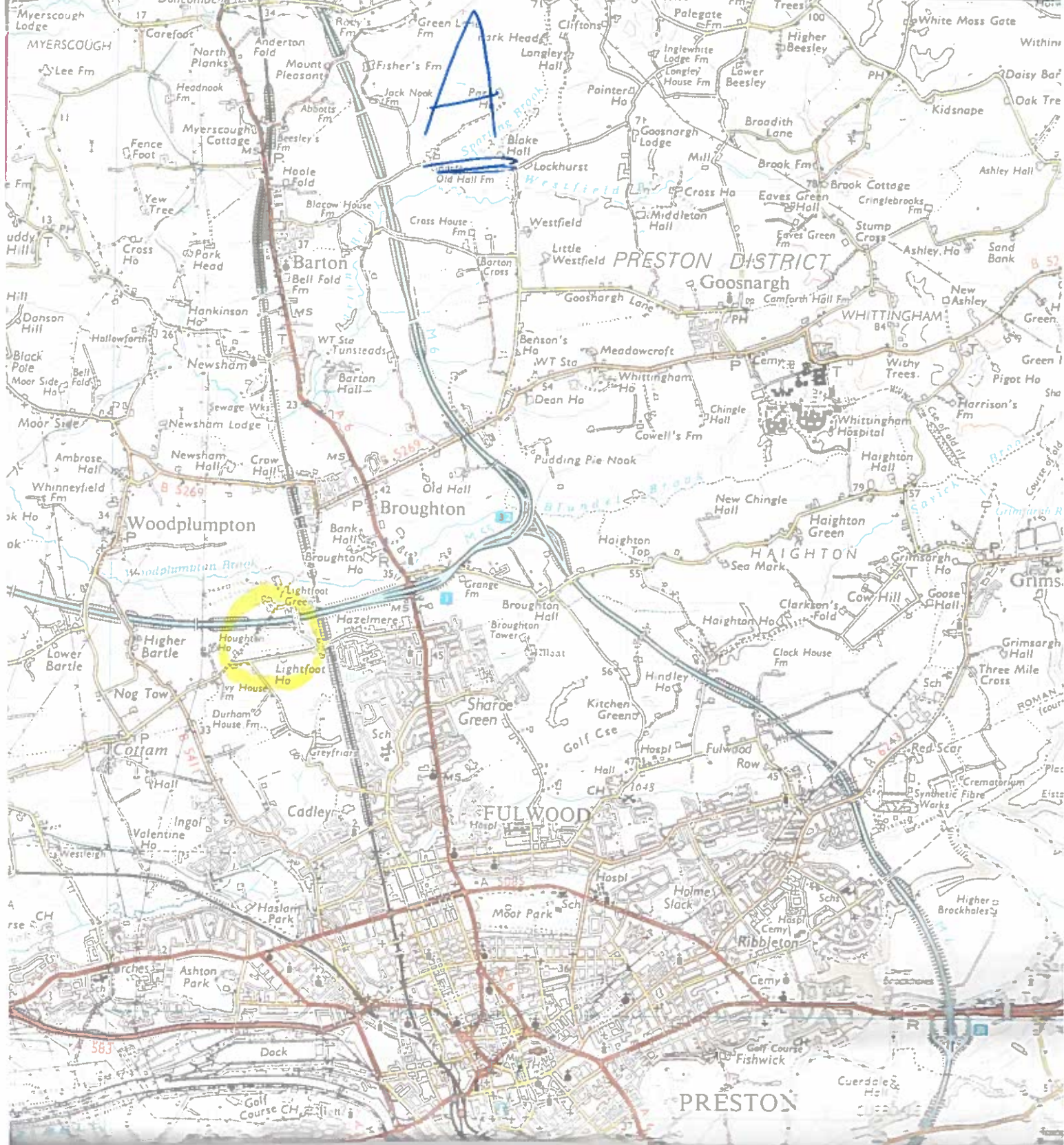
**B) Ordnance Survey Landranger 102 1:50,000 Dated 1986**

**C) Ordnance Survey Explorer Map 286 1:25,000 Dated 2008**

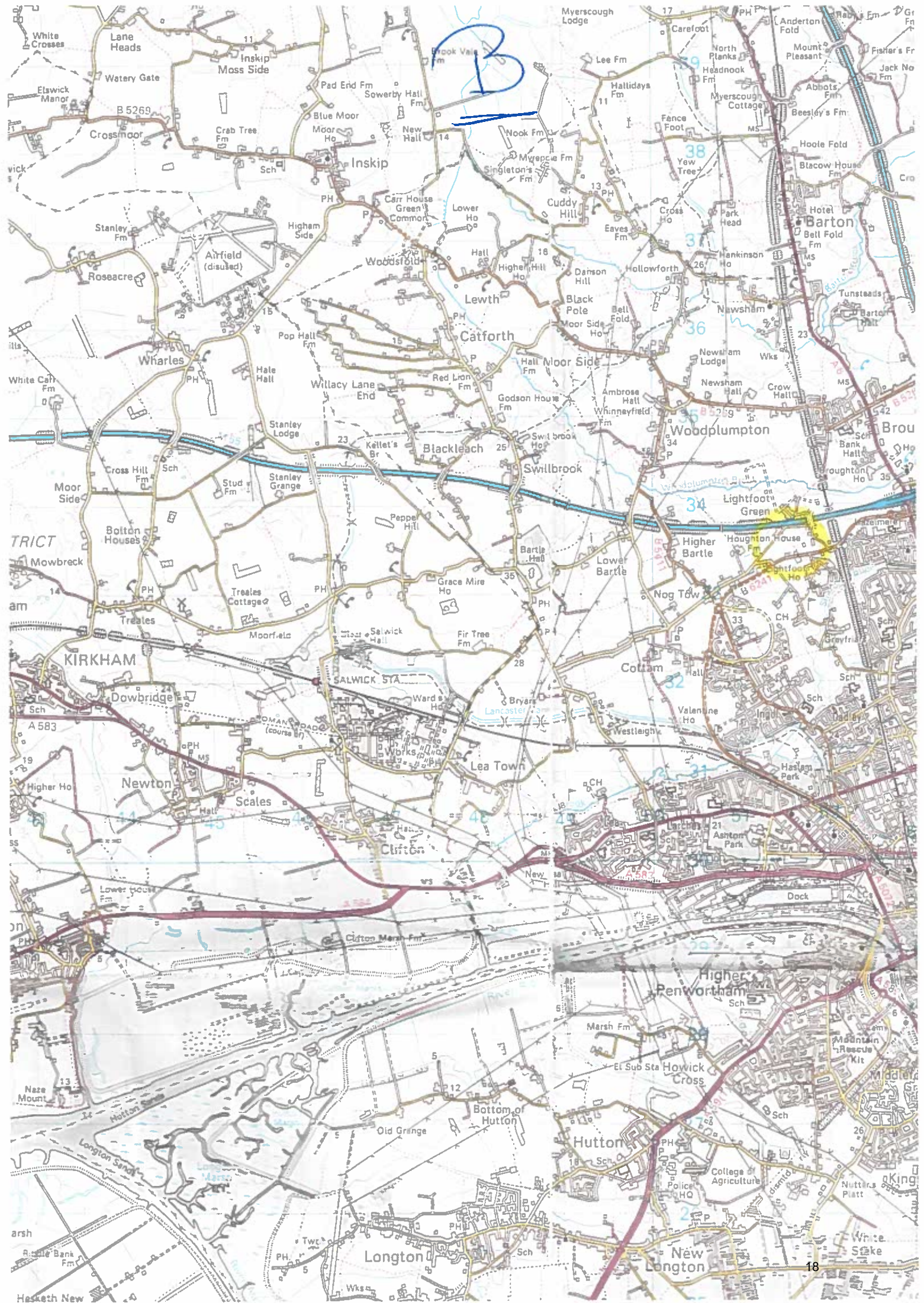
**Yours faithfully**

**Janet Casey**





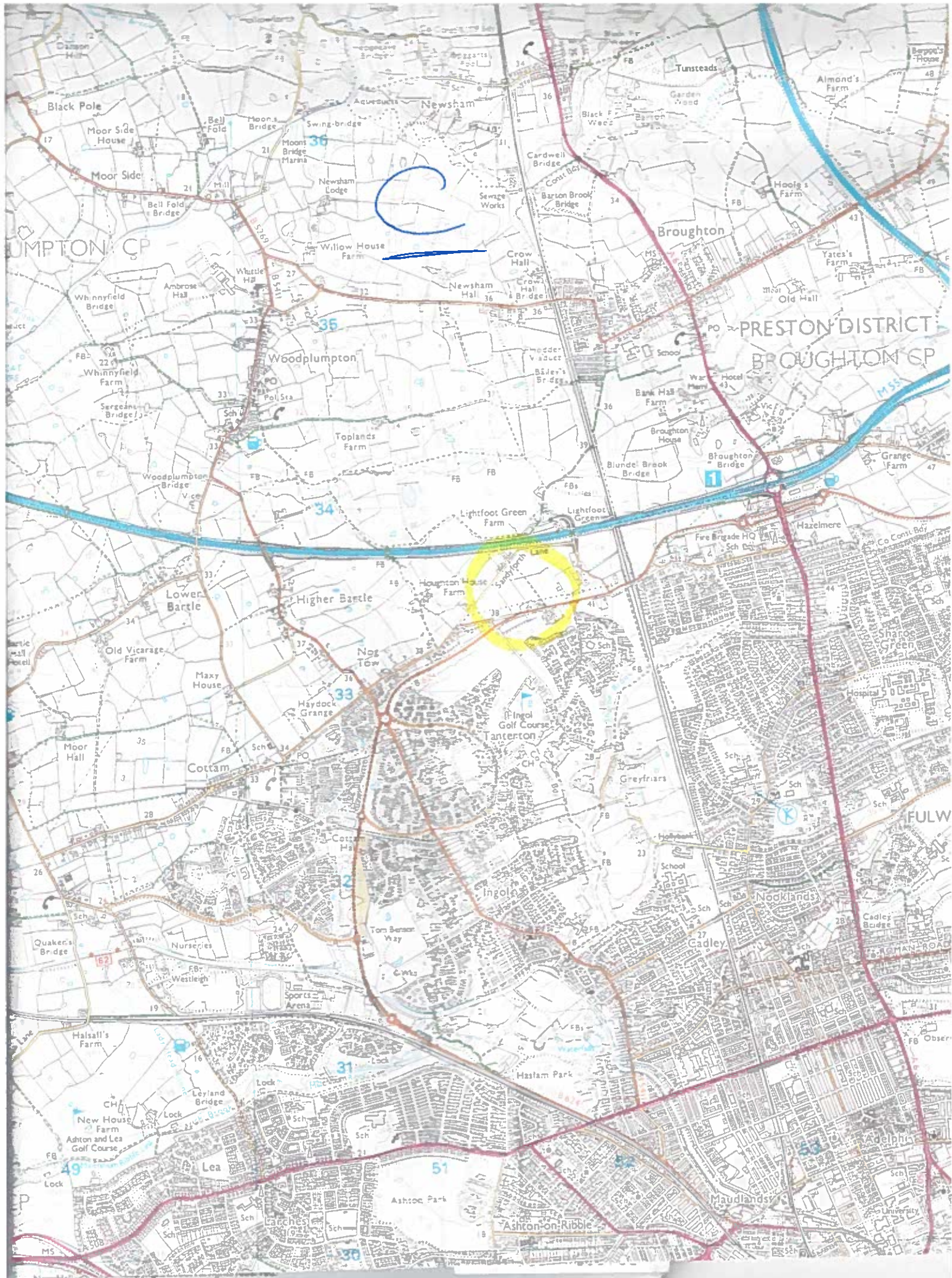




B

Lightfoot Green







**From:** [Baron, Hannah](#)  
**To:** [Brindle, Megan](#)  
**Subject:** FW: Lightfoot Lane Footpath  
**Date:** 10 June 2015 09:29:05

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Hi Megan,

Please find below a further comment of support with regards to Broughton FP3.

I am presuming this is the mother of the lady who submitted comments yesterday. Both comments are in support of the order. I had spoken with Janet who submitted comments yesterday as the way she had written her statement as 'I object' was not actually correct. I think her mum has copied bits of that statement, added to it, and sent it to me.

Please consider both of them as comments in support of the order, not objections.

Thanks  
Hannah

Hannah Baron

Public Rights of Way  
Environment Planning and Countryside  
Environment Directorate  
Lancashire County Council  
Room D42a  
County Hall  
Preston  
PR1 0LD

Email: [Hannah.baron@lancashire.gov.uk](mailto:Hannah.baron@lancashire.gov.uk)  
Tel: 01772 533478

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

From: [ducketthelen@aol.com](mailto:ducketthelen@aol.com) [<mailto:ducketthelen@aol.com>]  
Sent: 10 June 2015 09:21  
To: Baron, Hannah  
Subject: Lightfoot Lane Footpath

Dear Hannah,

Please could you pass this on to the relevant department:- From

Helen Littler  
23, Mossbrook Drive ,  
Cottam,  
Preston PR40AR

Public Rights of Way  
Environment Planning and Countryside  
Environment Directorate



Lancashire County Council

Room D42a

County Hall

Preston

To The Director of Governance, Finance and Public Services ,

Lancashire County Council

PO Box 78, County Hall,

Preston PR1 8XJ

Dear Sir/Madam

Ref: LSG4/5.36387/5.38175/MB

I would like to register an objection to the redirection of the footpath in question.

My Dad walked this particular footpath as a child with his dog and walk over to what was then the old Bradleys Duck Farm which used to be on the area of ground around and adjacent to Jacksons Quarry (also known as Bradleys Sand pit). When I was younger Dad showed me all the places that he walked as a child so that footpath has been walked regularly by my family for about seventy years.

In 2001 when the country was subjected to all the footpaths being closed due to the Foot and Mouth outbreak this footpath too was indeed fenced off but I am not sure by whom or which department closed it, possibly D.E.F.R.A. or L.C.C..The Footpath stile which was on Lightfoot lane was blocked by a wire mesh 6/7 foot high fence the type used by builders on construction sites, over the following months and years the stile was removed and the hedge grew over to eradicate any trace of the access to the footpath .However when the country's footpaths were re-opened for use again after the Foot and Mouth outbreak I went to walk this particular one I found that it had no access out onto Lightfoot lane as previously and that the footpath area of about 3 to 4 feet wide had been incorporated into the garden of the house which was adjacent to the footpath.

As this footpath is still clearly shown on the ordnance Survey maps of the area , I object to this footpath part closure or re-direction and would like to resume walking it once more as I know that this footpath should still have its access onto Lightfoot Lane.As my daughter now lives near Preston Grasshoppers it is a good walk for me to walk the dogs through to her house.

Please find enclosed referances to the footpath on the following Ordnance Survey maps for this area:-

A) Ordnance Survey Blackpool & Preston 102 1:50,000 Dated 1980

B) Ordnance Survey Landranger 102 1:50,000 Dated 1986

C) Ordnance Survey Explorer Map 286 1:25,000 Dated 2008

Yours faithfully

Helen Littler