

**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**

**COMMENTS ON DULY MADE OBJECTIONS**

Two objections were received to the Order made on 30<sup>th</sup> December 2014 (the 'Second Order') although one (submitted by the Peak and Northern Footpath Society) was subsequently withdrawn.

Mr Michael Swinburne of The Cottage, Lightfoot Lane, Fulwood, Preston, Lancashire PR4 0AE

The objection is summarised in bold italics below with the OMA's response indented as follows:

*Whilst not disputing the existence of a footpath from Lightfoot Lane to Sandyforth Lane, the objector considers that the point at which the Order route exits onto Lightfoot Lane (point G) is incorrect and that it should have been recorded further east where a gateway existed into the field since 1950.*

The OMA carried out detailed research to identify the correct route of the full length of the public footpath affected and consulted relevant landowners at various stages of the process. The research led the OMA 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.

The objector had previously explained that when the land adjacent to his property was being farmed there was a gate directly opposite the entrance to a farm on Lightfoot Lane (east of point G) and that he believed that this was the correct exit point of the footpath onto Lightfoot Lane. The OMA have looked at the evidence, and whilst not doubting the existence of the gate referred to by the objector existed in more 'modern times' consider that the historical route of the public footpath exited the field at point G on the Order plan and that it was never legally diverted to exit onto the Lightfoot Lane via the gate referred to by the objector.

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, drawing attention specifically to how the route was shown on the Broughton Tithe Map 1839 (Document 21), and how it was consistently shown on 25 inch Ordnance Survey maps published in 1893, 1912, 1932 and 1939 (Documents 22 – 25). In addition, the Draft Map (Document 35)

and Statement (Document 36) for Fulwood support the fact that the route was recorded to exit onto Lightfoot Lane at point G with the Draft Statement describing it as proceeding over a stile leading into the Lightfoot House Cottages.

### **Conclusion**

The Definitive Map Modification Order (DMMO) that seeks to delete the Order route shown between points A-B-C-D on the Order Map and to add a public footpath along the route marked A-E-F-G was made because the OMA considered that there was evidence, which on balance, suggested that a right of way which is not currently shown in the Definitive Map and Statement (DMS) had already become a public footpath (as shown between points A-E-F-G on the Order Map) and that the Order route A-B-C-D had been incorrectly recorded as a public footpath and should be deleted from the DMS.

The OMA submits that the objection received does not in any way undermine the evidence that the OMA have relied upon and respectfully requests that the Secretary of State confirms the Order as made.