

**The Definitive Map and Statement of Public Rights of Way for the County of
Lancashire**

Wildlife and Countryside Act 1981

Lancashire County Council

**The Lancashire County Council Definitive Map and Statement of Public Rights
of Way (Definitive Map Modification) (No.6) Order 2012**

**Claimed Public Footpath from Conder Green to Nans Buck,
Thurnham, Lancaster City**

PROOF OF EVIDENCE – SUE COUNSELL

1. I, Sue Counsell of Penny Hill, Ashton with Stodday, Lancaster, LA2 0AJ moved into Penny Hill in February 2006. I have used the route since 2003 and I did not know who owned the land until I bought Penny Hill as I was only interested in the property, I understand that the land was owned by the Pye family as well as Penny Hill and Waterloo Cottage.
2. When the route was blocked by the new owners I researched what to do and spoke to a Rights of Way Officer at the County Council. I also attended a Parish Council meeting as an observer and was made aware that an application was going to be made to the County Council to add this public footpath to the Definitive Map. I took it upon myself to hand out user evidence forms to people I knew who used the route to assist the Parish Council with their application. I handed out blank forms to people on the route and I also emailed copies of the form out to people who I knew used the route.
3. When we moved to Penny Hill, we built an access from our property boundary onto the shore, we had 12 months of no trouble from buying the property and enjoying the route and the access we created before the new owners bought the land. I have used this route from Conder Green to Nans Buck and from Nans Buck to Conder Green, at Point A (as shown on the Order Plan) there was a gate to access the route, this gate was relatively new and was not historic but when the new owners got padlocked, and signs were put up as well as barbed wire along the route.
4. From Point A I would walk onto the shore to Point B and then straight up in a northerly direction to Point C, occasionally the tide covers this part of the route but its easily avoidable and once the tide goes back out its clear on the ground that there is a footpath. Continuing onto Point D I have walked the route that goes on top of the sea wall and below the sea wall, if I am walking from Nans Buck I tend to use the route below the sea wall. I have seen people walking on top and below the sea wall, the ground below the sea wall was previously a grass verge but it has since eroded.

5. From my property I can see people approaching and using the route from the patio windows, I can see people walking on top of the sea wall between E and F, but I would say most people seem to walk down the wall slightly before they reach Point F and the boundary of Penny Hill as shown on the Order Plan. I have seen the regular walkers using the route and also people I do not recognise, the use of the route tends to increase during the summer months. I then continue to walk the route around the boundary of Waterloo Cottage to Point H, I quite often exit the route at this access point as do many others and on other occasions I continue my walk up to Point I and J and exit at Nans Buck.
6. In 2007 the new owners bought the land on the shore, we had 12 months of enjoying our access onto the shore and walking up and down the Order route before we got challenged. I have been challenged by both Mr and Mrs Clark once when I was walking along the shore and once when I was waiting on top of the sea wall near Waterloo Cottage, I was told by them that it was private property and I wasn't allowed to be there and that they weren't allowing people on the route.
7. When Mr and Mrs Clark moved to the area they sent out invoices to locals about the up keep of the access, I am not sure what access this was but I know they requested £1 per person but the locals objected, this was some time in 2007.
8. I have never seen any notices along the route prior to 2007 and I have never asked permission to use the route, access has always been available until the new owners took over. I was interested in the Penny Hill property and it was only after I did some research about the property did I find out that the W&J Pye owned the land, I asked if they were willing to sell the property but they wasn't and I waited until it became available on the market. However it is common knowledge in the area from the locals that W&J Pye previously owned the land. My use of the route has varied over the years when I lived in Lancaster I would use the route 2-3 times per year, and in more recent years since I have moved to the area I use the route 2-3 times per week. My use also varies on the weather and it is used more during the summer months than the winter months.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement prepared in 2016 are true.

SUE COUNSELL

IT WAS NOT POSSIBLE TO CONTACT MRS COUNSELL TO ASK HER TO CONFIRM AND SIGN HER STATEMENT IN 2024