

**WILDLIFE AND COUNTRYSIDE ACT 1981
THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR
THE COUNTY OF LANCASHIRE**

**THE LANCASHIRE COUNTY COUNCIL
ADDITION OF FOOTPATH ALONG MERE LANE IN THE PARISHES OF
RUFFORD AND TARLETON
DEFINITIVE MAP MODIFICATION ORDER 2025**

Order Making Authority Statement of Case

Background

1. On 21st February 2024, Mr Kenneth Sharp of 3 Town Green Gardens, Aughton, Ormskirk L39 6UH, submitted for and on behalf the Open Spaces Society an application (Doc 23) to Lancashire County Council (the relevant surveying authority) for an order under section 53(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") modifying the Definitive Map and Statement of Public Rights of Way ("DMS") by recording a restricted byway along the full length of Mere Lane, located in the parishes of Rufford and Tarleton, and District of West Lancashire.
2. The application was supported by maps of the site showing the location and route; Ordnance Survey (OS) 1 inch Map New Popular Edition published 1947; OS 1 inch Map 7th Series published 1966; OS 25 inch Maps published in 1894 and 1928; OS 6 inch Map published in 1908; OS 1.25,000 Map published in 1947; Inland Revenue Map, IR 133.5.127, 1910; extracts from the Tithe Map and Award for Tarleton, 1845; extracts from the Tithe Map and Award for Rufford; photographs of Notices erected on the application route taken in 2024; highway information taken from the Lancashire County Council online mapping system (MARIO); extract of the Definitive Map for Lancashire; aerial photographs taken in the 1940s and 1960s; Land Registry plans; 20 User Evidence Forms (UEFs) and a usage chart.
3. Officers from Lancashire County Council (hereinafter referred to as "the OMA") investigated whether they considered that the public rights applied for existed over the application route and prepared a report detailing their investigation together with their recommendation that the application should be accepted. (Doc 24). The report was considered by the OMA's Regulatory Committee on 27th November 2024 where the decision was made to accept the application in part and to modify the DMS by recording a footpath along a line shown as A-B-C-D on the Order plan (originally lettered A-B-C-D-E-F on the Committee plan).
4. Notice of the OMA's decision to make an order, including a statement of reasons for making the Order, was sent to affected individuals on 27 January 2025 (Doc 15).

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5. A Definitive Map Modification Order was duly made on 5th February 2025 ("the Order") (Doc 01). The Order was made because it appeared to the OMA that The Definitive Map and Statement of Public Rights of Way for the County of Lancashire required modification in consequence of the occurrence of an event specified in Section 53(3)(b) of the Act namely the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path and Section 53(3)(c)(i) of the Act namely the discovery by the Surveying Authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, namely a public footpath.
6. Notice of the Making of the Order was served on affected individuals and prescribed organisations, erected on site and published in the local press in accordance with paragraph 7 of Schedule 15 of the 1981 Act (Doc 07).
7. During the specified period for objections and representations to the Order, the OMA received four objections (Doc 04).
8. The objections have not been withdrawn so the Order cannot be confirmed by the OMA. Consequently, the OMA is submitting the Order to the Planning Inspectorate for a determination on confirmation.

The Order Route

9. The Order route runs in the parishes of Rufford and Tarleton in the district of West Lancashire and is shown on the Order Map between points A-B-C-D denoted by a broken bold black line.
10. A site inspection was carried out in February 2024 following receipt of the application. Photographs of the route were taken at that time (Doc 25).
11. The Order route commences at the open junction with Wiggins Lane 250 metres east south east of its junction with The Marshes Lane (point A on the Order Map) adjacent to Engine Farm.

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12. The route extends north west from Wiggins Lane along a roadway surfaced with compacted stone/tarmac plantings.

13. Clearly visible at the start of the Order route is a street sign saying, 'Mere Lane'.



14. Approximately 10 metres along the Order route is vehicular access into Engine Farm (left of the Order route). Immediately beyond the access to the farm there are signs located in the grass verges on either side of the Order route. On the right there is a sign partly altered from the original wording which requests vehicles to drive slowly with a number 10 within a red circle and the abbreviation 'MPH'. A separate sign also shows a bicycle within a red circle with a line through the bicycle and the words 'No Cycling'.



15. On the opposite side of the roadway and clearly visible from point A is a further sign:

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16. This sign is quite worn and is clearly titled 'LANCASHIRE COUNTY COUNCIL PRIVATE ROAD'. Underneath the wording 'PRIVATE ROAD' two words have been blacked out but on close inspection they can clearly be seen as saying 'FOOTPATH ONLY'.
17. There also appears to be some wording removed from the bottom of the sign (shown below in its entirety) but it was not possible to read what this may have said:

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18. From here the roadway (Order route) extends in a north westerly direction with well-maintained grass verges on either side and a drainage ditch known as Catch Water Drain running along the right hand side.
19. The route passes through the Rufford/Tarleton parish boundary marked as point B on the Order Map.
20. From the parish boundary at point B the Order route continues north west along the roadway passing Keepers Cottage and adjacent fields and continuing past two further semi-detached properties known as Woodside and Edenfield. Immediately opposite Woodside there is a wooden footbridge providing access over Catch Water Drain into an area of woodland (Holmes Wood). A sign is visible from the Order route attached to one of the trees beyond the footbridge saying, 'PRIVATE WOODLAND No Public Access'.
21. The Order route continues past the two residential properties with the drain and woodland on the right-hand side and an open field on the left through to the junction with Footpath FP0816026 (point C on the Order Map) where the

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public footpath which runs from Wiggins Lane along Cabin Lane and along the field edge to meet the Order route at point C.

22. Beyond the junction with FP0816022 the surface of the Order route deteriorates slightly with some large potholes filled with water and evidence of tractor tyres but as the route approaches three further properties (Mere Back, Mere Farm and Merewood House) the surface improves.
23. The Order route passes the three properties named above, curving to continue in a more northerly direction as it passes the third property (Merewood House) where a roadway leading south west to some fishing ponds and fields leaves the Order route.
24. The Order route then continues north for a further 80 metres to a sharp bend where it meets FP0816022 (point D) where a sign, positioned looking back along the Order route to Merewood House says 'PRIVATE ACCESS ONLY'.
25. From the northern end of the Order route at point D the tarmac roadway (recorded as part of FP0816022) continues through to an open junction with The Marshes Lane.
26. Located at the junction of the FP0816022 and The Marshes Lane is a further street sign with the name 'Mere Lane' and a Lancashire County Council public footpath signpost:



[Photograph above Google Street View March 2023]

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27. Approximately 20 metres from the junction with The Marshes Lane on the section of Mere Lane recorded as FP0816022 is a sign very similar to that located close to the start of the Order route at point A.
28. When the Order route was inspected in February 2024 (below) it was noted that along the top of that sign there was a thick black strip which appeared to have been painted onto the sign and the wording on the sign read, 'PRIVATE ROAD NO THROUGH TRAFFIC ACCESS ONLY'. Underneath the words 'PRIVATE ROAD' it appeared that some wording had been covered over in white paint and when a photograph taken of the sign was enlarged the word 'FOOTPATH' – although painted over - could still be seen:



29. Google Street View images from 2018, 2021 and 2023 (below) showed that in addition to the sign above, No cycling and speed restriction signs also existed when those photographs were taken. It was also noted that at some point between March 2023 and February 2024 the wording 'ACCESS ONLY' had been added to the larger sign covering the earlier wording (shown on the photograph taken in 2023) which stated 'NO HORSES'.

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Photograph taken by LCC Officer February 2024

Google Street View March 2023



30. When the route was re-inspected in November 2024 it was clear that the sign (below) had been altered again as shown below with the black paint covering 'LANCASHIRE COUNTY COUNCIL' removed and the 'FOOTPATH ONLY' wording that had been covered by paint now covered by the screwed on plaque saying 'ACCESS ONLY' which had been removed from covering the words 'NO HORSES':



31. A further comparison of the two signs at point A and point G strongly suggests that the signs erected at Point A on the Order route and the one on the section of Mere Lane which is recorded as part of FP0816022 originally carried the same wording; the key points being that they were headed as being signs provided by Lancashire County Council and that both stated that the route was a Footpath (only).

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Legal Issues

32. For the Order to be confirmed, the Inspector needs to be satisfied that, on the balance of probability, the evidence discovered by the OMA, when considered with all other relevant evidence, is sufficient to show that a public footpath that is not shown on the DMS subsists along the Order Route and that the DMS requires modification.
33. The provisions of the 1981 Act set out tests which must be addressed in deciding whether the DMS should be modified. If it appears to the OMA that the DMS require modification in consequence of the occurrence of an event specified in S53(3)(b) and S53(3)(c)(i) namely the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path and the discovery by the OMA of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the DMS relates, namely a footpath.
34. The relevant statutory provision in relation to the dedication of a public right of way is Section 31 of the Highways Act 1981 (the "1980 Act"). Section 31 provides that where a way has been actually enjoyed by the public, 'as of right' and without interruption, for a period of twenty years prior to its status being brought into question, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that the landowner demonstrated a lack of any intention during this period to dedicate a public right of way.
35. Should the test for deemed dedication under section 31 not be met, consideration should be given to whether a dedication of highway can be inferred at common law. This requires consideration of three issues – (i) whether the landowner had the capacity to dedicate a highway; (ii) whether there was an express or implied dedication by the landowner and (iii) whether there has been acceptance of the dedication by the public. Evidence of use of a way by the public may support an inference of dedication and may also show acceptance of the dedication by the public. The evidence in support of the dedication of a right of way under common law may relate to a different period to that identified for the purpose of statutory dedication.

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36. The statutory test at S53(3)(c)(i) comprises two separate questions, one of which must be answered in the affirmative before an Order is made under that subsection. There has to be evidence discovered. The claimed right of way has to be found on balance to subsist (Test A) or able to be reasonably alleged to subsist. (Test B). This second test B is easier to satisfy, but it should be noted it is the 'higher' Test A which needs to be satisfied in deciding whether to confirm the Order.
37. In the case of *Todd and another v Secretary of State for Environment, Food and Rural Affairs* [2004] EWHC 1450 Evans-Lombe J made it clear that the confirming authority (whether the local authority confirming an unopposed order or the Secretary of State confirming an opposed order) must be satisfied on the balance of probabilities that the right of way subsists. This means that when considering the confirmation of an order, the Secretary of State is only able to consider whether on the balance of probabilities the right of way subsists.
38. Accordingly, for the Order to be confirmed, the Inspector needs to be satisfied that, on the balance of probability, the evidence considered by the OMA, *when considered with all other evidence* there is sufficient evidence from which to infer a footpath was already dedicated on the Order route and the route marked A-B-C-D on the Order Map should be added to the DMS as a footpath.
39. It is the view of the OMA that Order route subsists as a footpath and should be recorded as such on the DMS (Docs 21 and 24).

Map and Documentary Evidence

40. From the maps examined, it appears that Holmes Wood Hall, which was an old property dating back to the mid-1500s was located and accessed from The Marshes Lane and was situated on the edge of a large area of wetland known as Martin Mere. Research shows that the land (and Holmes Wood Hall) was originally owned by Lord Hesketh and stayed in the family's ownership until the twentieth century.
41. The earliest maps to show the full length of the application route are the Tithe Maps for Rufford (1839) and Tarleton (1845), together with the First Edition

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1 inch Ordnance Survey (OS) Map (1840-43) and First Edition 6 inch OS Map (1845-46). Extracts of the relevant sections of these maps (and others detailed below can be found in the Regulatory Committee report Doc 24).

42. OS maps examined from the 1840s through to the current day show the Order route largely unaltered.
43. The OS maps show that a substantial route (gated close to point A) has existed from at least the 1840s which appeared to be capable of being used on foot, horseback and with vehicles. It was shown on small-scale 1 inch OS maps generally as an uncoloured or minor road but noted that it was not shown on Bartholomew's half-inch maps in the first half of the twentieth century. There is no suggestion that because the Order route was not shown on Bartholomew's Maps published between 1904 and 1941 it did not exist (as it is shown on OS maps before during and after this time) but it does suggest that it was not considered to be a public vehicular route when the County Council took ownership of the land in the early 1930s as Bartholomew's target market was motorists and cyclists, the latter only lawful on carriageways prior to 1968.
44. No evidence was found by the OMA to suggest that the Order route originally came into being as a public through route and its origins appear to have derived from it being a private estate road.
45. However, it is necessary to look if there is sufficient evidence to suggest that it was subsequently used by the public and dedicated as a public right of way.
46. Although obviously capable of being used by vehicles the OMA concluded that whilst finely balanced, there was insufficient evidence from which to infer that historical public vehicular rights existed along the Order route. This may also be the case with regards to public rights of access on foot although access did appear to be available. The OMA also concluded that there was insufficient evidence that public vehicular rights had been dedicated in more recent times.
47. Lancashire County Council (LCC) took ownership of the Holmeswood Estate in 1932 and whilst most of the records relating to the management of the estate during their ownership no longer exist some records from the 1960s

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and 1970s have been located within files retained by LCC's Land and Property Section and within files retained by the Public Rights of Way Team.

48. The correspondence found clearly specified that the route was considered by LCC in its capacity as both landowner and the relevant highway authority, to be a private estate road and not a public vehicular route and that it was not a publicly maintained public road (see extracts from the relevant letters and memorandums in the Regulatory Committee Report Doc 24). Admittedly, slightly at odds with this is perhaps the fact that no part of the Order route was recorded on the Definitive Map in the 1950s even though it must have been recognised that to access FP0816026 it was necessary to walk along at least part of Mere Lane (the Order route).
49. No correspondence was found suggesting that at any point during the time that the land crossed by the Order route was owned by LCC, and from when FP0816026 or FP0816022 were recorded on the Definitive Map and Statement in the 1950s, had public pedestrian use of Mere Lane to access either of these routes on foot been challenged.
50. Whilst no documentation was found which clearly spelt out that LCC as landowner had dedicated the Order route as a public footpath during their ownership the OMA consider that there is sufficient evidence from which to infer that public footpath rights do exist along the full length of the Order route and that if they did not exist prior to LCC taking ownership of the land in 1932, they were dedicated during that ownership.
51. The OS map evidence supports the fact that the route was capable of being used at least on foot but in addition to this it would be necessary to walk the Order route to access FP0816026 and the ability to do this does not appear to have been questioned until sometime after the land was sold by LCC. Large-scale OS maps revised in 1926 onwards show the route of the footpath later recorded as FP0816026 suggesting that from this time onwards it may have been possible to walk the full length of the Order route but also to have used it as part of a walk utilising FP0816026 as well.
52. Key to the OMA's evidence are the signs erected by Lancashire County Council at the two ends of Mere Lane, and which, despite being tampered with, are still in situ today. Photographs of these signs have been included in this Statement of Case in paragraphs 28-31 and despite being partially

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obscured it is possible to see that they unambiguously stated 'FOOTPATH ONLY' and were erected at either end of Mere Lane (i.e. including the section already recorded as footpath) where they were (and still are) clearly visible to users. The OMA assert that these signs are clearly indicative of either the landowner's acceptance of existing public footpath rights or intention at that time to dedicate a public footpath and the user evidence detailed later in this Statement shows that the public accepted the dedication and used the route over a substantial length of time.

53. Whilst evidence of exactly when the signs were erected by LCC has not been found, two of the Objectors themselves (Mr J and Mrs G Thompson) state that the signs have been in existence for at least 40 years (which would date them back to the mid-1980s) and a substantial number of the users who completed user evidence forms also referred to the signs stating that the route was footpath that they believed that they had a right to use on foot.
54. Lancashire County Council sold the land over which the Order route runs and adjoining land between 1995 and 2016.
55. User evidence submitted with the application (and detailed further below) documents use of the Order route on foot prior to the first parcel of land being sold in 1995. Evidenced use during this period is by eleven users: Robert Johnson, Lyn Johnson, Graham Caunce, Howard Fraser, Joy Forshaw, Derek Forshaw, Dianne Baxter, Charles Parker, Sara Fleetwood and Robert Fleetwood. Elizabeth Tyson (who only used it on horseback but does recall seeing walkers from the 1950s/1960s to 1980s). This use demonstrates an acceptance of the dedication of the Order route by the public when the land crossed by the Order route was owned by Lancashire County Council and was signed as a 'FOOTPATH'.

User Evidence

56. Twenty User Evidence Forms (UEFs) were initially provided by the applicant in support of the application (Doc 22) with a further UEF submitted by the applicant later for Mrs L Tyson. One form completed was anonymous although it is noted that the person states that they lived on Mere Lane (the Order route) from 1968 to 1989 and that during that time the 'track' was always regarded as one on which walkers were allowed to walk. Whilst the terminology 'allowed' could infer the granting of permission the OMA would

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argue that it is a term that is also often used by people referring to the fact that they are 'allowed' in the sense of 'unchallenged'.

57. Out of a total of 21 UEFs 19 of those users used the Order route on foot whilst the other 2 (Maureen Fraser and Elizabeth Tyson) only used the route on horseback and/or bicycle. Both Mrs Fraser and Mrs Tyson did however record seeing people walking the route when they used it.

58. The 21 UEFs collectively provide evidence of use on foot going back as far as 1964 (Joy Forshaw) and 1966 (Howard Fraser). Elizabeth Tyson refers to use from 1958 with recollections that she saw people using the route on foot thus providing some earlier evidence relating to pedestrian use of the Order route.

59. It is noted that the application to record public rights was only submitted in 2024 and many of the UEFs submitted detailed use of the route up until that point even though it appears that there had been earlier challenges made to public use of the route. This explains why the 'Duration of Use' table included in the Regulatory Committee report summarised use of the route between the dates 1958 and 2024 (Doc 24).

60. The OMA would argue that the evidence shows on balance that the Order route subsisted as a public footpath in law by 1995. If the Inspector is not content that the Order route was already a footpath in law by 1995 the OMA submit that there is sufficient evidence of a dedication of public footpath rights by virtue of the criteria under Section 31 of the Highways Act where use is required to have been for twenty years before public rights were called into question.

61. For a calling into question to be effective it needs to be something that apprised a reasonable number of users of the challenge to their use of the route or the application itself. It is suggested that the challenges to users in 2018 & 2019 effectively called public rights into question.

62. It is suggested that the use of the Order route 1998-2018 on foot is evident from the user evidence submitted by sufficient members of the public to give rise to the presumption of footpath dedication under Section 31 should the Inspector be concerned that an earlier dedication during LCC's ownership was not sufficiently evidenced.

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63. A more detailed analysis of that user evidence has now been undertaken which confirms that recollections about challenges relating to use of the Order route on foot date back to 2018-2019 and specifically relate to either individuals having been verbally challenged by the owners of Mere Farm or users having heard that other people had been challenged at that time or at some point thereafter. Several users also referred to the fact that they stopped using the route or sometimes turned back after that time because of dogs which deterred use of the route past Mere Farm.

64. There is no evidence that any other landowners who purchased part of the Order route from Lancashire County Council have challenged public use of the route on foot.

65. Frequency of use and the relevant years during which users walked the Order route as detailed below (excluding the information provided by the anonymous user and the two users who did not record personal use of the route on foot):

	NAME AND YEARS OF USE	TOTAL NUMBER OF YEAR OF USE	FREQUENCY OF USE ON FOOT	TOTAL NUMBER OF YEARS OF USE PRIOR TO 1996	TOTAL NUMBER OF YEARS USE PRIOR TO 2018
1	Robert Johnson 1987-2024	37	Weekly	9	31
2	Lyn Johnson 1987-2024	37	Every few months	9	31
3	Graham Caunce 1982-2023	41	Once a year	14	36
4	Howard Fraser 1966-2024 excluding 1984-2016	26	Every few months	18	20
5	Joy Forshaw 1964-2023 but not 1982-1986 Note: Lived at Engine Farm adjacent to start of the Order route at point A 1964-1982	55	Once a year	28	50

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6	Stuart Bennett 2009-2024	38	Daily along route from Point A to link to existing public footpath and every few months walks the remainder of the route (past Mere Farm)	10	32
7	Sara Fleetwood 1997-2024	27	Weekly	1	21
8	Robert Fleetwood 1997-2024	27	Weekly	1	21
9	Alan Crich 2003 - 2020	17	monthly	0	15
10	Diane Baxter 1993-2024	29	Every few months	3	23
11	Neil House 2005-2024	19	Every few months	0	13
12	Linda Haydock 2003-2024	21	Monthly	0	15
13	Barbara Kenyon 2002-2022	20	Weekly	0	16
14	Brian Kenyon 2002-2022	20	Weekly	0	16
15	Charles Parker 1984-2024	40	Every few months	12	34
16	Helen Gallagher 2001 - 2021	20	Weekly	0	20
17	Dan Gallagher 2001 - 2021	20	Weekly	0	20
18	Derek Forshaw 1986-2024	38	Every few months	10	32

66. As can be seen from the table, eleven users used the Order route on foot prior to 1996 during the period that the land crossed by the Order route was owned by the OMA and all eighteen users used the Order route up to (and beyond) 2018 with 14 of those users providing details that they had walked the route for over 20 years working back from 2018.

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67. The most common reason for use was listed as 'pleasure' whilst other reasons included walking with children, visiting friends, dog walking and using the route because it was safer than the busy road (The Marshes Lane). Users also referred to seeing other people walking, running and exercising their dogs.
68. Some use on horseback and by cyclists was also recorded on a number of the UEFs submitted but the OMA considered that given the signage at both ends of Mere Lane clearly specified no horses and no cycling there was no period of use by equestrians or cyclists which could give rise to a presumption of public bridleway rights under Section 31 of the Highways Act 1980.
69. It is not disputed that the Lancashire County Council signs including the wording 'FOOTPATH ONLY' were defaced (although by whom it is not known) and there are several references to this being earlier than the verbal challenges that instigated the application.
70. Whilst ignoring signage that prohibited public use i.e. 'No Horse Riding' cannot be regarded as use from which public rights can be inferred the blacking out of the words 'Footpath only' is different and there is no evidence that signs were defaced and new wording to the effect of 'No Footpath' having been erected. There is no evidence from the UEFs submitted, or from subsequent communications with the users, that they thought that their right to use the Order route on foot had been called into question by the alterations to the signs. Rather, consistently they referred to challenges made from 2018 by Mr and Mrs Thompson.
71. One reference was made to Mr Bill Thompson (who had been a tenant of LCC during their ownership, and who bought Mere Farm, together with his son and other family members in 1996) giving permission to one user (Mr D Gallagher) to use the route. This point was further clarified by Mr Gallagher by email (Doc 26) where he explained that the permission granted was specifically in relation to using the route on horseback because of the signs saying 'No Horses'.
72. All of the users confirmed that the route that they used had always followed the same route (the Order route) and there were no references to any physical obstruction to use, or to use being restricted or in anyway affected by the fact

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that farm vehicles and other vehicles used the route as well or that they did not use the route at any time because it ran adjacent to a drainage ditch or was too narrow. Whilst some had been verbally challenged between 2018 and 2024, others reported that they were only aware of others being challenged and some had never been challenged and hadn't been aware of challenges being made.

Summary

73. The OMA case is that the Order route is already a public footpath in law.
74. The OMA considers there is enough evidence of Lancashire County Council's acceptance of or intention to dedicate a footpath to the public prior to selling the land in the mid-1990s and that there has been clear acceptance by the public such that dedication prior to 1996 can on balance be inferred at common law.
75. The signage including the wording 'FOOTPATH ONLY' is indicative of the owner's acceptance or intention at that time to dedicate public footpath rights. Whilst the date that the signs were originally erected is not known a number of the users of the route (and the Objectors) make reference to them being in place for over 35-40 years (i.e. since the 1980s) and user evidence submitted confirms public use of then Order route on foot prior to Lancashire County Council selling land crossed by the Order route; such use indicating an acceptance of the dedication as a footpath by the public.
76. If the Inspector is not content that the Order route was already a footpath in law by 1995 the OMA submit that there is sufficient evidence of a dedication of public footpath rights by virtue of the criteria under Section 31 of the Highways Act where use is required to have been for twenty years before public rights were called into question.

Conclusion

77. On the balance of probabilities and taking all the evidence into account, the OMA considers that the higher statutory test for dedication of a public right of way between points A to D is satisfied and the Order can be promoted to confirmation.
78. The OMA further states that the criteria for a modification of the DMS under section 53 of the 1981 Act are satisfied. The OMA decided that the Order

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should be promoted to confirmation because the higher test for confirmation referred to above in paragraph 38 is met. The objections received do not give any grounds for the OMA to reverse its decision on promoting the Order to confirmation.

79. The OMA therefore respectfully requests that the Planning Inspector confirms the Order.