

**THE LANCASHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF
PUBLIC RIGHTS OF WAY**

**THE LANCASHIRE COUNTY COUNCIL
ADDITION OF FOOTPATH FROM CHATBURN OLD ROAD, CHATBURN
DEFINITIVE MAP MODIFICATION ORDER 2022**

**WITNESS STATEMENT OF
KEITH MYERS**

1. My name is Keith Myers and I live at 24 Crow Trees Brow, Chatburn, Clitheroe, Lancashire BB7 7AA and have lived at this address for 35 years. Prior to that I lived in Dartwood Crescent, Chatburn for 15 years. I have lived in Chatburn for over 50 years and have known about the route for as long as I can remember.
2. From my current property I can see most of the field crossed by the path and from my garden I would often see people walking on the path before building work was carried out and the route blocked.
3. My wife (Linda Myres) completed a Public Rights of Way User Evidence Statement in May 2021 when access along the Order route was blocked at the kissing gate at the top of Chatburn Old Road (point B on the Order Map). At that time, I didn't complete a form as we considered that we only needed to complete one form and that the evidence she provided was relevant to us both.
4. I now understand that an Order has been made to record a public footpath and that further clarification of evidence of use is required. I have read through the Statement that my wife submitted and have had the opportunity to compare the route that I used with the route that was applied for and which is shown on the Order Map between points A-B-C-D.

5. I have known the area since I was a child and when I lived in Darkwood Crescent (1974-1989) we would walk along a footpath from there and come out on Chatburn Old Road at point A on the Order Map.
6. At point A there was a wooden five barred gate providing access into the field over which the Order route runs. It was a wonky gate with a chain on it and there were often horses stood close to the gate. We did not use that gateway but would walk to the end of Chatburn Old Road where there was a metal kissing gate (point B on the Order Map) which I always remember being there.
7. I did not use the Order route from the metal kissing gate along the fence line to point C and then down to point D but went more directly across the field heading for a telegraph pole and around the top of an area of trees and bushes within which an old quarry was located. It was open pasture with no track to follow so we just headed for the telegraph pole and top of the trees and then took a direct line across to the footpath down to Crow Trees Brow. The area within and around the quarry was quite undulating and when our daughters were young, I would take them on the route and around the old quarry to practice hill runs.
8. My wife submitted an aerial photograph with her user evidence form that clearly showed the route that we both used. In addition, she submitted some photographs showing the land before any building work had taken place and then after the path had been moved around the edge of the field. The photographs of the area prior to development show the woodland and telegraph pole that we walked past.
9. I used the route that I have described above from 1971 until it was altered by the developer in 2016. I probably used the route every few months but there were times when I used it more frequently, particularly when our children were young, and we lived in Darkwood Crescent. I also used it more in the summer months than in the winter.

10. I never asked for nor was given permission to walk along the Order route or the diagonal route across the field. It never occurred to me that it was not a public footpath as I had seen other people walking across the field and so I never thought that permission was required. I do not recall seeing people walking along the Order route along the fence line at the top of the field (B-C).
11. When the Developer fenced the site off it altered the route I used slightly. We were unable to walk diagonally across to or from the kissing gate at the top of Chatburn Old Road and had to walk a more circuitous route which ran along the top fence line (the Order route D-C-B). I did not use this route until the path was fenced off requiring you to do so.
12. In more recent years I recall a gap in the wall close to point C on the Order Map where it was possible to access the Nature Reserve. Castle Cement erected a kissing gate in the wall so that you could get into the Nature Reserve but I understand that the owner of the field subsequently took it out. I would see people walk up the field behind our house along the Order route to get to and from the Nature Reserve.
13. I never used the Order route and diagonal route across the field secretly and walked it mostly in daylight. I passed other walkers using the route across the field.
14. I never asked for nor was given permission to walk it. It never occurred to me that it was not a public footpath as I had always seen other people walking it and I never thought that permission was required.
15. I do not recall seeing any signs or notices indicating that the route was private and access to the public was not permitted.
16. I never encountered the landowner on any occasion when I was walking along the Order route or diagonal path across the field and I was never challenged, stopped or turned back when using it. I saw others and none of them ever told me that I shouldn't be walking along the route. I never had any private right of

my own to use the route. I am not aware of anyone being told the route was not public.

17. I can confirm that I have never been employed by any of the owners of the land over which the Path nor been a tenant of theirs.

18. It is my view that the developer has illegally moved the footpath and shut the kissing gate for his own gain.

19. In summary, I regularly walked the full length of the route described in this Witness Statement for 50 years from 1971 to 2021.

STATEMENT OF TRUTH

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

Signed: J. H. Myers

Date: 15.9.2024