

**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**

Comments on Objections received:

Copies of the four objections received to the making of the Order are contained within the List of Documents (Doc 04) and below is a summary of the grounds of the objections (*italics*) and the OMA's response (*indented*):

Objection 1 – John and Glenys Thompson, Mere Farm, Mere Lane, Mere Brow, Tarleton PR4 6JU

Mr and Mrs Thompson are the freehold owners of Mere Farm (Land Registry title LA782197) having purchased it from Lancashire County Council in 1996.

Mere Lane has been classed as a private road for many years, before our ownership, when Lancashire County Council owned the Holmeswood Estate. Signs at each of the lane stating that it is strictly for access only and no horses permitted have been present for at least 40 years.

The OMA have made an Order to record public footpath rights along the lane (Order route) and not a public bridleway.

The signs erected by Lancashire County Council at point A on the Order route is understood to have been in situ for many years and whilst the OMA have found no details of the exact year when they were erected the objector refers to the signage being in place for at least 40 years which would date back to the mid-1980s.

Whilst the signage specified 'PRIVATE ROAD' and 'NO THROUGH TRAFFIC' it specifically stated 'FOOTPATH ONLY' which is consistent with the OMA's assertion that whilst the land was in the ownership of the County Council the decision was made in effect to dedicate a public footpath along the route (or to acknowledged pedestrian rights already in existence and not wishing other rights to be dedicated) and erect signage to that effect.



Unfortunately it appears that the sign at point A and the sign at the northern end of Mere Lane close to the junction with The Marshes Lane have both been tampered with during recent years and it has not been possible to establish whether the wording 'NO HORSES' was original wording written on the signs or not.

Mere Lane is a narrow lane, offering no footpaths for the use of pedestrians. There is a deep, fast running ditch, alongside the lane which could pose serious danger to life.

The Order Making Authority ("the OMA") is not seeking to create new public rights, but to record footpath rights deemed already to exist. Whilst the safety of the public using the route on foot is clearly important the purpose of the Order is to record what public rights exist.

There is no indication from the site evidence or from the evidence from members of the public that have walked the Order route that the fact that there is no separate 'pavement' or the existence of the adjacent ditch (Catch Water Drain) have prevented or deterred members of the public from using the Order route in the past and as such under the terms of the Wildlife and Countryside Act 1981, this objection cannot be considered a reason not to confirm the Order.

Tractors and large items of farm machinery use Mere Lane for access to fields. There have been instances where young children have been running around, unsupervised causing a danger to life. If public footpath status was granted this would attract more children, posing more health and safety problems.

The Order Making Authority ("the OMA") is not seeking to create new public rights, but to record footpath rights deemed already to exist. Whilst the safety of the public using the route on foot is clearly important the purpose of the Order is to record what public rights exist.

It is unclear whether the children have been 'running around' on Mere Lane or over land in the objectors' ownership, however public footpath rights along the Order route would be to pass and repass not to be a general playground which would be a separate matter outside the scope of this Order.

Mere Farm is a busy working farm with access required by large heavy goods vehicles seven days a week. Due to the access and size of some of these vehicles they are required to load and unload on Mere Lane itself which would pose a risk to the health and safety both to our staff and to members of the public. We also experience quite a large amount of traffic due to two fisheries being situate on the lane. The fact that there is no footpath, for pedestrians to walk along, poses a safety issue.

The requirement to mitigate against risks to staff and any other members of the public regarding the vehicles accessing the farm are not altered by the confirmation of this Order. Part of the access road leading to and from the farm is already

recorded as a public footpath and there are a number of private properties and customers of the two fishing businesses using the lane.

The OMA understand that the objectors' references to there being "no footpath" relate to the fact that there is no adjacent pavement running alongside any part of Mere Lane (which would include the section already recorded as part of FP0816022.)

Whilst the safety of the public using the route on foot is clearly important the purpose of the Order is to record what public rights exist and as there is no indication that the presence of farm vehicles has prevented or deterred use of the Order route on foot in the past and under the terms of the Wildlife and Countryside Act 1981. In fact the narrow footways on The Marshes Lane and its use by fast moving HGVs is a likely reason why the public have chosen to use the Order route for reasons of safety. However, as previously stated, the Order Making Authority ("the OMA") is not seeking to create new public rights, but to record footpath rights deemed already to exist and this objection cannot be considered a reason not to confirm the Order.

On occasions over the years members of the public have trespassed onto our fields causing damage to our crops. How would this be prevented if the Order was confirmed?

Should the Order be confirmed the public right of access (on foot) would be along the Order route only. The OMA can assist with appropriate signage of the Order route but potential trespass onto or over adjacent land is not a matter that can be considered as a reason not to confirm the Order.

We have had problems with dogs being exercised along the road, not on a lead, and entering a field where sheep are grazing and causing injury to the animals. The police have record of this.

The fact that the objector refers to dogs being exercised along the Order route infers that it is being (or has been) used by the public. Dogs should be 'under close control' if exercised along a public right of way but this does not necessarily mean that they are required to be on a lead. Some District Council have or will consider implementing public space protection orders requiring dogs to be on leads or otherwise restricted.

Again, such concerns are clearly important but the purpose of the Order is to record what public rights exist and under the terms of the Wildlife and Countryside Act 1981 concerns about the potential for people to trespass off the Order route are not considered to constitute valid grounds to object to the confirmation of the Order.

The public's right of way is along a defined route on foot and the OMA may assist in providing signage and additional information to reinforce this. As long as the path is well marked there is no apparent reason why pedestrians would deviate from the route and trespass across private land.

Mere Lane has attracted members of the public for sexual activity and again the police were involved. If public footpath was granted we feel this would attract more of this unacceptable activity.

There are examples in other areas of anti-social behaviour reducing when public paths are opened up and used.

The Order Making Authority ("the OMA") is not seeking to create new public rights, but to record footpath rights deemed already to exist. Whilst any concerns relating to criminal or anti-social behaviour are of concern, they are issues, that should they arise, would need to be dealt with separately and are not relevant as to whether public rights already exist along the Order route or not.

When the farm and part of the lane were purchased from Lancashire County Council, we agreed to maintain and upkeep Mere Lane along with our neighbours. If public footpath status was granted, who exactly would be responsible for the upkeep?

The possible maintenance liability is not a factor which has any bearing on whether public footpath rights already exist and therefore cannot be considered under the terms of the legislation. However, given that Mere Lane (the Order route) is in regular use by vehicles any use by walkers would have no discernible effect on the condition of the lane.

If public footpath rights arose before 1949 the route would be publicly maintainable to the standard expected for a rural public footpath but if public rights were dedicated after 1949, without a statutory creation or dedication agreement, it is unlikely that the route would be publicly maintainable

It is noted however that regardless of whether it was publicly maintainable for pedestrians it would not remove the rights of the landowners or any others with a right to maintain the surface of Order route for their vehicular use.

Objection 2 - June Welch, Sunny Vale, Mere Lane, Mere Brow.

The objector's property is located north of the Order route and is accessed from the section of Mere Lane that is already recorded as part of Footpath FP0816022.

We already experience some 'undesirable individuals' walking from The Marshes Lane to point D on the Order Map and have felt quite intimidated by some members of the public, walking down there and smoking illegal substances and straying into the local woodland. Should the footpath be extended this will encourage more of the same activities.

The objector refers to use of the existing Footpath FP0816022 but beyond referring to people straying into local woodland does not provide further details regarding where members of the public were going.

The OMA is not seeking to create new public rights, but to record rights deemed already to exist. Whilst concerns about past or future anti-social behaviour are clearly important the purpose of the Order is to record what public rights exist. Under

the terms of the Wildlife and Countryside Act 1981, such concerns about the future mis-use of the Order route cannot be considered a reason not to confirm the Order.

The road is not in a suitable state of repair for the public to walk down. It is very uneven in parts and has deteriorated over the years. I cannot imagine that anyone would wish to walk along the lane when they can take the main road, ie. Marshes Lane.

The current state of repair of the Order route is not relevant to whether public rights already exist although the OMA noted that the condition of the surface of the Order route is actually much better than that on rural footpaths in general which run over fields, through woodland or on rough ground.

No evidence has been presented to suggest that the condition of the Order route has ever prevented or deterred the public from using the route on foot and the OMA suggest that walking along Mere Lane (the Order route) rather than along the narrow footway alongside the traffic on The Marshes Lane is a much nicer, safer and better route for walkers and supports why the public would have chosen to have used the route in the past.

On the occasions I have had a walk down the lane I have met large tractors and waggons. It is particularly difficult from them to pass walkers, given the width of the lane and on one occasion I found myself very near to a deep watercourse, not a good experience.

Evidence has been provided that the Order route has been used by the public on foot. The Order route is as wide as many public vehicular lanes in the area and there are ample points at which it is possible to step to the side to allow vehicles to pass.

Current use of the route by large tractors or waggons is only relevant as regards to whether it has prevented public use in the past.

Under the terms of the Wildlife and Countryside Act 1981, such concerns about the future use of the Order route by pedestrians potentially meeting large agricultural vehicles, cannot be considered a reason not to confirm the Order.

Objection 3 - Mr Richard and Mrs Emma Thompson, Merewood House, Mere Lane, Mere Brow, PR4 6JU.

The objectors live in a property which is located on land registered in the ownership of John and Glenys Thompson (together with William Thompson). John and Glenys Thompson have also objected to this Order (see objection 1 above).

Historically the road has been built to suit carriage driven vehicles and therefore is only narrow in width - making it unsuitable for pedestrians and potential local walking groups to safely pass any oncoming vehicles (there are no passing places). HGV and heavy farm machinery regularly use the road to pick up produce and make various deliveries, along with the access to farmland.

The legal Order has been made to record the route as a public footpath – not to create a 'new' route for the public. Whilst the safety of the public using the route is clearly a concern the route is no narrower than other farm access roads across the County or than many public roads which have rights for vehicles, horses, cyclists and walkers and as there is no indication that the presence of farm vehicles has prevented use of the Order route on foot in the past and under the terms of the Wildlife and Countryside Act 1981, this objection cannot be considered a reason not to confirm the Order. Should the Order be confirmed appropriate signage to warn drivers of vehicles of the likelihood of meeting the public on foot (and vice versa) could be considered.

Grass verges and steep drainage ditches run along Mere Lane.

The existence of grass verges adjacent to the surfaced roadway may be beneficial to all parties if pedestrians meet large farm vehicles along the route.

The drainage ditch referred to is part of 'Catch Water Drain' which is a significant watercourse designated by the Environment Agency (EA) for flood risk management. The EA carries out routine maintenance and improvement work on such watercourses and this particular drain runs adjacent to numerous sections of public footpaths as well as sections of public and private roads within the area.

There is no indication that either the proximity of the grass verges or drainage ditch has prevented or restricted use of the Order route on foot and if there were to be any cause for concern about the proximity of the ditch to the footpath in the future this could be addressed as a management issue.

Under the terms of the Wildlife and Countryside Act 1981, this objection cannot be considered a reason not to confirm the Order.

As it stands the landowners maintain the road but with the potential of a higher footfall who would be responsible for the upkeep of the road?

The possible maintenance liability is not a factor which has any bearing on whether public footpath rights already exist and therefore cannot be considered under the terms of the legislation. However, given that Mere Lane (the Order route) is in regular use by vehicles any use by walkers would have no discernible effect on the condition of the lane.

It is noted however that regardless of whether it was publicly maintainable for pedestrians it would not remove the rights of the landowners or any others with a right to maintain the surface of Order route for their vehicular use.

A higher footfall could cause erosion and disturbance to an already well-maintained road surface.

It is not anticipated that the increase in use will be so significant as to create any significant damage to the surface. The existing use by vehicles is many times more significant than any foreseeable pedestrian use.

Concerns about future levels of usage and the possible impact on the surface of the route can be addressed as part of the subsequent management of the route but are not considered to be valid grounds to object to the confirmation of the Order.

There is no suitable parking; either on Marshes Lane or Mere Lane without causing major obstruction.

The OMA have made an Order to record public footpath rights along the lane (Order route) because we consider that public footpath rights already exist. The Order does not seek to record (or create) any public vehicular rights. Should the Order be confirmed the public would have no public right to drive along or to park on Mere Lane and there is no evidence to suggest that this would happen. Signage is already in place stating that the road is considered to be a 'Private Road'.

Under the terms of the Wildlife and Countryside Act 1981, this objection cannot be considered a reason not to confirm the Order.

There are purpose-built pavements on The Marshes Lane leading to the same destination as Mere Lane.

Under the terms of the Wildlife and Countryside Act 1981, this objection cannot be considered a reason not to confirm the Order.

In determining whether public footpath rights already exist (and should therefore be recorded) it is not about the relative merits of Mere Lane versus The Marshes Lane except in as much as supporting or negating evidence of public use. It is not to consider what should or should not be created by way of new access but rather it is about recording public rights of way where they exist.

Whilst both The Marshes Lane and Mere Lane could be seen as leading to and from very similar destinations they could equally be seen as providing a circuitous route used by people on foot. The 'pavements' on The Marshes Lane are very narrow and adjacent to fast moving HGVs which can be intimidating and unpleasant so it could be argued that the Order route is a much nicer, safer and better route for walkers which is why the public have used it in the past and have applied to have it recorded as a public footpath when their right to use it was challenged.

Concern about potentially large numbers of people walking the route which could lead issues such as excess litter, dog fouling, dogs off leads, aggressive dogs, and also in some cases humans' faeces and urination.

To be relevant, representations or objections should relate to the existence or status of rights of way; other issues, such as litter, dog fouling and anti-social behaviour are unlikely to be relevant.

Any issues that arose in the future could be looked at as part of the management of the route by the appropriate body or organisation.

Use of the Order route would compromise our children's safety and also our privacy and security as people would be able to see right into our property and garden.

The OMA are not seeking to create new public rights but to record public rights that they consider already exist. Given that the Order route is already used as access for customers and deliveries as well as some members of the public it is difficult to see how recording the Order route as public footpath would significantly compromise privacy and security. However, issues relating to privacy and security, whilst important, are not relevant in satisfying the tests for the confirmation of the Order.

There is a variety of wildlife such as nesting birds, deer, bats and other wildlife in the area which could be adversely affected if walkers were to use the route.

Concerns about the environmental impact of walkers using the Order route are important in any subsequent management of the way, but do not affect the evidence of whether or not public rights exist and therefore are not valid reasons for the Order not to be confirmed. The Order has been made to record public rights and the decision about the confirmation of that Order can only consider whether there is evidence that those rights exist or not.

Should the Order be confirmed, it is not considered that the presence of walkers would have a detrimental impact on the wildlife of the area but if specific issues arose, they could be considered as part of the future management of the route.

Objection 4 - Green Lane Association Limited (GLASS), PO Box 107, Brecon, Powys, LD3 3DG

GLASS have objected to the Order on the basis that they believe that the historical map and documentary evidence supports the view that on balance the Order route carries higher public rights and should have been recorded (at least) as a Restricted Byway and possibly as a Byway Open to All Traffic.

The original application (Doc 23) submitted to the OMA was for the full length of Mere Lane to be recorded as a restricted byway.

The OMA investigated the application and concluded that whilst capable of being used by vehicles the only evidence that it may have been considered to be a public vehicular route appeared to have been that it was excluded on the Finance Act 1910 maps. On its own this evidence was considered weak particularly as the map deposited at the National Archives was incomplete and the one deposited at the County Records Office post-dated the original survey. In addition the District Valuation Books for Tarleton and Rufford have not been deposited in the County Records Office so no further information was available from them.

OS maps from 1926 onwards record the route as 'Mere Lane' and whilst the Object Names Book provided details regarding the fact that it was considered by the Lancashire County Council Land Agent to be a third-class road maintained by the County Council at that time this information was provided by a land agent and not the relevant Surveyor of Highways. In addition, the 1929 Handover Maps did not record public maintenance responsibilities along the route and the OMA do not have any other record of the route being a public vehicular route. None of the three editions of Bartholomew's Maps published between 1904 and 1941 which are

included in the Regulatory Committee report (Doc 24) showed the Order route or supported the view that it was a 'Third Class Road' or public vehicular highway and records retained by the OMA from the 1960s and 1970s clearly specified that the Order route was considered to be a private estate road and not a public vehicular route.

In conclusion, with regards to public vehicular rights, the OMA considered that there was insufficient evidence from which to infer that historical public vehicular rights existed along the route and the objection submitted by the GLASS does not include any new or additional evidence that alters our original recommendation to make an order to record public footpath rights over the Order route or to promote the Order as made to confirmation.

However, should the GLASS submit additional information, or should the Inspector, having had the opportunity to consider all available evidence, be minded to come to a different conclusion, the OMA, having acknowledge that the evidence was finely balanced, is unlikely to have any objection to a modification to record higher public rights.

Conclusion

The OMA submits that the objections received do not in any way undermine the evidence that the Order route is, on balance, already a footpath in law, and respectfully requests that the Planning Inspector confirms the Order as made.

It is specifically noted that none of the objections made refers to any verbal challenges made to the public use of the Order route or provide any details regarding alterations made to the Lancashire County Council signage which expressly signed the route as 'FOOTPATH ONLY' during the time when the County Council owned the land.