

COVERING LIST OF REPRESENTATIONS, OBJECTORS AND SUPPORTERS

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

**THE LANCASHIRE COUNTY COUNCIL
ADDITION OF RESTRICTED BYWAY KNOWN AS DARK LANE,
BISPHAM/HILLDALE, WEST LANCASHIRE
DEFINITIVE MAP MODIFICATION ORDER 2023**

No.	OBJECTIONS STILL OUTSTANDING	ADDRESS
1	Brendan Bolland	brendanbolland@gmail.com
2	Carole Lyon	carolelyon@yahoo.com
3	Elaine Doyle and Clive Taylor	elainedoyle@hotmail.co.uk
4	George Baillie	carole.baillie@btconnect.com Sils Farm Lee Lane Bispham Ormskirk L40 3SJ
5	Kevin Bladon	kbjan64@gmail.com
6	6.Mr and Mrs Cobham	30 Sagar Street Eccleston Nr. Chorley Lancashire PR7 5TA
7	Pamela and Robert Slinger	robert.slinger1@btinternet.com
8	Sheila Lyon	sheilalyon@hotmail.com
No.	OBJECTIONS WITHDRAWN	
No.	SUPPORTER	
No.	OTHER RESPONSES	
1	Rob Lyon	enquiries@cjlyon.co.uk
2	Kenneth Sharp - Open Spaces Society, Local Correspondent for West Lancashire and Merseyside	kennethrsharp.oss@gmail.com

From: [Brendan Bolland](#)
To: [Mayson, Annabel](#)
Subject: REF: LSG4/888.2629/AM15
Date: 20 February 2024 20:33:42

[You don't often get email from brendanbolland@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Re- Order to amend the definitive map by recording a restricted byway...

I object to to the Order for the following reasons:

1. There are no physical remnants of a byway.
2. The line of the allegedly restricted byway interferes with an established wildlife corridor.
3. An existing public right of way already provides a route joining Dark Lane to Old Lane.

Yours sincerely,
Brendan Bolland

From: [Mayson, Annabel](#)
To: [Brendan Bolland](#)
Subject: RE: REF: LSG4/888.2629/AM15
Date: 21 February 2024 13:21:00
Attachments: [Dark Lane Bispham Committee plan.pdf](#)
[FINAL REPORT August 2022.pdf](#)

Good afternoon,

Thank you for your email.

Our Public Rights of Way Officer has provided some comments on the specific objections made:

1. There are no physical remnants of a byway.

The Order has been made to record the route as a restricted byway based on historical evidence considered sufficient to show that public rights legally exist. The evidence examined shows that the route – known as Dark Lane – existed as part of the public vehicular highway network in the 1700-1800s and we have found no evidence that those public rights were ever legally extinguished. On that basis, even though the route subsequently fell out of use and is no longer passable, the public rights still exist in law and the route should be recorded as a restricted byway.

The fact that the route no longer physically exists on the ground is not a reason for not making or confirming the order and the map and documentary evidence is sufficient to support the making and confirmation of the order even though the route no longer exists on the ground.

2. The line of the allegedly restricted byway interferes with an established wildlife corridor.

Concerns about the environmental impact on carrying out any work to open the route are not generally valid reasons for objecting to the Order or the Order not being confirmed. The order has been made to record public rights and any objections to the confirmation of that order should relate to whether there is evidence that those rights exist or not. Full details of the investigation carried out can be found in the Committee report attached.

Should the Order be confirmed the county council will need to consider what options are available to reinstate the route, legally divert or extinguish it. In some cases, it may be considered too costly or impractical to carry out work to reinstate a route and other options may be considered. At that stage, if any work is proposed to be carried out the environmental impact of doing so would be properly considered and may result in no work being carried out or restrictions being put in place as to what can or should be done.

3. An existing public right of way already provides a route joining Dark Lane to Old Lane.

The existence of other alternative public routes is not relevant to determining whether public rights already exist along Dark Lane (the Order route).

Please could you confirm whether, in light of the explanation given, you still wish to maintain your objection. All outstanding objections will be referred to the Planning Inspectorate in due course.

Kind regards

Annabel Mayson
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 533244

From: [Carole Patton](#)
To: [Mayson, Annabel](#)
Subject: Ref LSG4/888.2629/AM15
Date: 20 February 2024 21:09:22

You don't often get email from carolelyon@yahoo.com. [Learn why this is important](#)

Regarding the proposed bridleway.

I wish to object to the above proposal.

There is an existing right of way by Richard Durning's School leading to Old Lane, which is used frequently.

There is an established wildlife area including nesting owls, bats, pond life, Hyacinthoides non-scripta (English bluebells)

Galanthus nivalis (Snowdrops) Allium ursinum (Wild garlic) and many other wildflower varieties.

There is a variety of native trees which provide shelter for nesting birds.

Yours faithfully

Carole Lyon

I have worked in the grounds of Myerscough college in horticulture and conservation for the past 8 yrs.

A member of the Wildlife trust, National trust, RHS, Volunteer with Rivington Terraced Garden restoration and Rufford Old Hall grounds and gardens.

From: [Mayson, Annabel](#)
To: [Carole Patton](#)
Subject: RE: Ref LSG4/888.2629/AM15
Date: 21 February 2024 13:33:00
Attachments: [Dark Lane Bispham Committee plan.pdf](#)
[FINAL REPORT August 2022.pdf](#)

Good afternoon,

Thank you for your email.

Our Public Rights of Way Officer has provided some comments on the specific objections made:

1. There is an established wildlife area including nesting owls, bats, pond life, Hyacinthoides non-scripta (English bluebells)
Galanthus nivalis (Snowdrops) Allium ursinum (Wild garlic) and many other wildflower varieties.
There is a variety of native trees which provide shelter for nesting birds.

Whilst we can fully appreciate the concerns that have been raised about this matter the environmental impact on carrying out any work to open the route are not generally valid reasons for objecting to the Order or for the Order not being confirmed. The order has been made to record public rights and any objections to the confirmation of that order should relate to whether there is evidence that those rights exist or not. Full details of the investigation carried out can be found in the Committee report attached.

Should the Order be confirmed the county council will need to consider what options are available to reinstate the route, legally divert or extinguish it. In some cases, it may be considered too costly or impractical to carry out work to reinstate a route and other options may be considered. At that stage, if any work is proposed to be carried out the environmental impact of doing so would be properly considered and may result in no work being carried out or restrictions being put in place as to what can or should be done.

2. There is an existing right of way by Richard Durning's School leading to Old Lane, which is used frequently.

The existence of other alternative public routes is not relevant in determining whether public rights already exist along Dark Lane (the Order route).

Please could you confirm whether, in light of the explanation given, you still wish to maintain your objection. All outstanding objections will be referred to the Planning Inspectorate in due course.

Kind regards

Annabel Mayson

Paralegal Officer

Legal and Democratic Services

Lancashire County Council

01772 533244

From: [Elaine](#)
To: [Mayson, Annabel](#)
Subject: LSG4/888.2629/AM15
Date: 19 February 2024 21:44:18

[You don't often get email from elainedoyle@hotmail.co.uk. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To whom it may concern
Dear Ms Mayson

I understand that there has been an application to reopen a bridle path off Bentley Lane in Bispham. This is an area where we frequently enjoy a walk. It is an unspoiled area full of wild flowers and endangered species and we are concerned that these changes will have a detrimental impact on area. I hope that you take account of these issues before any decision is made.

Kind Regards

Elaine Doyle & Clive Taylor
01257-462505
Sent from my iPhone

From: [Mayson, Annabel](#)
To: [Elaine](#)
Subject: RE: LSG4/888.2629/AM15
Date: 20 February 2024 12:36:00
Attachments: [FINAL REPORT August 2022.pdf](#)
[Dark Lane Bispham Committee plan.pdf](#)

Good afternoon,

Thank you for your email and we do appreciate your concerns.

The County Council received an application to record the route as a public right of way and had a legal duty to investigate it. The County Council are not seeking to create a 'new' public right of way but have made the order to record the route as a restricted byway based on historical evidence considered sufficient to show that public rights along the route exist although the route may not have actually been used for many years. The evidence examined shows that the route – known as Dark Lane – existed as part of the public vehicular highway network in the 1700-1800s and we have found no evidence that public rights were ever legally extinguished. On that basis, even though the route subsequently fell out of use, the public rights still exist in law and the route should be recorded as a restricted byway.

Full details of the investigation are included in the attached report.

We have received several emails and letters detailing concerns about the environmental impact on carrying out any work to open up the route. Such concerns, whilst totally understandable are not generally valid reasons for objecting to the Order or the Order not being confirmed. With this in mind could you please clarify whether your email constitutes a formal representation against the confirmation of this order. Any representations or objections made (and not subsequently withdrawn) will need to be referred to the Planning Inspectorate who will consider the evidence and decide whether the order should be confirmed.

Should the Order be confirmed the County Council will then consider what options are available to reinstate the route, legally divert or extinguish it. In some cases, it may be considered too costly or impractical to carry out work to reinstate a route and other options may be considered. At that stage, if any work is proposed to be carried out the environmental impact of doing so would be properly considered.

Kind regards

Annabel Mayson
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 533244

From: [Carole Baillie](#)
To: [Mayson, Annabel](#)
Subject: Ref LSG4.888.2629.AN15 Objection Letter
Date: 19 February 2024 18:30:15

You don't often get email from carole.baillie@btconnect.com. [Learn why this is important](#)

FAO Annabelle Manson- LCC

We own and farm the land on both sides of your proposed route. The route was overgrown and silted up when we moved here in 1996. The route has not been used for at least 100 years, during this time the stream has deposited alluvial silt and in parts has become a wetland habitat for newts; and on the drier overgrown areas there are hedgehogs. I believe there are bats further up in the culvert from Bently Lane to the school field, there are also English blue bells on the route.

We are objecting on the grounds that it is now a wetland and small animal sanctuary and not navigable by any means.

Regards,

George BAILLIE
Sills Farm
Mobile- 07921127436

From: [Mayson, Annabel](#)
To: [Carole Baillie](#)
Subject: RE: Ref LSG4.888.2629.AN15 Objection Letter
Date: 20 February 2024 13:03:00
Attachments: [FINAL REPORT August 2022.pdf](#)
[Dark Lane Bispham Committee plan.pdf](#)

Good afternoon,

Thank you for your email.

The County Council received an application to record the route as a public right of way and had a legal duty to investigate it. The County Council are not seeking to create a 'new' public right of way but have made the order to record the route as a restricted byway based on historical evidence considered sufficient to show that public rights along the route exist although the route may not have been used for many years. The evidence examined shows that the route – known as Dark Lane – existed as part of the public vehicular highway network in the 1700-1800s and we have found no evidence that public rights were ever legally extinguished. On that basis, even though the route subsequently fell out of use, the public rights still exist in law and the route should be recorded as a restricted byway.

Full details of the investigation are included in the attached report.

We have received several emails and letters detailing concerns about the environmental impact on carrying out any work to open the route. Such concerns, whilst totally understandable are not generally valid reasons for objecting to the Order or the Order not being confirmed. With this in mind could you please clarify whether your email constitutes a formal representation against the confirmation of this order. Any representations or objections made (and not subsequently withdrawn) will need to be referred to the Planning Inspectorate who will consider the evidence and decide whether the order should be confirmed.

Should the Order be confirmed the County Council will then consider what options are available to reinstate the route, legally divert or extinguish it. In some cases, it may be considered too costly or impractical to carry out work to reinstate a route and other options may be considered. At that stage, if any work is proposed to be carried out the environmental impact of doing so would be properly considered.

Kind regards

Annabel Mayson
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 533244

From: [Carole Baillie](#)
To: [Mayson, Annabel](#)
Subject: Re: Ref LSG4.888.2629.AN15 Objection Letter
Date: 22 February 2024 09:43:47

You don't often get email from carole.baillie@btconnect.com. [Learn why this is important](#)

22-02-24

To Annabel Manson

Just to clarify my email on 19-02-24

Is a formal representation against the confirmation of this order.

Regards George Baillie.

Sent from [Outlook for iOS](#)

From: [K M B](#)
To: [Mayson, Annabel](#)
Subject: Ref.L564/888.2629/Am15
Date: 10 February 2024 15:50:07

[You don't often get email from kbjn64@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hi , this is to say I oppose the planning of a bridleway and footpath along side the stream it should be left for nature , hedgehogs, Bats habitat

Kind regards

Kevin bladon

Sent from my iPad

From: [Mayson, Annabel](#)

To: ["K M B"](#)

Subject: RE: Ref.L564/888.2629/Am15

Date: 12 February 2024 10:24:00

Good morning,

Thank you for your email and we appreciate your concerns.

The County Council are not seeking to create a 'new' public right of way but have made the order to record the [route as a restricted byway based on historical evidence considered sufficient to show that public rights already legally exist](#). The evidence examined shows that the route – known as Dark Lane – existed as part of the public vehicular highway network in the 1700-1800s and we have found no evidence that those public rights were ever legally extinguished. On that basis, even though the route subsequently fell out of use, the public rights still exist in law and the route should be recorded as a restricted byway.

Full details of the investigation carried out can be found in the Committee report available to view on the County Council website -

<https://council.lancashire.gov.uk/documents/s199185/Definitive%20Map%20Modification%20Order%20Investigation%20Addition%20of%20Restricted%20Byway%20known%20as%20Dark%20Lane%20from.pdf>

Concerns about the environmental impact on carrying out any work to open up the route are not generally valid reasons for objecting to the Order or the Order not being confirmed.

However, should the Order be confirmed the county council will then need to consider what options are available to reinstate the route, legally divert or extinguish it. In some cases, it may be considered too costly or impractical to carry out work to reinstate a route and other options may be considered. At that stage, if any work is proposed to be carried out the environmental impact of doing so would be properly considered.

Kind regards

Annabel Mayson

Paralegal Officer

Legal and Democratic Services

Lancashire County Council

01772 533244

From: [Rob Lyon](#)
To: [Mayson, Annabel](#)
Subject: Letter of Concern - Ref: LSG4/888.2629/AM15 - MR & MRS. COBHAM 05.02.24
Date: 09 February 2024 14:10:41
Attachments: [LETTER OF CONCERN - REF - LSG4888.2629AM15 - ADDITION OF BYWAY 05.02.24.pdf](#)

You don't often get email from enquiries@cjlyon.co.uk. [Learn why this is important](#)

Hi Annabel,

Please see letter attached from Mr & Mrs. Cobham, with concerns regarding the proposed byway, Ref: LSG4/888.2629/AM15.

Kind regards,

Sheila Lyon

5th February 2024.

Mr. David Cobham.
Mrs. Anne Cobham.
30. Sagar Street.
Eccleston.

Nr. Chorley.
Lancashire.
PR7 5TA.

Ref: LSG4/8882629 / AMIS.

Modification Proposed.

Addition of byway known as,
Dark Lane from Lee Lane
Bispham to Bentley Lane Hilldale.

After seeing the proposed
notification of the use and usage
of the above byway.

We feel very concerned of its
affect on the natural habitat
of nature.

There are ~~existence~~ of bats,
newts, hedgehogs and owls,
and other wildlife.

The proposed use would
cause to much harm.

In the varying seasons
there is a splendor of colour.
bluebells, daffodils etc. to be
enjoyed.

There is already a footpath
at the school field side.

Why devastate nature, when
it should be protected.

Regards.

D. Cobham
A Cobham

From: [Mayson, Annabel](#)
To: ["Rob Lyon"](#)
Subject: RE: Letter of Concern - Ref: LSG4/888.2629/AM15 - MR & MRS. COBHAM 05.02.24
Date: 12 February 2024 10:38:00

Good morning,

Thank you for your letter and we do appreciate your concerns.

The County Council are not seeking to create a 'new' public right of way but have made the order to record the route as a restricted byway based on historical evidence considered sufficient to show that public rights already legally exist. The evidence examined shows that the route – known as Dark Lane – existed as part of the public vehicular highway network in the 1700-1800s and we have found no evidence that those public rights were ever legally extinguished. On that basis, even though the route subsequently fell out of use, the public rights still exist in law and the route should be recorded as a restricted byway.

Full details of the investigation carried out can be found in the Committee report available to view on the County Council website - [Regulatory Committee \(lancashire.gov.uk\)](https://www.lancashire.gov.uk/regulatory-committee)

Concerns about the environmental impact on carrying out any work to open up the route are not generally valid reasons for objecting to the Order or the Order not being confirmed.

However, should the Order be confirmed the county council will then need to consider what options are available to reinstate the route, legally divert or extinguish it. In some cases, it may be considered too costly or impractical to carry out work to reinstate a route and other options may be considered. At that stage, if any work is proposed to be carried out the environmental impact of doing so would be properly considered.

Kind regards

Annabel Mayson

Paralegal Officer

Legal and Democratic Services

Lancashire County Council

01772 533244

Mr and Mrs Cobham
30 Sagar Street
Ecclestone
Nr. Chorley
Lancashire
PR7 5TA

Phone: 01772 533244
Email: annabel.mayson@lancashire.gov.uk

Your ref:

Our ref: LSG4/888.2629/AM15

Date: 12 February 2024

Lancashire County Council
does not accept service by e-mail.

Dear Mr and Mrs Cobham,

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III
DEFINITIVE MAP MODIFICATION ORDER
ADDITION OF RESTRICTED BYWAY KNOWN AS DARK LANE, BISPHAM/HILLDALE, WEST
LANCASHIRE**

Thank you for your letter dated 05 February 2024, we do appreciate your concerns.

The County Council are not seeking to create a 'new' public right of way but have made the order to record the route as a restricted byway based on historical evidence considered sufficient to show that public rights already legally exist. The evidence examined shows that the route – known as Dark Lane – existed as part of the public vehicular highway network in the 1700-1800s and we have found no evidence that those public rights were ever legally extinguished. On that basis, even though the route subsequently fell out of use, the public rights still exist in law and the route should be recorded as a restricted byway.

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<https://council.lancashire.gov.uk/documents/s199185/Definitive%20Map%20Modification%20Order%20Investigation%20Addition%20of%20Restricted%20Byway%20known%20as%20Dark%20Lane%20from.pdf>

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However, should the Order be confirmed the county council will then need to consider what options are available to reinstate the route, legally divert or extinguish it. In some cases, it may be considered too costly or impractical to carry out work to reinstate a route and other options may be considered. At that stage, if any work is proposed to be carried out the environmental impact of doing so would be properly considered.

Yours faithfully



Annabel Mayson
Paralegal

Please quote our full reference number on all correspondence

From: [Robert Slinger1](#)
To: [Mayson, Annabel](#)
Subject: REF:LSG4/888.2629/AM15
Date: 14 February 2024 14:59:48

You don't often get email from robert.slinger1@btinternet.com. [Learn why this is important](#)

We would wish to register a strong objection to the Map Modification

REF: LSG4/888.2629/AM15

The objection is for the following reason:

-a devastating effect on protected species. Bats and newts live in that section. English bluebells grow there.

-detrimental effects to immediate wildlife. The section includes nesting tawny owls and a variety of other species which are residents

-the area has been undisturbed habitat for flora and fauna for a very long time. A feature which is strongly encouraged in the current environmental policies of government.

Yours faithfully,

Pamela and Robert Slinger

Sent via BT Email App

From: [Mayson, Annabel](#)
To: ["Robert Slinger1"](#)
Subject: RE: REF:LSG4/888.2629/AM15
Date: 15 February 2024 09:02:00

Good morning,

Thank you for your email and we do appreciate your concerns.

The County Council are not seeking to create a 'new' public right of way but have made the order to record the route as a restricted byway based on historical evidence considered sufficient to show that public rights already legally exist. The evidence examined shows that the route – known as Dark Lane – existed as part of the public vehicular highway network in the 1700-1800s and we have found no evidence that those public rights were ever legally extinguished. On that basis, even though the route subsequently fell out of use, the public rights still exist in law and the route should be recorded as a restricted byway.

Full details of the investigation carried out can be found in the Committee report available to view on the County Council website - [Regulatory Committee \(lancashire.gov.uk\)](https://www.lancashire.gov.uk/regulatory-committee)

Concerns about the environmental impact on carrying out any work to open up the route are not generally valid reasons for objecting to the Order or the Order not being confirmed.

However, should the Order be confirmed the county council will then need to consider what options are available to reinstate the route, legally divert or extinguish it. In some cases, it may be considered too costly or impractical to carry out work to reinstate a route and other options may be considered. At that stage, if any work is proposed to be carried out the environmental impact of doing so would be properly considered.

Kind regards

Annabel Mayson

Paralegal Officer

Legal and Democratic Services

Lancashire County Council

01772 533244

From: outlook_BF0A58B16AED56A3@outlook.com
To: [Mayson, Annabel](#)
Cc: [Sheila Lyon](#)
Subject: FW: LSG4/888.2629/AM15
Date: 11 February 2024 20:19:30

You don't often get email from anncarrholmes@gmail.com. [Learn why this is important](#)

Good evening

I completed this email below yesterday, on behalf of my friend Sheila Lyon re LSG4/888.2629/AM15. This was not delivered to due my keying in your email address incorrectly, hence sending it to you from my email account now. As you can see I have cc'd Sheila Lyon in on this as well.

Thank you and best wishes

Ann Holmes

Sent from [Mail](#) for Windows

From: [Sheila Lyon](#)
Sent: 10 February 2024 17:35
To: annabel.mayson@lancashire.gov.uk
Subject: Ref: LSG4/888.2629/AM15

In the early 1950's when my mother and father bought Bentley Lodge/nurseries, my mother had always wanted to live by a stream. So they sought to retain their side of Bentley Stream, which was and still is covered with English Bluebells, Snowdrops, Primroses and other wild flowers, because of their love of nature.

Myself and my siblings all grew up with bats flying out of the tunnel and the trees at night, plus hedgehogs, newts and a plethora of different species of birds from wrens, robins, nuthatches, blue tits to barn owls at Bentley Brook end and tawny owls at the stream and orchard end. They were rewilding many years before it became the current good practice and myself and my siblings have sought to retain this practice, in order to encourage flora and fauna in this area.

I know that a lot of the original and ancient hawthorn hedge has been eradicated, due to branches of other trees falling from the school side and there is a national programme to replace the hawthorn and hedgerows throughout England. I have tried to maintain this hawthorn's natural habitat by maintaining this area and with the addition of bushes where birds can nest. Specifically, the "largely overgrown strip of land" in the summertime, provides an abundance of raspberries, plums, apples and damsons. Whist this appears to be a "largely overgrown strip of land" this is in fact a natural habitat that provides shelter. plus a wealth of food for the birds and wildlife here.

You refer to this "largely overgrown strip of land", on part 1 of the Schedule, attached to the Definitive Map and Statement of Public Rights of Way for the County of Lancashire, dated 29th

November 2023. Please note, that I only received these documents, mid-January by Special Delivery and obviously, after the date shown of 11th January 2024. I do not believe that with a closing date of 22nd February 2024, this is sufficient time for myself, as a registered disabled person, to get in touch with the relevant and necessary agencies, plus get their responses back to me, is realistic and achievable.

As you are no doubt aware, bats and English bluebells are also covered by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulation 2017 and I have contacted Natural England to request that this site be considered as a Site of Special Scientific Interest (SSSI) as this area of land and water best represents our natural heritage, namely our flora and fauna.

I have never used weed killers or pesticides, which is why there is an abundance of the plants and wildlife that I mention above. As expressed on my phone call to you yesterday, I am very upset by all of this and I would like it taken into consideration, that as a disabled female living on my own, I would feel very exposed by having a footpath placed so close to my living room window, as it will impose on my privacy and I would not be able to see the wonderful carpet of flowers or the incredible bats, when they come out of hibernation in the Spring. This area is a wonderfully natural environmental habitat for the many bats, hedgehogs, newts and frogs. that I see when in my garden. I have photographic evidence of the newts and hedgehogs that reside in this area, plus the English Bluebells.

You may already be aware that originally, the footpath went on the school side of the stream, as this ground is drier and higher and this was the route taken on each year's Rogation Sunday by the local Rector to bless the fields on the 5th Sunday after Easter. This footpath was eventually moved to the other side of the school, as shown on the map on your email to Rob Lyon on 16th January 2024.

Can I thank you for taking the time to read my email and for the time you took on my call with you yesterday. Should you require any additional information, please do not hesitate to contact me and I look forward to hearing from you.

Kind regards

Sheila Lyon

(This email has been dictated by me and keyed in by my friend due to my disability)
Sent from [Mail](#) for Windows

From: [Mayson, Annabel](#)
To: ["outlook_BF0A58B16AED56A3@outlook.com"](mailto:outlook_BF0A58B16AED56A3@outlook.com)
Cc: [Sheila Lyon](#)
Subject: RE: LSG4/888.2629/AM15
Date: 12 February 2024 10:34:00

Good morning,

Thank you for your email and we do appreciate your concerns.

The County Council are not seeking to create a 'new' public right of way but have made the order to record the route as a restricted byway based on historical evidence considered sufficient to show that public rights already legally exist. The evidence examined shows that the route – known as Dark Lane – existed as part of the public vehicular highway network in the 1700-1800s and we have found no evidence that those public rights were ever legally extinguished. On that basis, even though the route subsequently fell out of use, the public rights still exist in law and the route should be recorded as a restricted byway.

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However, should the Order be confirmed the county council will then need to consider what options are available to reinstate the route, legally divert or extinguish it. In some cases, it may be considered too costly or impractical to carry out work to reinstate a route and other options may be considered. At that stage, if any work is proposed to be carried out the environmental impact of doing so would be properly considered.

Kind regards

Annabel Mayson

Paralegal Officer

Legal and Democratic Services

Lancashire County Council

01772 533244

From: [Ann Holmes](#)
To: [Mayson, Annabel](#)
Cc: [Sheila Lyon](#)
Subject: LSG4/888.2629/AM15
Date: 19 February 2024 21:06:39
Attachments: [snowdrops and bluebell plants.jpg](#)
[snowdrops and depth of the banking by house.jpg](#)
[Newt photo.jpg](#)
[Blocked tunnel.jpg](#)
[cleared tunnel where bats are hibernating.jpg](#)
[aerial photo of Bentley Lodge and surrounding land.jpg](#)

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Good evening

First of all, can I thank you for replying so quickly to my previous email.

The maps you kindly provided are, as you mention, not to 100% accuracy, in particular, the orchard here is incorrectly shown. It is actually at the right-hand side of the property and not, as shown on the maps, directly behind Bentley Lodge. This is a difference of some 90 degrees from the actual position of the orchard.

I have photographic evidence that shows the correct positioning of the orchard, from an old aerial photograph and I have attached a copy of this for your information. I have also attached some photos showing the fauna and flora in the area too. Please note that it is a little early in the season for the bluebells to be in flower, so currently all that is showing are their green shoots.

I would also like to bring to your attention that the strip of land that used to be called Dark Lane, due to all of the trees on both sides, is in fact now called Maltkin Lane, part of which is actually positioned between Chorley Rd and Grimshaw Green Lane.

By transposing Dark Lane for Maltkiln Lane on this strip of land, it then links in geographically, with the description of the proposed addition of "restricted byway know as Dark Lane, Bispham/Hilldale. As Maltkiln Lane is in fact, nearer to both Bispham and Hilldale.

Thank you again for taking the time to read this email and please do not hesitate to contact me if I can assist further. As per my previous email, I have dictated this to my friend, and this has been sent directly from her email account and I am copied in on this.

very best wishes

Sheila Lyon













From: [Mayson, Annabel](#)
To: outlook_BF0A58B16AED56A3@outlook.com
Cc: [Sheila Lyon](#)
Subject: RE: LSG4/888.2629/AM15
Date: 20 February 2024 14:28:00

Good afternoon,

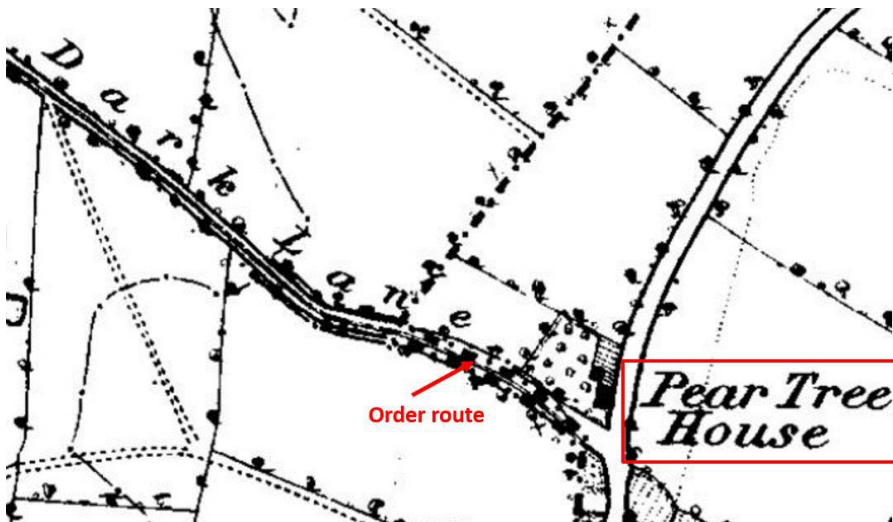
Thank you for your email and photographs of the route, our Public Rights of Way Officer has provided a response:

With regards to the aerial photograph it was interesting to look at but because it was undated I was unable to match it to an Ordnance Survey map prepared around the same time. I have annotated the aerial photograph provided by Mrs Lyon to show the approximate location of the Order route running adjacent to the property:

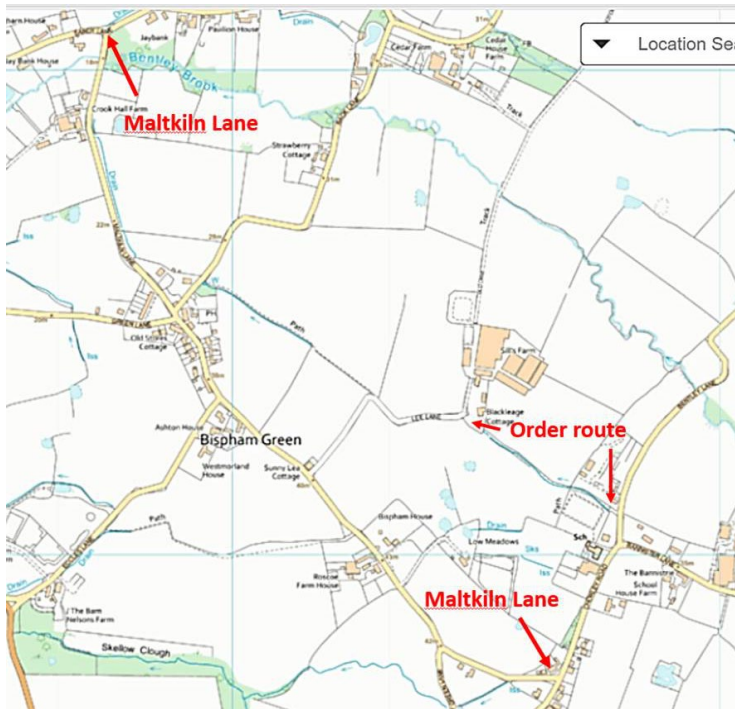


The Ordnance Survey maps examined as part of our investigation span a period of over 150 years and during that time the property now known as Bentley Lodge has altered including the location of orchards and the development of the nursery.

As way of illustration in the 1840s Bentley Lodge was called Pear Tree House with an orchard immediately behind it:



50 years later the house was called Edgar's Farm and the orchard is further back from the property:



I hope this explains the situation.

We now need clarification from yourself whether you are objecting to the confirmation of the order to record public historical rights along the route or not. If you are objecting then the order, together with the grounds for your objection and the evidence on which the county council based the decision to make the order will be passed to the Planning Inspectorate for determination.

Kind regards

Annabel Mayson
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 533244

From: [Sheila Lyon](#)
To: [Mayson, Annabel](#); [Sheila Lyon](#)
Subject: RE: LSG4/888.2629/AM15
Date: 21 February 2024 22:09:15
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)

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Good evening,

Sorry for late reply but I've been at a funeral all day & I've noone to dictate this to, but wanted to say thankyou for explaining hilldale/bispham boundaries, but am still confused about maps that I've seen some showing tracks that stop halfway down after Lee's Lane & others that seem to show the track on the school field side again, so I would be still objecting to it as there are so many confusing maps, & Chorley extinguished wherever route was in 1980, I will explain more tomorrow when I've someone to dictate too. I'm just still hoping that the bats will soon come out of hibernation as the hedgehogs have started coming out for food. Sorry if this is confusing but I'm aware it's 22nd & didn't want to miss deadline.

Best wishes Sheila Lyon

From: [Mayson, Annabel](#)
To: ["Sheila Lyon"](#)
Subject: RE: LSG4/888.2629/AM15
Date: 22 February 2024 10:34:00

Good morning,

I can confirm receipt of your email. The matter will now go to the Planning Inspectorate.

Please could you inform us what was extinguished in 1980 by Chorley, any information on this would be really helpful.

Kind regards

Annabel Mayson
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 533244

From: [Sheila Lyon](#)
To: [Mayson, Annabel](#); [Sheila Lyon](#)
Subject: RE: LSG4/888.2629/AM15
Date: 22 February 2024 21:25:51
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)
[20240222_205957.jpg](#)
[20240222_210427.jpg](#)

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Good evening,

Sorry for late reply again I've been trying to find where it said extinguished ,but I've also been trying to remember how to attach, hopefully I've managed to ,thanks for your patience, Sheila Lyon

Sent from my Galaxy

next to it. The authority for doing so was 'WE Hale Esq. Estate Agent, Derby Estate Office, Preston.

In comparison, Lee Lane and Bentley Lane are both described as District Roads in the book with the authority for the information again being stated as coming from Mr Lawrence.

In 1907 it appears that Dark Lane (the application route) had become disused. It was described as a road but not as a 'District Road', although this may be because it was now 'disused' and in describing it in such a way it does appear that it must have been used in the past. There is no specific reference to whether the route was a public vehicular highway which was just not used anymore or whether, if it had been a public vehicular route in the past, it had legally been extinguished. The authority for the information provided came from the Surveyor of Highways for Chorley Rural District Council. It should be noted however that the application route between point A and point D was in Bispham at that time under the direct control of West Lancashire Rural District Council and between point D and point F the route was in the Parish of Wrightington which was part of Wigan Rural District so neither section was the responsibility of Chorley Rural District Council for whom Mr Lawrence was employed.

By 1927 the route was described as obsolete and the name Dark Lane crossed out. Again, there is no information regarding whether any public rights of access that may have historically existed along the route had been legally extinguished but it appears that by the early 1900s use of the route by

Lee Lane	See O.S. 5000 of 1844 Mr J Lawrence (see OS 230 ² attached)	84	4	1000	Applied to a District Road extending from Lee Cottage, to a point 5 chains S of Sills Farm at end of old lane.
Dark Lane Obsolete	See O.S. 5000 of 1844 (authentic) (see OS 230 ² attached) wasaken & Sills Farm to state agent only, State the facts	84	4	5	Applied to a disused road situated from a point S of Sills Farm to a point 5 chains S of Sills Farm.

Please sign and return the list to me.

J. Lawrence Esq

Yours faithfully,

Mayor of Highways, Chorley 10

NAME.	Plan and Parcel No.	Parish, Situation, and Owner's Name.	Corre
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A copy of the Object Names Book for OS Sheet number 84NE was obtained from the National Archives.

The cover of the book states that it was revised in 1926 but details within the book confirm that it was initially prepared in 1907 prior to the publication of the second edition OS maps and was then used to check and update records in relation to the publication of the third edition maps in 1927.

The initial entry made in 1907 lists Dark Lane as a disused road situated from a point south of Edgar's Farm to a point 5 chains south of Sills Farm. The authority for the information provided was stated to be 'Mr Lawrence' who was listed later in the book as being the Highways Surveyor for Chorley RD Council.

When the book was subsequently used ahead of the publication of a further map revision in 1927 the entry for Dark Lane was crossed out and the word 'Obsolete' written

From: [Stef Davies](#)
To: [Mayson, Annabel](#)
Cc: sheilalyon@hotmail.com
Subject: LSG\$/88.2629/AM15
Date: 23 February 2024 12:46:50
Attachments: [2003.pdf](#)
[Page 21.pdf](#)
[School Field.pdf](#)

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Good Afternoon Annabelle,

Sorry this wasn't sent last night, I am now getting Stef to write this again on my behalf.

On page 21 the water is shown on the wrong side of the road on the map, the ditch is on the opposite side, and runs under the road into the stream.

Page 42 shows the thick line on the school side, where the path was.

I know that when Mr Pritchard and Mr Millward were headmasters at Bispham School they lived in the school house, and the garden which seems to be shown in all of the plans, wasn't as long as any of the maps show, it was part of the playing field (shown in School field attachment). When we used to walk to school in the 1950's and 1960's, we used to go down F and E across the school field to get to school, as the main road was too dangerous to walk down. The school house was then sold for the first time, not to a headmaster of the school, but to Mr and Mrs Rock in the 1970's (approximate). I think this is when the garden was lengthened (to the F and E bit).

In the 1970's / 1980's the fence and gate were erected and there was no longer access to the school field. Mum always enjoyed walking to the school field to admire the English Bluebells and snowdrops from there.

There are so many drawings of various routes it is very hard to tell which are right or wrong. I only know that as a child my elder brothers and sister walked on the footpath on the school side and over a stile onto the field behind.

I hope this helps in some way.

Kind Regards,

Sheila Lyon

From: [Mayson, Annabel](#)
To: [Sheila Lyon](#)
Subject: RE: LSG\$/88.2629/AM15
Date: 23 February 2024 13:49:00

Good afternoon,

Thank you for your email.

As discussed over the phone, this matter will need to be referred to the Planning Inspectorate and due to the number of other orders waiting to be referred, a timescale for how long this will take is not known. At the time it is referred, the evidence you have provided will be sent with it.

Kind regards

Annabel Mayson

Paralegal Officer

Legal and Democratic Services

Lancashire County Council

01772 533244

From: [Rob Lyon](#)
To: [Mayson, Annabel](#)
Subject: LSG4/888.2629/AM15
Date: 15 January 2024 15:21:15
Attachments: [image001.png](#)
[img002.pdf](#)

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Hi Annabel

Please see the attached proposed route of the new bridal path, I have a few questions about the section D to section E this section used to have a footpath which was on the school field side of the brook. My worry is that the plan doesn't really show which side of the brook the path will follow and that the trees and wildlife on our side of the brook would have to be removed and extensive groundworks be done in order to establish this path.

I am not objecting to the path but would like to be consulted on any works that are going to need access from our side of the brook as we run tankers in and out of the yard during most days and only have limited space on site for our vehicles.

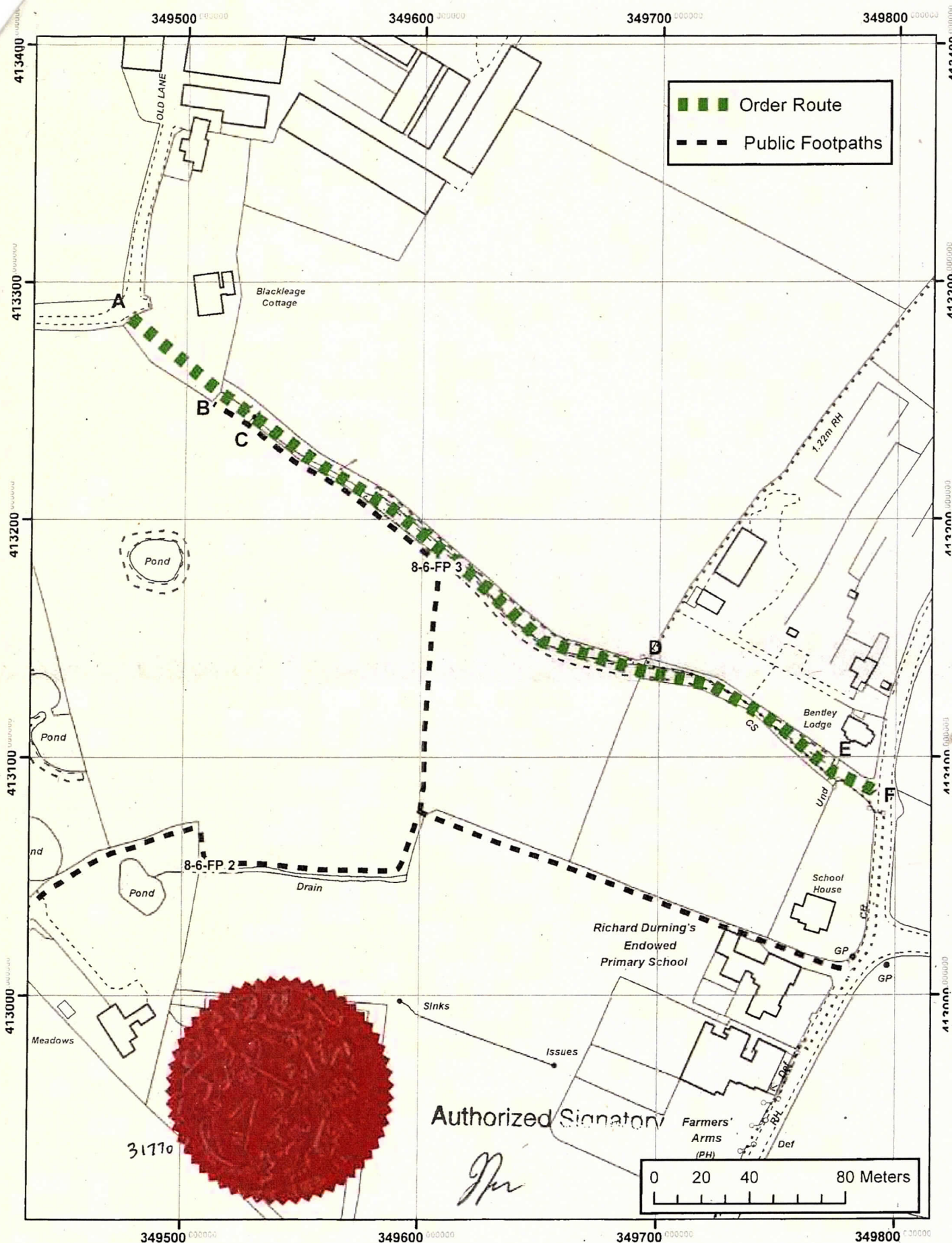
It is also worth noting that there are owls, squirrels and other wildlife that live in the oak trees along this section and wouldn't want them to be disturbed.

Please could you come back to me with a more detailed plan of where the track will be located between sections D & E.

Kind regards

Rob Lyon
Director

01257 462986
07900 166732



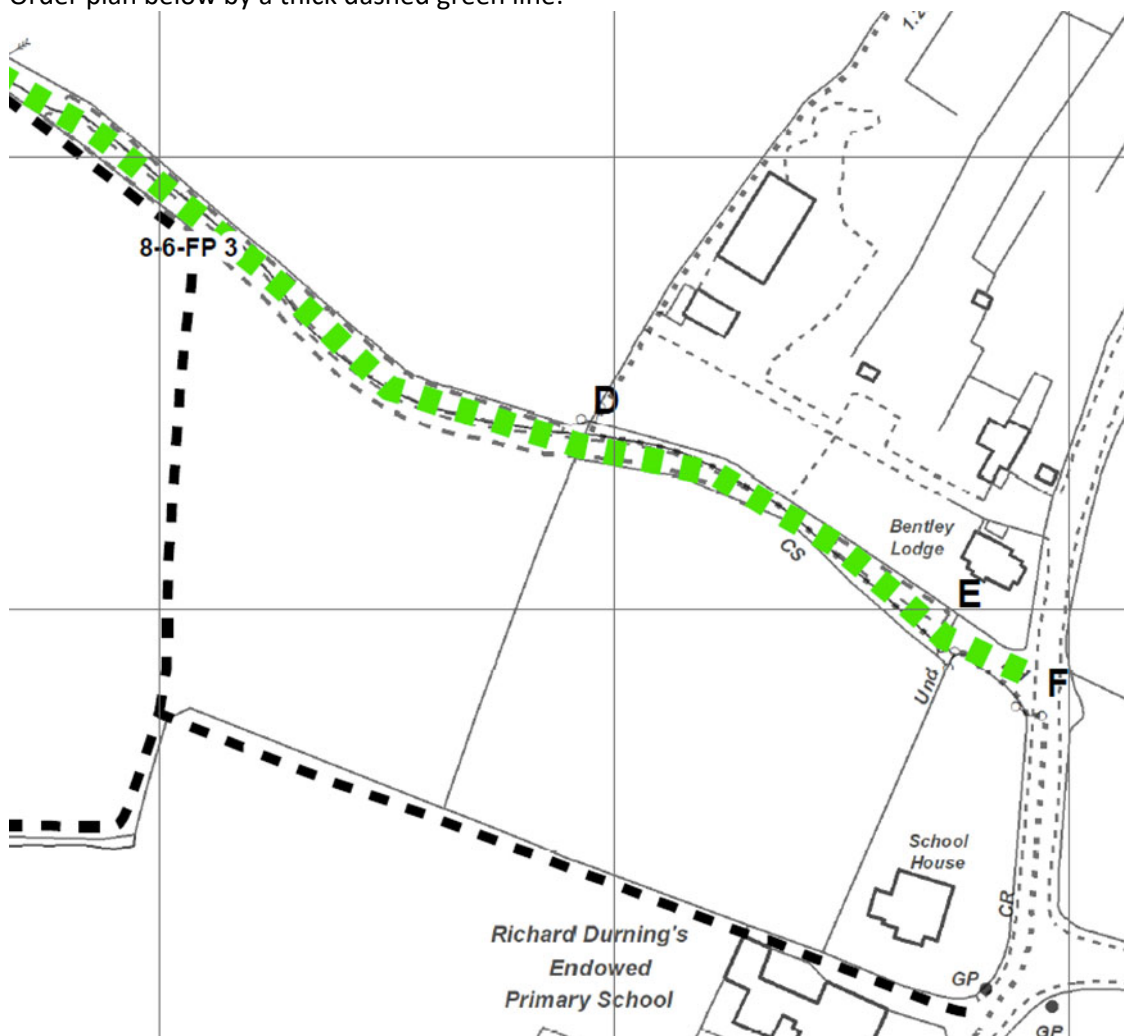
From: Mayson, Annabel
Sent: 16 January 2024 14:22
To: Rob Lyon
Subject: RE: LSG4/888.2629/AM15

Good afternoon,

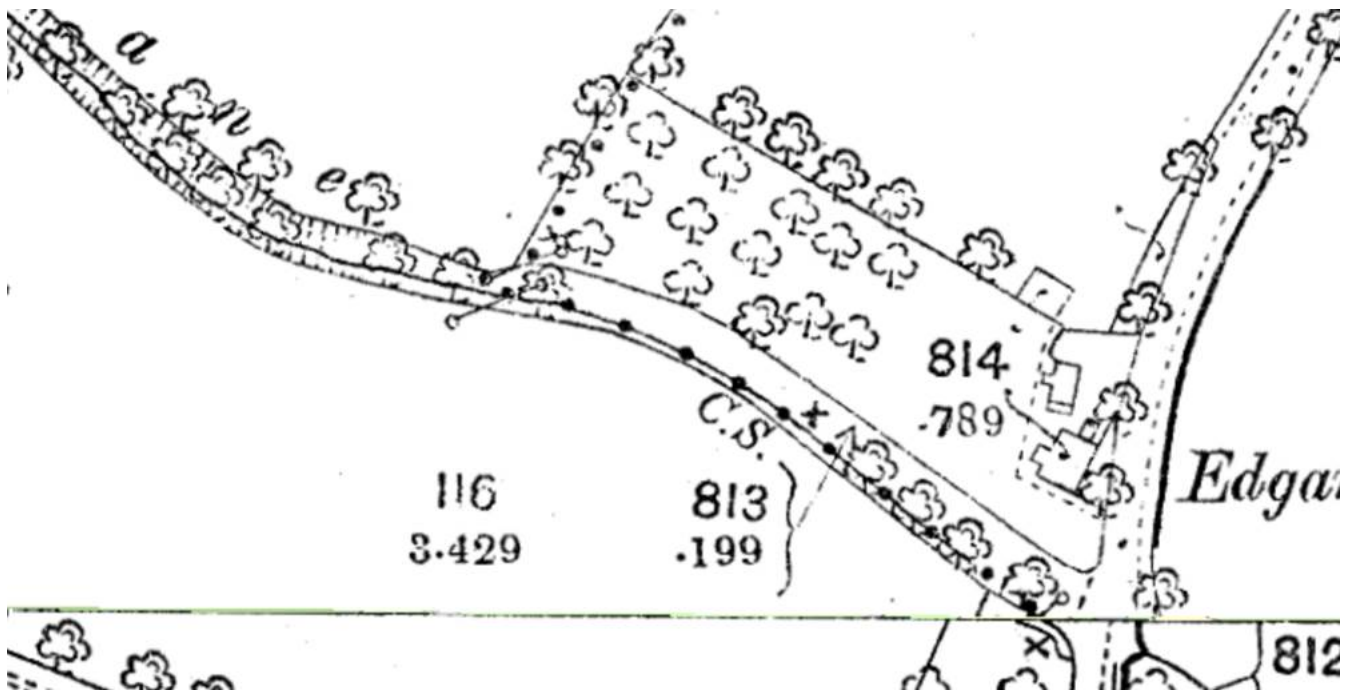
The County Council understand your concerns.

The order route is largely not in a useable condition and the historical map and documentary evidence examined suggests that it fell out of use many years ago. The application made to record this route as a restricted byway was done so based on historical use and the fact that map and documentary evidence examined was sufficient to show that public rights existed. The fact that the route fell into disuse many years ago did not extinguish those public rights.

With specific reference to the Order route between point D and point E the route is shown on the extract from Order plan below by a thick dashed green line:



The route is within the boundaries of the old lane which was mapped by the Ordnance Survey in the 1890s at a scale of 25 inches to 1 mile. This map was of a sufficiently large scale to accurately show the route in use (Dark Lane) at that time. Because the Order has been made to record public rights that existed in the 1800s then the rights recorded are those that were in existence at that time:



As you will see from the map extract above the route of Dark Lane was enclosed between fences running within the fenced off strip in which the watercourse flowed. From a practical point of view this is probably why the route fell into disuse over time as it became too difficult to traverse. The map extract below is an overlay of the 1890s mapping with modern mapping and although the alignment of the two maps is not to 100% accuracy it does illustrate where the public rights are to be recorded (i.e., within the boundaries of the overgrown watercourse):



The County Council do not disagree that in its current condition the route is no longer suitable or useable as a public right of way but in line with the legislation the Order has been made to record public rights that historically already exist.

Although it is accepted that the route D-E is not suitable for walkers, cyclists or equestrian use (including horse and cart) this is not a consideration that can be taken into account when deciding whether an Order to record existing public rights should be made or confirmed.

The County Council cannot disregard the evidence and decide not to make an Order since the route – or part of it – is no longer in existence or useable. Should the Order be confirmed the County Council will then need to consider what options are available to either reinstate the route, or to legally divert, extinguish, or prohibit or restrict use of it by the public.

No plans have been drawn up or considered regarding whether – or how – this route could be opened up if the Order is confirmed. If at some point in the future it was proposed to carry out any work (or to or to legally divert, extinguish, or prohibit or restrict use of it by the public) consultation would be carried out with adjacent landowners and the environmental impact of any work proposed would be fully assessed.

I hope this email helps to explain the current position.

Kind regards

Annabel Mayson
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 533244

From: [Ken Sharp OSS](#)
To: [Mayson, Annabel](#)
Subject: DMMO Dark Lane, Bispham/Hilldale 804-707 (888.2629)
Date: 15 February 2024 13:53:58
Attachments: [LCC.Letter to Annabel.Mayson.15.02.2024.Dark Lane Bispham 804.707.pdf](#)

You don't often get email from kennethrsharp.oss@gmail.com. [Learn why this is important](#)

Hi Annabel,

Please find attached letter from the Open Spaces Society detailing a consultation response in respect to LCC's Made Order for a RBW at Bispham / Hilldale West, known as Dark Lane;reference LSG4/888.2629/AM15.

Regards,

Ken Sharp
Open Spaces Society - Local Correspondent
West Lancashire, Merseyside and district
+44 7788 916291
Email: kennethrsharp.oss@gmail.com
Mob: +44 7788 916291
Website: www.oss.org.uk



Website: www.oss.org.uk

Thursday 15th February 2024

By email

Annabel Mayson
Lancashire County Council
PO box 100, County Hall
Preston,
PR1 0LD

Your Reference: LSG4/888.2629/AM15

**Addition of Restricted Byway known As Dark Lane, Bispham/Hilldale, West
Lancashire Definitive Map Modification Order 2023**

Dear Annabel,

Thank you for consulting with the Open Spaces Society on the above Order, made by Lancashire County Council on 29th November 2023.

I am in receipt of your letter dated 11th January 2024, the Order document, an explanatory statement, and the additional information, sent directly to Lucy McKean, Open Spaces Society by email.

Following receipt, I have reviewed the minutes of the Regulatory Meeting (item 5) held on 10th August 2022. I have studied the associated Investigatory Report prepared by the LCC Rights of Way Officers and the DMMO Application made by Mr Victor Pogson, on behalf of the British Horse Society

I note the DMMO was registered by LCC 16th April 2021 and determined 10th August 2022.

I made a site inspection on Tuesday 13th February 2024, and was able to access most of the order route and was able to see the sections where access on foot was not possible.

The application is based on submission of historical evidence. No User evidence has been presented, and the Order route is partially obstructed.

The investigation report is comprehensive and presents considerable evidence from several sources that lead to the reasonable conclusion that Dark Lane was a public road that fell into disuse in the early 1900's. We support the Order for a Restricted Byway. We record NO OBJECTION.

Observations.

1. I note the following text from the Investigation Report.

Use of part of it at least may however have continued – as suggested by the fact that

a footpath – recorded in the 1950s as 8-6-FP3 – was consistently shown as joining the application route at point C.

Whilst this seems to be the intention of the DM survey, the Order route and 8-6-FP3 as shown on the LCC Online Map do not connect. This appears to indicate the creation an unintended DM anomaly. Moreover, the well-used FP used to reach the definitive start of 8-6-FP3 is not recorded on the DM.

2. Following from the above. Part II of the Order document Bispham 10 “Position” refers to thejunction with footpath Bispham 3.

The 8-figure grid ref SD 4951 1325 can apply equally to Point B on the Order Route and the start of FP3. Viewed on the plan of the Order route and the online map, the start of FP 3 is not shown as coincident with the Order route. however, if 10-figure grid references are used this small gap becomes apparent.

Only observations: maybe these points are inconsequential and unlikely to cause any practical difficulties in using both routes. But legally I’m unsure whether a gap exists?

Yours sincerely,

Ken Sharp
Open Spaces Society - Local Correspondent
West Lancashire, Merseyside (part)
3, Town Green Gardens,
Aughton, Ormskirk
L39 6UH
Email: kennethrsharp.oss@gmail.com
Mob: +44 7788 916291
Website: www.oss.org.uk

From: [Mayson, Annabel](#)
To: [Ken Sharp OSS](#)
Subject: RE: DMMO Dark Lane, Bispham/Hilldale 804-707 (888.2629)
Date: 16 February 2024 15:04:00

Good afternoon,

I can confirm receipt of your email and letter, I have passed these onto the Public Rights of Way Team.

Many thanks

Annabel Mayson
Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 533244