

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
PUBLIC FOOTPATH FROM BANKS ROAD TO STATION ROAD, NORTH MEOLS,
WEST LANCASHIRE BOROUGH
DEFINITIVE MAP MODIFICATION ORDER 2014**

No.	OBJECTIONS STILL OUTSTANDING	ADDRESS
1	Southport Land and Property Company Limited	c/o ET Landnet Limited The Quarry Office Pen Y Garn Cefneithin Llanelli SA14 7EU Ref: MW/STO/002/1
2	Donna Cumia	Donna Cumia 64 Lawson Street Southport PR9 7QX
3	Mr Colin James	Mr C James 67 Banks Road Crossens Southport PR9 8JL
4	Mrs Sonia James	Mrs S James 67 Banks Road Crossens Southport PR9 8JL
5	Karen Restall	Karen Restall 7 Hartlands Ave Southport PR9 9FT
6	Jodi Ryan	Jodi Ryan 50 Fairhaven Road Southport PR9 9UH
7	Mrs E Tyson	Mrs E Tyson Landsdowne Shore Road Hesketh Bank PR4 6XP
8	D A Trow	D A Trow 100 Banks Road Southport PR9 8JL

No.	OBJECTIONS WITHDRAWN	
-		
No.	SUPPORTER	
-		
No.	OTHER RESPONSES	
9	BT Openreach	BT Openreach PP 701B Telephone House Moor Lane Preston PR1 1BA

ET LANDNET LIMITED

The Quarry Office
Pen Y Garn Cefneithin
Llanelli SA14 7EU

T: 0203 086 7657

E: office@etlandnet.co.uk

Ms Megan Brindle
County Secretary and Solicitors Group
PO Box 78
County Hall
PRESTON
PR1 8XJ

Date: 16 February 2015

Our ref: MW/STO/002/1

Your ref:
LSG4/MB3/5.46089/MB3

Dear Ms Brindle

Section 53 Wildlife and Countryside Act 1981

**The Definitive Map and Statement of Public Rights of Way for the County of Lancashire
The Lancashire County Council Definitive Map and Statement of Public Rights of Way
Public Footpath from Banks Road to Station Road, North Meols, West Lancashire Borough
(Definitive Map Modification) Order 2014**

On behalf of Southport Land and Property Company Limited, the current owners of the land affected by the above Modification Order, we submit the following objection.

The Order cannot be confirmed because:

1. There is little if any mapping or other evidence to support the existence of the section from A-C (that part running south from Banks Road) on the ground. If the use alleged had occurred then there would be physical evidence of its existence.
2. Such use that may have occurred is at such a low level so that the presumption of dedication cannot arise. This is consistent with the evidence of the owner of the property adjacent to point A who in more than 45 years has not witnessed any use of the alleged route, and that such use has produced no physical evidence that it has occurred.
3. The route was claimed by the Parish Council and found not to be a public right of way in 1955. Since that date despite having the opportunity to seek its recording, the Parish Council has not done so.
4. Taken as a whole the evidence in support of the claim fails to satisfy the burden on the County Council to prove that a right of way exists on a balance of probabilities.
5. There is no evidence that any landowner has ever demonstrated an intention to dedicate so that common law dedication cannot be proved.

LAND ACCESS AND PUBLIC RIGHTS OF WAY SPECIALISTS

Registered Office 44/54 Orsett Road Grays RM17 5ED Registered in England and Wales Co. No. 6126031

For the above reasons our clients object to the confirmation of the Order and they will further particularise their grounds of objection in their Statement of Case in response to that submitted by the County Council.

Kindly acknowledge receipt of this objection and confirm that the Order will be submitted to the Secretary of State for determination.

Yours faithfully,

FOR ET LANDNET LTD.

Donna Cumia
64 Lawson Street
Southport
Merseyide
PR9 7QX
Tel: 01704 225225

20th February 2015

Objection to Footpaths at Fiddlers Ferry and Banks Road because these paths have higher rights as Bridle ways

Dear Mr. Young,

Please accept this letter as an objection to the proposed footpaths at Fiddlers Ferry and the path that runs along the sluice, Banks Road as these paths are *bridle paths* and not only footpaths. I have ridden on these paths since 1976 and driven my pony and trap along them using the sluice path especially as my safest and most direct route into the village of Banks. Unfortunately it was illegally blocked off in or about 1991 so we could no longer use it.


The paths have always been passable by horses and of a good width to allow for several horses to pass at any one time or for a pony and trap to pass easily and safely.

I would be grateful if you would confirm the last date for objections before a decision is made about the paths so that I may obtain statements and photographs from other horse riding users of the paths to support this objection.

I look forward to your reply, thankyou.

Yours sincerely,

Donna Cumia


DONNA CUMIA

Mr. and Mrs C. James
67 Banks Road, Crossens,
Southport, Merseyside,
PR9 8JL
Tel: 01704 212659

19th February 2015

Dear Mr. Young,

I am writing to object to the passing of the proposed walkways at Fiddlers Ferry and the way along the sluice, Banks Road.

This land has higher rights as a bridle way.

These ways have been bridle paths since their existence. I have lived Fiddlers Ferry and worked here with horses since 1968 and we have used all the proposed ways with our horses for riding and for access into the village for many years at least since 1968 until the early 90s along the sluice and until the present along the paths behind our property extending out to the marsh.

I recall it was around the early 90s when the sluice bridle way was fenced and blocked off, causing us to take a dangerous longer route into the village. This was never accepted and local residents have always been against this closure.

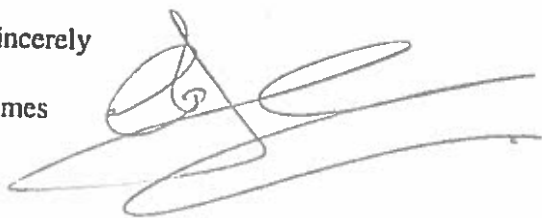
Please research the facts and feel free to ask me for any advice and evidence etc.

My telephone number is 01704 212659 should you wish to contact me.

Thank you.

Yours sincerely

Colin James



Mr. and Mrs C. James
67 Banks Road, Crossens,
Southport, Merseyside,
PR9 8JL
Tel: 01704 212659

19th February 2015

Dear Mr. Young,

I am writing to object to the passing of the proposed footpaths at Fiddlers Ferry and the way along the sluice, Banks Road.

This land has higher rights as a bridle way and has for many years been used as a bridle paths and for access by horses. This was one of my main reasons for buying my equestrian property in 1966 on Banks Road, PR9 8JL.

These ways have been bridle paths since their existence. I have lived Fiddlers Ferry and worked here with horses since 1966 running a livery stables with many liveries who have come and gone over the past 5 decades. We have used all the proposed ways easily and safely with our horses for riding and for access into the village for many years at least since 1966 until the early 90s along the sluice and until the present along the paths behind our property extending out to the marsh. My husband joined me at the property in 1968 and he has testified this also in his letter of objection to you.

We believe that it was around the early 90s when the sluice bridle way was illegally blocked off, causing us to take a dangerous longer route into the village. This was never accepted and local residents have always been against this closure. Until then it had been a regular route by horseback into the village.

As my husband has already invited you to do, please research the facts and feel free to ask me for any advice and evidence etc.

My telephone number is 01704 212659 and I will gladly discuss this in further detail with you.

Thank you.



Yours sincerely

Sonia James

7 HARTLANDS AVE
SOUTHPORT
MERSEYSIDE
PR9 9FT.
Tel: 07931 102171.

19th Feb 2015.

Dear Mr. Young.

I am writing to object to the paths on the proposal for Banks Road Sluice and behind Fiddlers ferry to be made into public footpaths.

This is because they should be awarded a higher status of

"BRIDLEWAYS"

I have used the bridleways since 1976 until the present day. I used the bridle path that runs along the sluice until it was blocked off by a fence in the early 1990s.

Many of my friends have used these bridleways for many years and I can contact them if you so wish. Please tell me the time-scale that we have to send you additional statements to prove that we use these paths on our horses.

I have never been stopped by any-one to tell me that I cannot ride on these bridleways. They are a part of our heritage and it is our right to use them with horses.

Yours Sincerely

Karen Restall.

Jodi RYAN
50 Fairhaven Road
Southport
PR9 9LH.

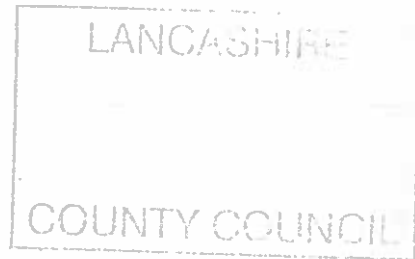
20 February 2015.

Dear Mr. Young,

This letter is my letter to object to the proposed footpaths because they have higher rights as BRIDLEWAYS. I use these paths regularly with my pony as they are safe and well accessed (except for the sluice path bridleway). The roads / bridlepaths are wide and we meet many other horse-riders along them and it is easy to pass in opposite directions by horse. Please contact me at my above address to discuss this in more detail. I feel very strongly about this. Thankyou, JODI RYAN.

804/529

Landsdowne,
Shore Road,
Hesketh Bank,
Preston.
PR4 6XP
1st March 2015



To Whom it may concern,

RE: WILDLIFE AND COUNTRYSIDE ACT 1981- PART III
PUBLIC RIGHT OF WAY FROM BANKS ROAD TO STATION ROAD, NORTH MEOLS,
WEST LANCASHIRE BOROUGH (DEFINITIVE MAP MODIFICATION) ORDER 2014

REF : LSG4/PROW/5.46089/MB
DMMO No. 804-529

Whilst I strongly support Banks/ North Meols Parish Councils efforts to have this route and others in the locality – Station Road to Banks Road reopened and accorded a definitive status, I feel that I must object to the Modification order for Footpath status.

I have known of this route and its usage for over 50 years. Vehicles, horses, cyclists and walkers all used the route which provided direct access away from the main road from one side of the village to the other, until "cut off" at Banks Road end circa 1990.

It would be a missed opportunity for the Banks and Hesketh Bank communities for this route not to have a HIGHER STATUS recognised. I feel that Bridleway Status affording Multi- Purpose use would be an invaluable road safety asset.

This historical route – formerly used by working horses and carts for Southport Shrimpers and Fishing activities directly links to Bridleway Nos 47 and 48 at Banks Road and is very close to the new Sefton Cycleway route (avoiding dangerous main road junction at the Plough Roundabout). - taking users along the coastal road route to Southport.

The Station Road entrance to this route (which already affords vehicular access) is only a short distance from the old station at Banks Village where the disused rail track is a concessionary bridleway route – already widely used by horse riders and walkers etc. To access quieter country lanes or ultimately if required to the other end of Bridleway Nos 47- 49 thereby providing a Circular Route around the village perimeter, avoiding the more congested village centre.

I understand that further user evidence is being presented to you and that serious consideration can be given to Bridleway recognition for this historic and much needed route.

Yours faithfully,

Elizabeth Tyson

Mrs E Tyson
Local resident and British Horse Society member.



100 BANKS RD
CROSSENS
SOUTHPORT
PR9 8JL
9/3/15.

REF. LS94/MB3/5. 46089/MB3

DEAR MISS BRINDLE,

WITH REFERENCE TO YOUR LETTER REGARDING THE
PROPOSED PUBLIC FOOT PATH FROM BANKS RD / RALPHS WIFE LANE
TO STATION RD - NORTHWEST LANCS.

PLEASE FIND ENCLOSED COPIES OF OUR PREVIOUS LETTERS
REGARDING PROPOSED FOOT PATH

OUR OBJECTION STILL STANDS, TO OUR PREVIOUS REASONS
AND OVER THE YEARS THERE AS BEEN SIGHTINGS OF
NEWTS IN THE AREA AND ALSO IT IS A HABITAT OF
WATER VOLES, WHICH ARE BOTH LISTED ON THE ENDANGER
SPECIES.

ALSO THE PROPOSED FOOT PATH GOES DIRECTLY THROUGH
A PASTURE WHICH SHEEP GRAZE FOR SEVERAL MONTHS
OF THE YEAR. A CONCERN OF MANY LOCALS IS IF
DOGS ARE LET OF THEIR LEASHES. WE ARE AWARE THAT
DOGS ARE FOND OF CHASING A WORRYING SHEEP.

WE STILL STRESS ONCE AGAIN WE HAVE LIVED AT THIS
ADDRESS FOR 46 YRS AND ~~IT NEVER~~ THE PROPOSAL
OF SAID FOOT PATH AS NEVER BEEN AN ISSUE FOR
PUBLIC USE.

YOURS SINCERELY
J. Trow

(J. TROW)

100,Banks Rd
Crossens
Southport
PR9 8JL

02/02/2014

Ref LSG4/MB3/5.46086/MB3

Dear Miss Brindle,

With reference to letter received regarding the Claimed Public Footpath from Ralph's Wife Lane to Station Rd North Meols West Lancashire , my wife and I have lived at 100 Banks Rd for 45 years and there has never been a Public Footpath in the field adjacent to the property (Map Claim No 804/529 from the bend of the Sluice Bank to Ralph's Wife lane.)

I also understand the Fishing Club have access permission to use the Sluice Bank from Station Rd to the bend of The Sluice ,but it as never been classed as a Public Footpath that I am aware of. This would have to be confirmed by the landowners.

Yours sincerely

DA Trow

100, Banks Rd

Southport

Crossens

Southport

PR9 8JL

29/05/2014

Ref LSG4/MB3/5.46089/MB3

Dear Sir/Madam,

Re: Wildlife & Countryside Act 1981- Part 111 claim for definitive map modification order claimed Public footpath from Banks Rd (Ralphs Wife Lane ?) to Station Rd, north Meols , West Lancs

With reference to the above we wish to make an appeal against the Modification order for several reasons

We have previously notified you that we have lived at the above address since 1970 and the adjacent field where the proposed foot path is meant to be as never had public access. Originally it was used as a pasture for grazing cattle .Later it was used for general agriculture for several years and now it is currently used for grazing sheep and occasionally for a Car Boot sale.

We and our neighbours have several concerns regarding the issue .

Firstly - the approach on to Banks Rd is directly on to a blind corner and is a 40mph speed limit. There has been several accidents over the years we have lived here. Therefore we feel it would be a danger to the general public

Secondly- our privacy will be compromised with the public having an easier access to our back gardens

Thirdly - there has been several occasions when cars have tried to drive from Station Rd to Banks Rd.

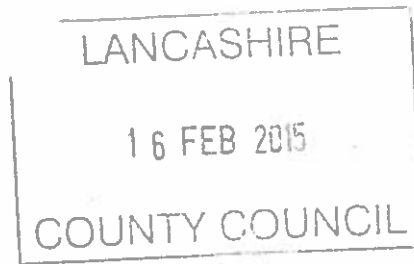
Fourthly- there is the health & safety issue of walking along the bank of The Sluice due to its depth and steep sides.

We would like to stress yet again there has never been a public access all the years we have lived in the area

Yours sincerely

804/529

9



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a BT Group business



LANCASHIRE COUNTY COUNCIL
PO Box 78
County Hall
Preston
PR1 8XJ

Our Ref: BLM314/223343/JN

FAO: Ms MEGAN BRINDLE

11th February 2015

Dear Madam

WILDLIFE AND COUNTRYSIDE ACT 1981
BANKS ROAD TO STATION ROAD, NORTH MEOLS

.Openreach records indicate that no apparatus exists within the area of your proposed works. Please note that a site survey has not been carried out at this stage, and therefore, if any Openreach apparatus is affected by your works, please contact us so that we can provide you with the necessary Estimate of Costs for alteration/diversion.

It should be noted our network is being enhanced on a daily basis. Therefore, to make absolutely certain no apparatus exists, we recommend you obtain on-site advice and confirmation of the location of Openreach apparatus by contacting the Openreach "Dial-Before-You-Dig" Service:

E-mail: dbycd@openreach.co.uk

(Office hours: Monday - Friday 08:00 to 17:00)

Dial-Before-You-Dig services are free of charge, but please note that seven working days notice is required for these services.

If you wish to discuss your proposal further, please do not hesitate to contact me.

Yours Faithfully

A handwritten signature in black ink, appearing to read "Jacqueline Neill".

Jacqueline Neill
Repayments Project Engineer

Repayments (Alterations)

PP 701B
Telephone House
170-175 Moor Lane
Preston
PR1 1BA

tele: 01133829335
fax:
mob: 07802 905282
email: jacqueline.neill@openreach.co.uk