

WITNESS
STATEMENTS



Huntapac Produce Ltd

293 Blackgate Lane, Holmes
Tarleton, Preston PR4 6JJ
Tel 01772 814915
Fax 01772 815311

I David Summerland, Farm Manager for Huntapac Produce Ltd, 293 Blackgate Lane, Holmes, Tarleton confirm the following as a true & correct record of events.

Huntapac Produce Ltd was formed in 1942 and is a fresh produce grower. The 4th generation of Hunter is now working for the business. The company has grown considerably and now employs 480 people working across commercial, transport, harvesting and production. With a turnover of £44 million. The company supplies Tesco, Waitrose, Marks & Spencer, Booths, Lidl and Bookers.

Since the early 1990s Huntapac have rented land at Banks Marsh from Southport Land & Property Co Ltd. This land is excellent quality grade 1 arable land and its proximity to our plant at Holmes is invaluable. We currently rent over 165 acres at Banks Marsh; this land produces cauliflower, cabbage, broccoli, salad crops (and wheat as a break crop).

Our Farm Business Tenancy with Southport Land & Property clearly states:

To prevent to the utmost of his powers any new footpaths or other encroachments or easements being made in or acquired over any part of the holding.

To do his best to prevent trespass over any part of the holding and to give notice to the landlords of any continued acts of trespass. To permit the taking by the landlords of proceedings against trespassers or poachers in the tenants name and to lay information and give evidence against such trespassers or poachers and to sign if required notices to trespassers and others to keep off the holding. The landlords shall indemnify the tenant against any costs, charges or expenses he may incur at their request in connection with these matters.

We often highlight to people the signs that clearly denote the area is private land and we stop people walking the farm tracks to prevent trespass.

Due to the escalating amount of trespassing and vandalism over the past couple of years, we approached Southport Land & Property in 2012 to put a gate at the top of Charnleys Lane. This has significantly reduced the amount of unauthorised vehicles on the bridleway. It has also reduced dramatically, the amount of vehicles dropping litter, food etc. We have also seen a reduction in the theft of batteries and tools, damage to tractor cabs since the gates were erected at Charnleys and Georges Lane. We ensure we lock the gate on Charnleys Lane every night as we leave.

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However, the gate has been vandalised on number of occasions, within a day or 2 of it being erected it was completely bent (resulting in the landlord erecting a replacement gate). Numerous locks have been cut and numerous locks have been glued, resulting in authorised users not being able to use this access during these periods. This causes considerable frustration and difficulties, if you have to reverse a large tractor with implements at the rear back down a single track road. We then have to divert these large tractors down Georges Lane, which Georges Lane residents then object to as it increases the flow of traffic down Georges Lane.

I cannot understand why all this vandalism continues as there is a separate pedestrian/horse gate provided.

Four of the six proposed footpaths would be through the land we rent from Southport Land & Property. As part of our crop risk assessment we cannot rent land that a footpath crosses or is adjacent to. As there are contamination risks in terms of dog fouling, littering, glass contamination and partly eaten food spreading bacteria and germs.

In conclusion, Huntapac would not be able to rent this grade 1 arable land in the future if the proposed footpaths were approved, as it would be seen as high risk. Equally other growers would be deterred for the same reasons.

I confirm that the facts in this statement are true to the best of my knowledge information and belief.


.....
David Summerland

11/10/13.....
Date

I David Alan Trow of 100 Banks Road, Banks Southport PR9 8JL confirm the following as a true & correct record of events.

My wife and I purchased 100 Banks Road in 1969 and we have lived at the property ever since. I am an engineer by trade and I was the local Blacksmith for over 20 years meeting and dealing with local farmers.

When we purchased our house in 1969, I recall Bob Archer was the neighbouring tenant farmer on the land adjacent to our property (including the field adjacent to our property). Mr Archer kept cattle on the field adjacent to our property, at the time the field was completely fenced off and there was no footpath through the field.

There was a five bar gate adjacent to my property, which Mr Archer used to take the cattle to and from the field to his farm, along the road, passed the pumping station towards Crossens.

The only boundary which was not fenced off was the boundary between us and Mr Archers' field and this was due to the fact there was a ditch (which ran to The Sluice – a main watercourse which runs to the pumping station).

Soon after we purchased our house John Sephton became the tenant of the land next to our property (replacing Mr Archer). Mr Sephton piped the ditch between us and the field; he then began working the land and growing cereal crops. I recall the gate remaining during this time.

Mr Sephton grew potatoes, sweeds, brassica crops and grain on the field he tenanted from the Scarisbrick Estate; (including the field adjacent to my property) it would therefore be almost impossible for people to walk.

Towards the end of Mr Sephtons' tenancy, the gate was damaged and then it was removed. This was due to the fact that the tractors needed to get in and out of the field quickly, as it is a 'bad bend'.

Edward Gregson became the next to tenant the land adjacent to my property (from the Scarisbrick Estate). He was also an arable farmer; he did not replace the gate (adjacent to my property) during his tenancy. He did however; leave his Cambridge Roller blocking access to/from the field at this point.

During his tenancy, Mr Gregson often grew grain as a break crop and I do not ever recall seeing any tracks/paths made through the grain.

When Mr Gregson retired I recall the new estate owners (Southport Land & Property Ltd) taking the land back in hand. Shortly after that time a small substation (housing an electric supply) was installed where the gate had been. This I understand was to feed a new pump on the Sluice embankment. At this time, a 'private land' sign was also erected by Southport Land & Property Ltd adjacent to my property.

The new owners then erected a stock proof fence, all the way around the boundary of the field including between our property and the field adjacent to us, this was so the field could be used for sheep winter grazing. They also began using this field (& those adjacent to it) for Car Boot Sales during the

summer months. Access to this field was some 150 yards down Ralph's Wife's Lane, nearer the village, with better sight lines.

Only recently (during the past two winters) a number of sheep have got out onto Banks Road and the Sluice Embankment, due to fences being cut in a number of places. I have on a number of occasions put the sheep back in the field or contact Bill Taylor (who works for Southport Land & Property Ltd).

In conclusion, I have lived at 100 Banks Road for 43 years, during this entire period there has not been a footpath through the field adjacent to our property. I have on a very few occasions whilst gardening in my back garden been asked (by people walking from Station Road, along side of the Sluice, which is access for the fishermen only) 'Can I walk through this field?' I have said no it is private land.

Finally, during the 1970s I recall David Scarisbrick, (who at that time was running the Scarisbrick Estate) erecting a gate part way along Bank Pace. I recall this gate being vandalised. Today there are not even the gate stubs remaining.

I confirm that the facts in this statement are true to the best of my knowledge information and belief.

David A. Trow
David Alan Trow

3 October 2013
Date

I David Lloyd of 47/49 Stamford Road, Birkdale, Southport, Merseyside PR8 4TE confirm the following as a true & correct record of events.

During the late 1970s until 1989/90 my father, Moses Charles Lloyd had the shoot on the land at Banks and Crossens, these leases were renewed annually (for example a copy of the Lease dated 1985 which includes a plan scale 1:10 000 is attached to this statement).

The Leases included 'sporting rights' on all the land (some 835 acres), this is defined in the lease as '*.....all manner of game ground game and wildfowl and of trapping of vermin*'. The Lease also included the rearing field and cottage, known as Cross Bank Cottage and sometimes referred to as Keepers Cottage. The Leases were specific insofar as '*and will not allow the said cottage to be occupied by anybody whatsoever other than a keeper employed by him under the terms thereof*'.

My father employed a game keeper who lived in Cross Bank Cottage, a Mr Michael Murphy (later Mr Ian Smith). The Keeper had release pens (to release young game) in the wood, known as Cross Bank Covert, adjacent to Cottage. During my father's lease of the shoot, there was no footpath through Cross Bank Covert.

I know this wood was not open to walkers, as I recall setting snares in Cross Bank Covert to catch foxes. You cannot set snares were the public (and their dogs) walk.

I often attended the shoot with my father and I recall there were no footpaths on the estate, except part of what is now a bridleway. Five of the six proposed footpaths are on Banks Marsh, I recall shooting regularly with my father on this extremely flat open area. There were no footpaths on this land. If people had been walking they & or their dogs would have been frightened by gun noise and potentially debris from falling shots.

A condition of the lease was '*to use his best endeavours to prevent trespassing and poaching and if necessary at his own costs prosecute any offenders*'. I am aware part of the game keeper's role was to deal with trespassers and poachers.

I confirm that the facts in this statement are true to the best of my knowledge information and belief.


.....
David Lloyd

17/10/13
.....
Date

I Phillip Pearson of Tacklea Bungalow, off Bury & Rochdale Old Road, Bury BL9 6UN confirm the following as a true & correct record of events.

I was a member of the shooting syndicate in the early 1980s when Moses Lloyd had the lease for the sporting rights on the Scarisbrick Estate. I recall there being 7 or 8 regular members (including Stan Roberts and Paul Maloney), there were also some half guns (who attended every other week) and regular guests.

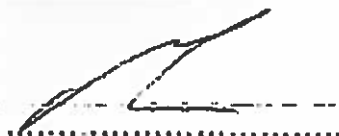
I first shot on the estate in 1981 and for a further two to three years after that. I recall Moses, who everyone called 'Mo' Lloyd running the shoot and he had a gamekeeper, who lived in the cottage by the wood (Cross Bank Cottage). Mo also used the field behind the cottage for rearing birds up to 6 weeks old, these are known as 'poults'. Once they reached 6 weeks old the pheasants were transferred to the large rearing pens in the wood adjacent to the cottage. This activity would never be located in an area where the public have access for walking dogs, as the dogs could attack the young game birds. Also no pens would be located within easy reach of the public or poachers, who may well steel the birds. To the best of my knowledge I do not remember there ever being a public footpath through the wood, known as Cross Bank Covert.

I can confirm there were no footpaths anywhere on this estate when I was part of the shoot syndicate.

Usually the Keeper dealt with vermin control on the estate, throughout the year. Sometime he would ask members of the shoot to assist, for example I recall assisting (out of the shooting season) when beaters and guns were asked to come along and assist with keeping thousands of pigeons out of the woods and off the crops.

I can also confirm, I do not know, nor have I ever met the current owners of the Scarisbrick Estate. I do not have any interest whatsoever in their affairs.

I confirm that the facts in this statement are true to the best of my knowledge information and belief.



.....
Phillip Pearson

13/10/13.....
Date

I David Houghton of The Bungalow, Little Lane, Banks, Nr. Southport, PR9 8HA confirm the following as a true & correct record of events.

I was a beater for the shoot at Banks, in the early 1970s (age 16/17) when my good friend Ken Aldridge had the shoot. Ken together with the Battersbys from Hornby Castle had the lease for the sporting rights on the Scarisbrick Estate for some 4 to 5 years in the mid 1970s, until Moses Lloyd took over the shoot. Ken and the Battersbys ran a commercial game shoot; A & C Sporting Services.

The lease included Cross Bank Cottage and the rearing field behind the cottage. They employed a gamekeeper, who lived in Cross Bank Cottage. The keeper used the rearing field and the wood by the cottage to rear pheasants and partridge, there were a number of rearing pens in the wood. It was a secure arrangement, as the keeper could keep a close eye on the young game, as the field and wood are both right by the cottage.

Over the 4 or 5 years, I regularly helped Ken with the running of the shoot and vermin control on the estate, throughout the year.

My understanding is that this land and the tracks across it are private land, with private tracks belonging to the owners of the Scarisbrick Estate. I recall both Ken Aldridge and the game keeper dealing with both trespassers and poachers.

Ken Aldridge moved to Islay, Scotland, so he gave up the shoot at Banks. I moved to North Wales to work for Sir V. Naylor Leyland's Estate as a game keeper.

I moved back to Banks in the mid 1980s and in the 1990s I began shooting again on the estate as part of the syndicate.

During the entire time I have known this land; I have understood these tracks are private farm tracks for the estate, their tenants, the shoot and the wildfowlers.

I confirm that the facts in this statement are true to the best of my knowledge information and belief.


.....
David Houghton

.....16.10.13.....
Date

**M.M. GAME
&
SPORTING SERVICES**

Kennels Cottage, Colstoun Estate, By Haddington, East Lothian EH41 4JB.
Tel: 01620 810288 Fax: 01620 810284

14th October 2013

TO WHOM IT MAY CONCERN

I lived at Crossbank Cottage, Georges Lane, Banks for approximately five years from 1984 to 1989 and was a gamekeeper for Mo Lloyd.

We raised game in the field behind the cottage and released the birds into the woods Crossbank Covert (Crossbank being the old sea wall which was built first before the outer embankment enclosed the land) There was no public footpath or right of way through the wood and if I saw anyone in this wood or in any of the other woods on the Estate I would ask them to leave.

~~There were no public footpaths or rights of way anywhere on the Estate. The only people entitled to be there were the landlord, the tenants, members of the shoot and the Southport & District Wildfowlers Association, who used the track to access the marsh. The track between Georges Lane and Water Lane was claimed to be a bridleway but this was contentious at the time.~~

To the best of my knowledge this was the situation that existed at the time.


Michael Murphy

I Panpaleone Amatino of 54 Ripon Avenue, Unsworth, Bury BL9 8HR confirm the following as: a true & correct record of events.

I have been a member of the shoot on Banks Marsh for 15 years (prior to this I was a guest many times on the shoot, in the previous 10 years). I enclose a map showing the area of the shoot. Five of the proposed footpaths are included in this area.

There are no footpaths on any of the farm tracks now claimed the only footpath/bridleway is the one that runs from New Lane Pace through to Banks Road/Ralph's Wife's Lane.

The bridleway is clearly marked and there are numerous signs up, clearly identifying that the farm tracks are private land and that shooting takes place.

As a member of the shoot if I saw someone walking on the tracks or across the fields I would approach them & explain they were trespassing & ask them to leave.

Only recently, within the past two to three years people have started walking, walking their dogs (often not on leads) riding horses, motorcycles, quad bikes and hare coursing on these tracks and across the fields.

The amount of fly tipping, vandalism to gates, fences, locks, signs (including removal of signs) and graffiti on buildings is overwhelming and relentless. The vandalism also includes cameras stolen from the wood, smashed pipes, slashed tyre, damage to all the pheasant feeders on the estate, which were subsequently stolen. In July 2012 we were rearing the young game in the wood known as Green Heyes Covert (I have marked this on the attached plan to show it is some distance from the bridleway & the proposed footpaths) the young pheasants were attacked and killed by a dog not on a lead. This along with all the other incidents have been (and continue to be) reported to Lancashire Police.

In 2011, I took over the shoot and entered into an agreement with Southport Land & Property Company Limited. I regularly stop people walking, with or without dogs, motorcycles & horses on the farm tracks and across the fields. Although some ignore me, others are just abusive.

For example in 2011, I recall one incident I was repairing the fence on the shoot (with others members of the shoot) that had been cut again by vandals, when I saw a pickup driving towards the *proposed footpath Bridleway to the New Embankment*. At the time I did not know who it was, I just knew that they were trespassing in a vehicle. The vehicle turned round and stopped 20 yards away from me on the bridle path by Chamleys Lane. I approached the driver of the vehicle to ask him what he was doing on private land and had he seen any vandals. When I approached the vehicle, the driver put the vehicle in first gear & sped off, the vehicle hit my right hand side knee, the vehicle did not

stop, even though I was on the ground. The driver of the vehicle was Mr Alec William Baxter, the incident resulted in significant damage to my knee and ligament, I have had an operation on my knee, it is still not right & I remain under the care of the consultant.

The CPS took Mr Alec Baxter to court and he receiving a 12 month conditional discharge, disqualified from driving for 12 months and until extended test passed, driving licence endorsed and order to pay £900 Prosecution Costs.

I understand Mr Alec Baxter is one of the leading campaigners for public access over these farm tracks. I also understand his father was a tenant of the estate and his brother is currently a tenant.

I have read Mr Alec Baxter's' completed Public Rights of Way – Evidence of Use on Foot and I can confirm that in response to his comment in section 7b) no members of our shoot, or the previous syndicate (of which I was a member) would put poison down in a wood, it would kill the young game, it is illegal and we would certainly not say such ridiculous things to members of the public. We do not currently rear young game in this wood simply because of the vandalism (fences repeatedly cut, damage to signs etc).

The shooting seasons runs annually between 1 September to 31 January. All year round, our role includes the day to day management of vermin on the estate & we are often contacted by the landlords (at the tenants request) to remove rabbits, pigeons etc. that are causing crop damage.

All members of the shoot are members of BASC, BASC is clear we are not allowed to shoot within 50 yards of a public footpath.

If we are unable to shoot due to the close proximity of all these proposed footpaths then there are significant implications for the crops being grown on this important area of grade 1 arable land.

Members of the public are putting themselves in danger by walking these farm tracks and by walking in the crops/across fields when a shoot is in progress. To explain further, game is shot Monday to Saturday, vermin and wildfowl 7 days a week.

I know from the members of the shoot that the cottage known as Cross Bank Cottage is also known as Keepers Cottage & this together with the wood known as Cross Bank Covert was rented by whoever had the shoot. The keeper lived in the cottage & raised his young game in the covert. In fact there is still an old rearing pen in the wood. I am aware there has been a shoot on this land since the outer embankment was built. There has never been a footpath through the wood known as Cross Bank Covert.

In conclusion, I can confirm there are no footpaths to the embankment from the bridleway, these are farm tracks, used by tenants, the shoot and the Southport & District Wildfowlers Association (who have had permission from

the landlord & his predecessors to access the outer marsh via these tracks for over 100 years).

I confirm that the facts in this statement are true to the best of my knowledge information and belief.

P Amatino

P Amatino

Date 16-10-2013

I Alan Jones of 214 The Green, Eccleston, confirm the following as a true & correct record of events.

I have been involved in shooting all my life and I still shoot. I became a member of the Wildfowlers Association of Great Britain in 1937. This Association was founded by Stanley Duncan. I paid annually to be a member of this Association and then became a lifetime member. This organisation is now BASC.

I found out that Scarisbrick Estates were asking for payment to use the farm tracks to the marsh (members of the Southport & District Association had always used the tracks with permission, but without payment) I didn't agree with this and that is why I wouldn't join the Association. I wrote to Stanley Duncan, he advised the owners of the Estate can establish the right to charge you, and then they can charge you anything they like. The Scarisbrick Estate wanted to ensure their private land & private roads remained so. The Southport & District Wildfowler members had already begun paying and I wanted to join the Southport & District Wildfowlers, so I too began paying and became a member in the mid-1940s. The Wildfowlers had entered into a licence with the owners of the Estate for each member to pay a shilling a year to use these farm tracks.

I attach a document from 1958 and from memory I recall the earlier versions mentioned 'the use of roads to the shore'.

I have used the tracks (that continue from Georges Lane and Charnleys Lane) as a member of the Association and with permission since the mid-1940s,

I was the secretary of the Southport & District Wildfowlers Association, later the Chairman and I am now the President of the Association. The Association is the oldest association of its kind established in 1887.

I confirm that the facts in this statement are true to the best of my knowledge information and belief.


.....
Alan Jones

.....15/10/13.....
Date

NOT TRANSFERABLE.

No. **185.**

SCARISBRICK & NAYLOR-LEYLAND ESTATES.

Scarisbrick Estate Offices, 150 Lord Street, Southport.

Mr. A. W. Jones,

207, The Green, Eccleston

having paid the sum of One Shilling for the privilege has permission, subject to the Wild Birds Protection Act and Orders, to shoot **WILD FOWL** (but not game) on the Sea Marshes and foreshore **OUTSIDE** the embankment at Banks ~~and Ormsay~~ belonging to Captain Charles Ewald Scarisbrick and The Trustees of the Naylor-Leyland Settled Estate, during the period commencing 12th August, 1952 and ending 31st January, 1953 and any legally authorised extension thereof.

This permit does not grant the privilege of passing with Motor Vehicles along the **PRIVATE ROADS** on Banks Marsh as this is prohibited.

Shooting on **SUNDAYS** and the making of **FLEETING HOLES** is also prohibited.

Dated this 11th day of August 1952

T. Booth
AGENT.

IS The bearer is authorised to demand production of a current Marsh Shooting Permit from any person carrying a gun on the marshes and in the event of such permit not being produced to demand his name and address.

I Barry Ganaway Jones of Richmond Hill, Southport New Road, Mere Brow, Tarleton PR4 6JA confirm the following as a true & correct record of events.

I am the Chairman of the Southport & District Wildfowlers Association. The Association was established in 1887, it is the oldest association of its kind in the country. I have been the Chairman for almost 30 years and a member of the association for well over 30 years.

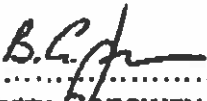
So far as I know, the Southport and District Wildfowlers Association has always had a good working relationship with the owners of the Scarisbrick Estate. The Association has had permission from the current owners of the estate (Southport Land & Property Co Ltd) and their predecessors in title for over 100 years to use the farm tracks that continue from the end of Chamleys Lane and the end of Georges Lane to access the marsh. Every year, we formally request permission, from the Landowner and when we receive permission we minute it, in the Committee minutes, which are ratified at the Annual General Meeting.

We have over 100 members who all carry their membership cards, so that if they are stopped by Natural England (who own the marsh) or Southport Land & Property who own the farm tracks, members can produce evidence of their membership on request.

We have on numerous occasions questioned people using the farm tracks, being mindful of people poaching or trespassing. We have contacted the estate owners if we have concerns. It is a matter of keeping an eye on the area, from a security point of view and ensuring those people using the tracks are legitimate users only.

All our members are aware of the rules & regulations in terms of ensuring their dogs are on a lead at all times while on these farm tracks. We see this as a vital part of continuing good working relationships with the owners of the estate. As this is all grade 1 arable land, growing some of the best vegetable, salad & brassica crops in the country. It is vital we work together.

I confirm that the facts in this statement are true to the best of my knowledge information and belief.


.....
Barry Ganaway Jones
16/10/13
.....
Date

I Keith Aldersley of 56 Guinea Hall Lane, Banks, Nr Southport confirm the following as a true & correct record of events.

I have lived in the area since I was 4 years old, I know Banks very well and I am very familiar with the 6 proposed footpath routes.

I remember the sewage works being built adjacent to the Sluice in approximately 1955 (this is shown on the plan on the proposed footpath from **Ralph Wife's Lane to Station Road**) this to my knowledge, has never been a public footpath. I do know that the fisherman have a track along the Sluice to access the watercourse for fishing. However, this does not run through to Ralph's Wife's Lane, as it ends when the Sluice turns left to go to Crossens Pumping Station.

In terms of Banks Marsh, I have been a member of the Southport and District Wildfowlers Association since 1950. For a time I was the treasurer of the Association. I recall we used to send a list to Mr Booth, the agent for Scarisbrick Estate and he used to issue permits to each member of the Southport & District Wildfowlers Association, we paid a shilling a year, to use the private farm tracks and to go over the embankment to get to the outer marsh. I remember permits being issued to the Wildfowlers in the late 1940s, early 1950s, right through to 1978/79. We never had vehicle access along these private farm tracks, we had to park (where the bridle path is now at the top of Georges Lane & the top of Charnleys Lane) and walk.

I recall the Brade family being tenant farmers on the estate and Bonds also being tenant farmers. Both of these tenants had cattle on the land either side of the **track that continues from Charnleys Lane** towards the outer embankment in the 1950s, these fields were fenced off at that time. They also used to graze the old embankments. There were fences all the way along the old embankment with gates and styles, as the only footpath was on top of the old embankment. There were no other footpaths on Banks enclosed marsh.

I recall William Bond had Goose Dub Farm and Richard Brade had Brades Farm. Eventually, by the 1970s (approximately) Bonds also farmed Brades Farm.

I recall both these estate tenants could graze their cattle on the outer marsh in the summer and bring them back over the embankment and down the tracks in winter. I understood this arrangement was in their tenancy agreement; they were restricted on the number they could graze in the summer on the outer marsh & anything over their quota they would have to pay for.

I remember David Scarisbrick in the 1970s preventing trespassers; he put a number of threatening signs up, warning trespassers.

In the early 1940s **Georges Lane (and the track that continues from Georges Lane to the embankment)** was used by the fishermen, with horses and carts, with permission from Scarisbrick Estate. I remember Dickie Doodle

a fisherman using the cobbled ramp (cobbled on both sides of the embankment) to access Crossens Pool to go shrimping. As the marsh extended seaward and the grass grew, the fishermen stopped using this access. Today the remaining shrimpers are based further down the Estuary at Birkdale.

I confirm that the facts in this statement are true to the best of my knowledge information and belief.

K. Aldersley

.....
Keith Aldersley

17th October 2013

.....
Date

I Godfrey Bernard Crook of Ribble Hall, Shore Road, Hesketh Bank, Nr Preston, Lancashire confirm the following as a true & correct record of events.

In my youth I spent a great deal of time in Banks, as my wife was brought up in the village. From the 1960's I spent time working on the Scarisbrick Estate, when my company was hired as a contractor for the River Crossen Drainage Authority. My company, G.B.Crook Ltd used to maintain the drainage ditches with excavators, we had to use the estate farm tracks to access the ditches to carry out maintenance works and as such I have known the land and tracks that is the subject of these proposed footpaths in detail since then.

Prior to us working for the Authority, all this work was done manually, with the Authority's own labour force. At the time we were the only company in the area with hydraulic machinery, which was ideal for this type of work. The chief Engineer at the time was a Mr Wolstenholme. The Authority hired us & I understood they had the permission to use the tracks (& even the fields if need be) just as the Environment Agency do now.

This work continued for approximately twenty five years during which time the Authority, became the National Rivers Authority & in later years the Environment Agency.

At the time I understood people using the tracks, were people with permission such as tenant farmers and their employees. I do not recall seeing people walking the tracks with dogs. I recall the public footpath signs at the top of Charnleys Lane was there in the 1960s (they are still there today) pointing to the west and to the east, nothing to the north.

I am a Director and Shareholder (together with my wife) in Southport Land & Property Company Ltd, our company purchased the Scarisbrick Estate in 1990.

One of the considerations a prospective purchaser has when contemplating the purchase of a farming estate are any rights to third parties that are attached to that estate. Third parties may, for example, have reserved hunting rights, pasture rights, mining rights, etc. and of particular importance would be the existence of any rights of way over the land. Rights of way are extremely important from a farm management point of view and had I been advised, for example, that public rights of way existed (the only exception being public footpaths 47, 48 & 49) over the land, this would have caused me to re-appraise my approach. It is for this reason our solicitors and land agents were instructed to investigate matters as I have referred to above.

After purchasing the estate, we constructed a new farm track from Cross Bank Cottage to Charnley's Lane. We planned to let the land out to local intensive growers, for example Huntapac. Therefore the land needed to be accessible in winter and summer. We also constructed a new farm track from FP47 part way to FP40 North Meols, for approximately two thirds of the fields, from this point to FP40 there is no track, it is a field to this day. There is no footpath from FP47 to FP40 and to my knowledge there never has been.

The application for a bridleway in 1995 (the order made 1997) resulted in an increased use of this right of way, not just by horses and pedestrians but by motor cycles and motor vehicles. We became concerned that similar applications may be attempted on the remaining estate. We took appropriate advice and registered Statutory Declarations in 1998 with LCC to confirm there are no other footpaths or bridleways on the estate. We have repeated this in 2004 & 2012, all have been acknowledged by Lancashire County Council.

The footpath was originally on the old embankment, the Inspector for the public enquiry in 2001 moved the footpath off the embankment (because horses could not ride on the old embankment) to the tracks below and we objected to this at the inquiry, however, our objections were not taken into account.

I can confirm that since we purchased the Estate in 1990, if I have seen people walking on the farm tracks or across the fields, I have challenged them & explained they are trespassing and asked them to leave. Up until two to three years ago it was a rarity to see anyone walking on these farm tracks and on the land.

It is in recent years that there has been a significant increase in traffic by third parties, resulting in us installing gates at the top of Charnleys Lane and Georges Lane, in an attempt to keep unauthorised vehicles off the bridleway and off the estate.

During our ownership of the land we have enjoyed reasonably good relationships with the local community and have had no significant problems with trespass or vandalism. Unfortunately, there has been a significant increase in vandalism over the past couple of years resulting in cut/glued locks, cut fencing (allowing grazing sheep to escape), damage to signs and theft. By way of illustration there is a water reservoir approximately 20 yards from the Bridleway, which is fenced off with warning signs denoting 'Danger Deep Water'. The fence has been cut on numerous occasions resulting in children swimming in the lake and we have even noted children being dropped off in cars for this purpose! We have notified the Police, the Parish Council and a County Councillor on several occasions. The reservoir has extremely steep sides, is extremely deep and the water is cold and we continually worry of the danger children are placing themselves in.

I do feel that the intensification of vandalism is a reflection of the recent determination by persons to try and establish rights of way.

I was extremely disappointed that no official approach was made by the Parish Council to discuss these matters before we were formally notified of the 6 proposed footpaths. Had such an approach been made it may have been possible to come to some agreement that would have been to everyone's benefit.

I confirm that the facts in this statement are true to the best of my knowledge information and belief. I confirm that I have read the submissions prepared on the company's behalf and I confirm to the best of my knowledge and belief they are accurate.


.....
Godfrey Bernard Crook

.....17.10.13.....
Date

I Andrew Duckworth of Whin House, Sabden, Clitheroe, Lancashire confirm the following as a true & correct record of events.

I am a qualified chartered surveyor. During the late 1980s and 1990s I worked for our family firm, Smith Hodgkinson McGinty, Land Agents, Auctioneers and Valuers.

Smith Hodgkinson McGinty were the land agents for Clarges Street Investments Ltd. when they purchased the estate in 1989. When Mr & Mrs G B Crook purchased the estate in 1990 we were also retained as the land agents, until the late 1990s.

I can confirm we wrote a report for Clarges Street Investments Ltd in June 1989 and if had there been any evidence these farm tracks had been used as footpaths or that there was a footpath through the wood known as Cross Bank Covert during our inspection, we would have highlighted the same in our report. In my view the existence of footpaths would have been a material consideration affecting the viability and management of the estate. Both our company and Clarges Street Investments were fully aware of the existing footpath (now bridleway) as this was clearly marked by the original signage, some of which remains to this day.

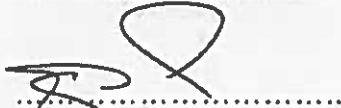
As managing agents, I recall clearly the track that continues from Georges Lane, the track that continues from Charnleys Lane and that which runs parallel to the continuation of Charnleys. All these three tracks were farm tracks for the benefit of farming tenants working on the estate, to access the fields and were not as far as I was aware footpaths. I do not recall seeing members of the public walking on these tracks, I only recall them being used by tenant farmers and their employees. I do however, recall the Wildfowlers using the farm tracks to gain access to the marsh; however, this was with the permission of the landowner.

I also recall the gamekeeper having release pens in the wood, known as Cross Bank Covert. There was no footpath through the wood and in my experience no keeper would let people walk near release pens.

The tracks were always kept 'in hand' by the owners of the estate (and were clearly marked as such on the sales plans prepared by the agents acting on behalf of the Vendor), so all tenants on the estate could use these tracks to get to the fields. I recall sometimes tenants would swap fields on the estate to accommodate break crops. This was one of the reasons why the landlords didn't include the farm tracks in individual tenancy agreements.

When Mr & Mrs Crook purchased the estate they were both very 'hands on' owners and made us aware of any issues that arose on the estate. If trespassers were on the land Mr Crook would certainly have noticed and would have contacted us as agents and I would have taken the matter up with the relevant tenant/s.

I confirm that the facts in this statement are true to the best of my knowledge information and belief.


.....
Andrew Duckworth

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Date 28/11/13