

SURVEY OF PUBLIC RIGHTS OF WAY

Hearing at West Lancashire Rural District Council Offices
on 22nd. July, 1955.

The hearing was taken by County Councillor E. Wood with the assistance of Mr. Powell from the office of the Clerk of the County Council.

Banks R.D.C. was represented by Councillor Sharrock with Mr. R. P. Halsall as witness.

West Lancs. R.D.C. were represented by Mr. T. G. Parker the Administrative Assistant.

The Scarisbrick Estate was represented by Mr. Kenneth Peck, Solicitor, with Mr. E. J. Booth as witness.

Also present was Mr. H. K. Hinds the District Surveyor to the County Council. Scarisbrick Parish Council was not represented.

The Ramblers Association was not represented.

Councillor Wood suggested that the proceedings should be of an informal nature and agreed that Mr. Peck should present the facts as he understood them with regard to each particular path and that Mr. Booth should merely be asked to confirm same. Mr. Sharrock would then ask any questions on behalf of the Parish Council and Mr. Parker on behalf of the West Lancs. R.D.C. Mr. Sharrock could then make a statement on behalf of the Parish Council with evidence from Mr. Halsall and the other parties ~~and~~ then ask any questions. He (Councillor Wood) was not called upon to make any decisions but only to obtain all available information which would be reported to the County Council. He would also make an inspection of the paths in question in due course.

Footpath No.

2. Banks Road to Water Lane.
Particulars regarding the ownership since 1860 were given in accordance with our schedule as previously prepared; a description of the path as at present existing and as shown or otherwise on the 1839 Tithes Plan, 1843 Ordnance Map and 1892 Ordnance Map, was given in accordance with the schedule we had previously prepared. Mr. Peck pointed out that only a portion of the path appeared to be in Estate ownership and the remainder over land owned by the River Board and through the Pumping Station yard owned by the Drainage Board. Mr. Parker had no record of the Drainage Board or River Board having made an objection but would investigate this point when he returned to Preston. Mr. Sharrock and Mr. Halsall maintained that the pathway should be retained on the map as a public footpath.
3. New Lane to Beck Drain.
Particulars regarding ownership, description and evidence from the 1839, 1843 and 1892 maps were given by Mr. Peck and (these remarks apply to every succeeding path) Mr. Sharrock and Mr. Halsall agreed that this path should be deleted from the Map. Mr. Powell mentioned that it was claimed that an omission had been made i.e. a way over the Beck Drain and the Sluice and that this omission was to be amended at a later date. Mr. Peck pointed out as a matter of interest, that whilst there was a plank over the Beck Drain fixed originally in all probability by the shooting tenant, there was no bridge or plank or any other means of crossing the Sluice.
4. New Lane to Fine Lane.
Mr. Sharrock agreed that this path should be deleted from the map.
6. Ralphs Wifes Lane to Green Heys Lane
Mr. Powell said that there was an alleged omission of a pathway from Green Heys to Charnleys Lane and this was to be amended. Mr. Sharrock having been assured that the occupation road to the house and buildings known as Green Heys would be maintained for the use of the occupier and of adjoining farmers, he agreed this footpath should be deleted from the plan.

Footpath No.

8.

Fiddlers Ferry to Beck Lane Bridge

Mr. Powell said there was alleged omission of a footpath from Ralphs Wifes Lane to the north end of path number 8 and it was proposed that this should be amended. Written evidence was submitted from Mr. J. F. Elsdon that he had used this path for the last twenty years. It was agreed that the pathway as claimed was on land in the ownership of the River Board and consequently we withdrew our objection.

11.

From New Lane.

Mr. Powell reported that there was an alleged omission at the south westerly end (Mr. Powell's map showed that they claimed as a County road the first length of what we called Dollys Lane and that the second length i.e. running in a direct northerly direction, was a public footpath which had been omitted inadvertently from their plan). Mr. Sharrock said that he had endeavoured to walk this footpath but that it was so rough that he had been unable to get through. He felt, therefore, that it presumably could not have been used and he agreed that the footpath should be deleted from the map.

14.

Ring Ditch Cottages to No. 15.

Before dealing with this particular road-way Mr. Peck explained the position generally regarding the estate roads on Martin Mere. A notice board had been in existence at the commencement of this length of road since 1938. Mr. Sharrock maintained that this should be retained on the map as a public footpath.

15.

From No. 14 to No. 16.
Exactly as number 14.

16.

From No. 15, to Sluice.

Exactly as number 15. Mr. Peck pointed out that as shown on the map this footpath terminated at Boundary Drain which was a River Board watercourse. Mr. Powell pointed out that there was an alleged omission from number 16 as far as Long Mearygate.

17.

Mere Lane to Boundary Farm.

Mr. Powell said that there was an alleged omission from the north end of number 17 through Boundary Farm to the Old main road. Mr. Peck pointed out that the pathway as shown followed exactly the course of a Drainage Board watercourse known as Ring Ditch. Mr. Sharrock said that the path as claimed was on the south side of the ditch and Mr. Booth pointed out that there was no evidence of the existence of any such footpath, that Mr. Woodcock who had lived there for many years had no knowledge of its existence and that the length nearest the road consisted of a private garden with a solid hedge along the roadside and trees of 2 feet in diameter growing on the watercourse bank. Mr. Sharrock agreed that this footpath should be deleted from the map.

18.

Commons Lane to Boundary Drain

Mr. Sharrock agreed that this should be deleted from the map.

(19.
60.

Commons Lane to Sluice Farm.

Sluice Farm to Long Mearygate.

Mr. Powell said there was an alleged omission of the bridge between these two lengths of footpath. Mr. Halsall said he had used this footpath for a very long number of years and he used to visit the tenant Mr. Ellis Tomlinson; there were always stiles alongside the gates which were across the road. Mr. Booth suggested that in view of the fact that he was a friend of Mr. Tomlinson he would no doubt be allowed to use this particular track without any objection. Mr. Halsall said that the footpath formed part of a very convenient walk from Banks to Southport. Mr. Sharrock maintained that the path should be retained on the map.

33.

Winacre Cottages to No. 60.

Mr. Peck pointed out that this was one of the Martin Mere Estate private roads which at its commencement carried not only a locked gate but also a notice board. Mr. Sharrock wished this to be retained on the map.

Footpath No.

34 to 40
inclusive

Shore Road to Ralphs Wifes Lane (along sea embankment)

Mr. Peck pointed out that according to the map the footpath was along the cess of the sea embankment. If it was actually claimed to be in this position then his clients were interested; if on the other hand it was claimed to be on the top of the sea embankment this was the property of the River Crossens Drainage Board who had lodged an objection. Councillor Wood enquired from Mr. Sharrock and Mr. Halsall as to where the footpath was and they said that it was quite definitely along the top of the bank. In view of this statement we withdrew our objection.

42 to 46

Various roads leading to River Embankment.

Mr. Peck pointed out that each of these had carried a notice board since 1936. We agreed with Mr. Halsall that there was a paved track at Georges Pooe constructed by the Estate for the use of fishermen but that it was now dis-used. Mr. Sharrock wished these footpaths to be retained on the plan as they enabled the inhabitants of Banks to walk onto the sea embankment.

47 to 49
inclusive

Fiddlers Ferry to New Lane Pooe.

Mr. Halsall said that he had used this path for a long number of years. Mr. Peck whilst mentioning the various gates said that there were no notice boards and that the path was now used very little. Mr. Halsall contended that it was very convenient for the inhabitants of Charnleys Lane to get to Southport instead of going through Banks. Mr. Booth suggested that apart from Goose Dub Farm and Brades Farm which were on the Estate, there were very few other houses in Charnleys Lane and that probably all these would find it shorter to go through Banks if they wished to go to Southport. Mr. Sharrock wished these footpaths to be retained.

59

Winacre Cottages to Wyke Wood Lane.

As number 33. Mr. Sharrock agreed that the footpath should be deleted in view of the fact that it lead into a footpath in Scarisbrick and the Scarisbrick Parish Council had not appeared to support the retention of their length on the map.

61.

Junction of No. 60 to Parish Boundary.

As number 33.

62.

Brook Farm Bridge to Parish Boundary.

Mr. Peck pointed out that the map showed this to be on the bank of Sandy Brook and if such were the case it was a matter for the River Board who had lodged an objection. Mr. Halsall was not certain where the path was intended to be. Mr. Booth said he had recently inspected and the only signs of any footpath were on a clearly defined portion of the bank. A letter was read from the Ramblers Association supporting the retention of this public footpath which they claimed had been used for very many years. (This was the only footpath regarding which the Ramblers Association made any representation). On the understanding that the footpath was on land belonging to the River Board we withdrew our objection.

1, 32 & 33
in
Scarisbrick

No one appeared on behalf of the Scarisbrick Parish Council. Councillor Wood pointed out that footpath number 1 in Scarisbrick was a continuation of 62 in North Meols and that whatever decision was reached regarding one part would also apply to the remainder. Numbers 32 and 33 were Martin Mere roads and would be dealt with in the same way as their continuations in the Parish of North Meols.

NATIONAL PARKS & ACCESS TO THE COUNTRYSIDE ACT, 1949

SURVEY OF PUBLIC RIGHTS OF WAY

Further hearing at West Lancashire Rural District Council Offices
on 18th August, 1955.

The hearing was taken by County Councillor E. Wood with the assistance of Mr. Powell from the office of the Clerk of the County Council.

Banks Parish Council was not represented.
West Lancs R.D.C. was represented by Mr. T. G. Parker and Mr. Burgess was also present.
Scarisbrick Parish Council was not represented.
The Ramblers Association was not represented.
Mr. Holmes the Clerk, represented the Lancashire River Board.
The River Crossens Drainage Board was represented by the Clerk Mr. K. Peck together with Mr. G. Brown as witness.
The Scarisbrick Estate was represented by Mr. K. Peck with Mr. E. J. Booth as witness.
Also present was Mr. H. K. Hinds the District Surveyor to the County Council.

Footpath No.

2

Banks Road to Water Lane

Mr. Peck produced the Scarisbrick Estate drainage plan B which showed that all the land which could possibly be effected by this footpath was in the ownership of either the River Board or Drainage Board and not of the Trustees of the Scarisbrick Estate.

62

Brook Farm Bridge to Parish Boundary.

Plan B showed that only the water course had been originally vested in the Scarisbrick Estate Drainage Commissioners and consequently the bank which carried the footpath was still in the ^{ownership} of the estate. As this land had been in Trust from 1860 to 1954 there had been no one capable of making a dedication of the path for public use. It was regretted that at the previous hearing it had been stated that it was understood that the path was on land belonging to the River Board and that on this understanding the Estate had withdrawn its objection.

An objection number 450 made by the Ramblers Association was then dealt with; this contended that various portions of paths had been omitted from the County Council plan. As the Ramblers Association were not represented Councillor Wood held that all their objections must fall in the absence of support. The reputed paths in which the Estate were interested were as follows:-

From Green Heys i.e. path number 6, to Charnleys Lane at Drades Farm, Common Lane adjoining Six Fields Covert between paths 16 North Meols, and 33 Scarisbrick.

Continuation of path number 11 i.e. Dollys Lane to join up with the public highway portion of Dollys Lane.

Path from Ralphs Wifes Lane to Sluice Bank i.e. footpath number 8.