



Megan Brindle
County Secretary and Solicitor's Group
PO Box 78
County Hall
Preston
PR1 8XJ

Dear Ms Brindle,

Re: letter ref: LSG4/MB3/5.51869/MB3

Application to add a public footpath from Omerod Street to Gamble Road, Thornton Cleverleys, Wyre

Thank you for your recent letter dated 22nd September 2014, which was received 26th September 2014.

Please find appended the map coloured to identify the extent of our land holding.

We would strongly resist any decision of the County Council to make a Definitive Map Modification Order in this instance and, were the County Council minded to do so, we would submit representations, supported by witness evidence, that demonstrates that there has at no time been a public footpath along the route shown on the plan that accompanied your letter.

NPL Estates purchased the land on 8th June 2001. At that time we erected fences and signage to stop people entering the southern boundary of the property. The erection of such fences and signage alone demonstrates that there has not been any intention whatsoever to dedicate any route as a public footpath.

To the north of the property there are 3 existing football pitches which the purported path dissects. The presence of the pitches is clearly an interruption to any claimed path rights.

We have included photographs of the property taken in 2008 and several more photographs taken recently, these photographs demonstrate that there is no footpath on the property.

We can confirm as land owners, which can be supported by witness statements from our staff, employed to manage the site both on our behalf and on behalf of the previous owner (ICI), over the last 40 years, that there is no public footpath thorough the site. We will dispute any evidence that is presented that states that the public has used the way without interruption for 20 years.

NPL Estates, Liverpool, Business Centre, Unit A4, 25 Goodlass Road, Liverpool, L24 9HJ, Tel: (0)151 448-7345



In addition, prior to our acquisition of the site in 2001, the land was used for active farming purposes and thus was not open to public access or use.

In light of the above, we believe that the County Council cannot properly come to the view that it has sufficient evidence before it that a right of way has been shown to exist and, on this basis, it cannot possibly make a Definitive Map Modification Order in these circumstances.

Planning permission for the property has been approved by Wyre Borough Council on 4th June 2014. The planning permission approval is to provide a community sports complex and training ground.

The design of the facility has incorporated a new pedestrian footpath from north to south from Wembley Road (adjacent and parallel to Gamble Road) to Ormond Road, which provides a similar route and route length to that proposed. The facility is predominantly for public use and recreation.

Please find below photographs of the land and also details of the footpath to be constructed through the site.

Yours Sincerely

Mark O'Brien

Director

September 2008



**NPL Estates, Liverpool, Business Centre, Unit A4, 25 Goodlass Road, Liverpool, L24 9HJ, Tel:
(0)151 448-7345**

September 2008



**NPL Estates, Liverpool, Business Centre, Unit A4, 25 Goodlass Road, Liverpool, L24 9HJ, Tel:
(0)151 448-7345**

September 2014



NPL Estates, Liverpool, Business Centre, Unit A4, 25 Goodlass Road, Liverpool, L24 9HJ, Tel: (0)151 448-7345

September 2014



NPL Estates, Liverpool, Business Centre, Unit A4, 25 Goodlass Road, Liverpool, L24 9HJ, Tel:
(0)151 448-7345

Recent photographs of site



01 Looking over the site from Wembley Road



04 Instance where site is used for fly tipping



02 Existing hedgerows within the site



Pedestrian Route Through site



NPL Estates, Liverpool, Business Centre, Unit A4, 25 Goodlass Road, Liverpool, L24 9HJ, Tel: (0)151 448-7345

Recorded Delivery
NPL ESTATES LIMITED
100 Barbirolli Square,
Manchester,
M2 3AB

Date Received	26 SEP 2014
Action	MMF
Copy for info	MOB
Project No.	

Phone: 01772 535604
Email: megan.brindle@lancashire.gov.uk

Your ref:
Our ref: LSG4/MB3/5.51869/MB3
Date: 22 September 2014

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

Dear Sirs

WILDLIFE AND COUNTRYSIDE ACT 1981
APPLICATION TO ADD A PUBLIC FOOTPATH FROM ORMEROD STREET TO
GAMBLE ROAD, THORNTON CLEVELEYS, WYRE BOROUGH

The County Council, as Surveying Authority, have received a Claim for a Definitive Map Modification Order. The details of the Claim are as follows and the route referred to is shown as a bold dashed line on the attached plan:-

Claimed public footpath from Ormerod Street to Gamble Road, Thornton Cleveleys, Wyre Borough

In accordance with paragraph 3 of Schedule 14 of the Wildlife and Countryside Act, 1981, the County Council are required to fully investigate the Claim and, after consulting with every local authority in whose area the Claim relates, to decide whether or not to make the Order applied for. The County Council are required to give Notice of their decision to every owner and occupier of any land to which the application relates.

In this connection, also enclosed with this letter is a further map of the area. I would be most obliged if you could colour in the exact extent of the land in your ownership in the vicinity of the claimed route, and return the map to me at the above address.

As I am required to contact all owners and tenants who may be affected by this application, any additional help that you can give me regarding the names and addresses of neighbouring landowners or tenants would be appreciated.

If the Council decide to make a Definitive Map Modification Order, Notice will be served on owners and occupiers, who may, at that stage, make representations or objections to it. In such case, the Order will be submitted to the Secretary of State, who will cause a local inquiry or hearing to be held, before deciding whether or not to confirm the Order.

If, in the meantime, you have any observations, comments or objections on the application submitted to the County Council, and particularly if you have any evidence in support of, or contrary to the application, would you please let me know, if possible, within 28 days of the date of this letter. Information from you at this early stage is



sought, but of course it is open to you to submit any further information or evidence until the matter goes before the County Council's Regulatory Committee.

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential and may be disclosed to third parties.

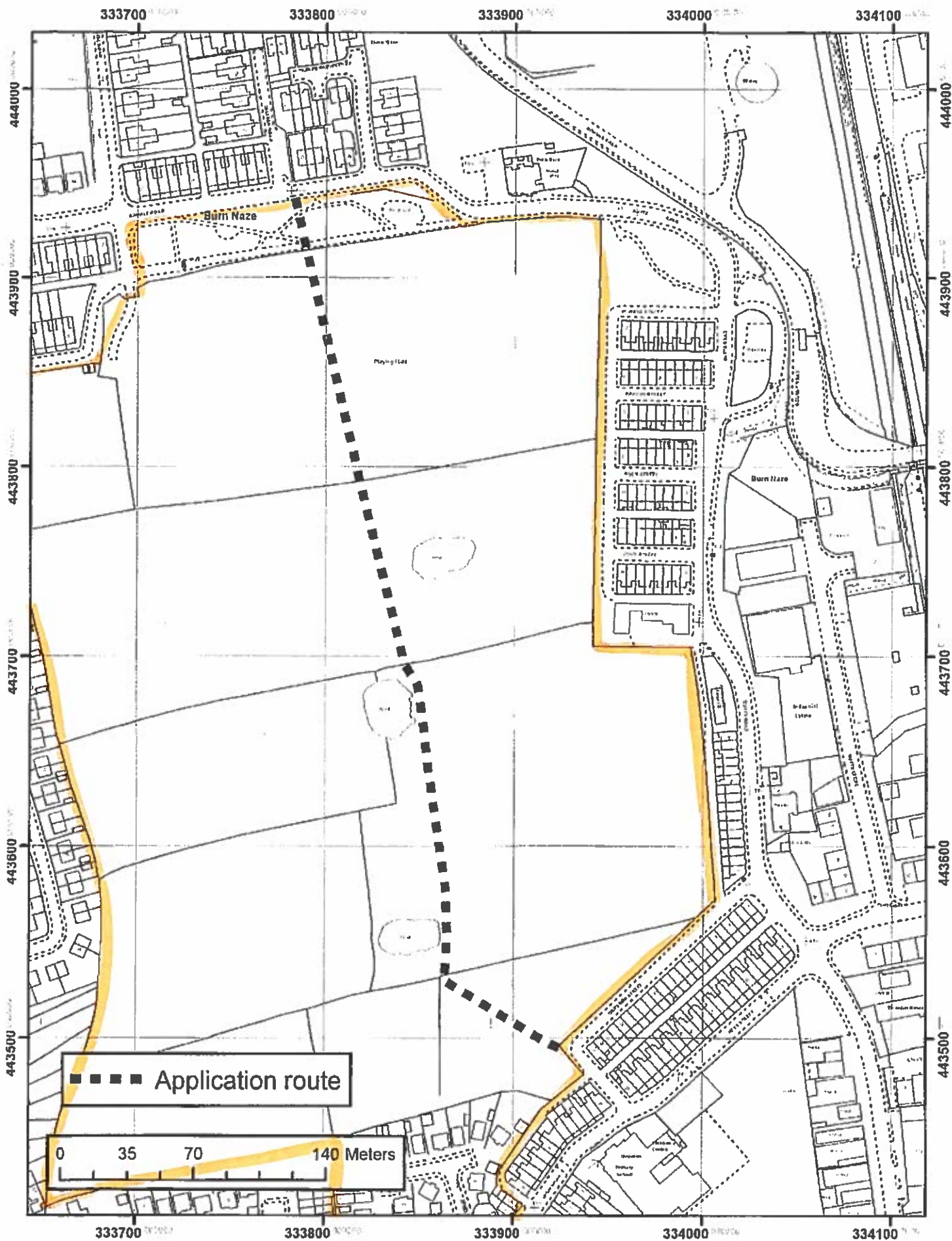
Relevant evidence would include photographs, old maps, statements that the route has been used or, alternatively, the location of private signs, locked gates, or instances where persons have been turned off the route, or given permission to use the route.

Yours faithfully



Megan Brindle
Paralegal

Please quote our full reference number on all correspondence



NPL ESTATES LIMITED
100 Barbirolli Square,
Manchester,
M2 3AB

Phone: 01772 535604
Email: megan.brindle@lancashire.gov.uk

Your ref:
Our ref: LSG4/MB3/5.51869/MB3
Date: 03 November 2014

Dear Sirs

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

**RE: WILDLIFE AND COUNTRYSIDE ACT 1981
APPLICATION TO ADD A PUBLIC FOOTPATH FROM ORMEROD STREET
TO GAMBLE ROAD, THORNTON CLEVELEYS, WYRE BOROUGH**

Thank you for your response to the consultation period for the above named application.

The comments you have made will be included in the report that is to be presented to the Council's Regulatory Committee in due course.

However I note that from your letter you mention that the company would submit witness statements should an Order be made. Please can you consider submitting these statements prior to the County Council considering the matter at Committee so that all the evidence can be assessed by the County Council in deciding whether or not an Order should be made.

I look forward to hearing from you.

Yours faithfully



Megan Brindle
Paralegal

Please quote our full reference number on all correspondence



Megan Brindle
County Secretary and Solicitor's Group
PO Box 78
County Hall
Preston
PR1 8XJ

Letter ref: LSG4/MB3/5.51869/MB3

Dear Ms Brindle,

Re: **WILDLIFE AND COUNTRYSIDE ACT 1981**
APPLICATION TO ADD A PUBLIC FOOTPATH FROM ORMEROD STREET TO GAMBLE ROAD,
THORNTON CLEVELEYS, WYRE BOROUGH

Thank you for your recent letter dated 3rd November 2014, which was received 11th November 2014.

As requested please find appended two witness statements, from our staff. The said employees have been at the Hillhouse International Business Park, since 1970 and 2001 and have never recalled there being a designated footpath on Poolfoot Farm. There is obvious signage in the area stating 'PRIVATE PROPERTY KEEP OUT' and thus access gained by any persons is illegal. The signage has also been witnessed by the Wyre Borough Council Chairman on the 3rd September 2014, prior to the approval of the planning application for the sports complex.

If you require any further information, please do not hesitate to contact me.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Mark O'Brien', with a long horizontal stroke extending to the right.

Mark O'Brien
Director

NPL Estates, Liverpool, Business Centre, Unit A4, 25 Goodlass Road, Liverpool, L24 9HJ, Tel:
(0)151 448-7345

Megan Brindle
County Secretary and Solicitor's Group
PO Box 78
County Hall
Preston
PR1 8XJ

Your Ref: LSG4/MB3/5.51869/MB3

Date: 12th November 2014

Re: Wildlife and Countryside Act 1981
Application to add a public footpath from Ormerod Street to Gamble Road, Thornton
Cleveleys, Wyre Borough

Witness Statement from Peter Naylor 142 West Drive Thornton Cleveleys, FY5 2EG

I have been a resident in the Thornton area since 1970 to present date and employed on the former ICI owned Hillhouse Site throughout the same time period.

As a goalkeeper for the ICI football club in the 1970's, I regularly trained and played on the football pitches opposite the Burn Naze public house.

Whenever the ball was kicked into the fields behind the southerly goal, I had to climb over a continuous barbed wire fence to retrieve the ball from a field full of grazing cattle.

There was certainly no sign of a footpath or gaps in the fence to ever indicate a public right of way of any description.

This situation hadn't changed up to the late 1990's, when I was then refereeing and coaching on the same pitches.

During the last 10 years, my involvement as an NPL employee included investigating fly tipping/vandalism on NPL owned land adjacent the Ormerod Street area.

There is no dedicated footpath from this end: continuous fences have been damaged to gain illegal access for riding trails bikes on the land, causing nuisance to the local residents and for fly-tipping rubbish mainly in the ponded areas.

I confirm this is a true statement:

Peter Kenneth Naylor



Witness Statement
Ref: LSG4/MB3/5.51869/MB3

Re: Wildlife and Countryside Act 1981.
Application to add a Public Footpath from Ormerod Street to Gamble Road, Thornton
Cleveleys, Wyre Borough.

Dated: 13th November, 2014.

To:
Megan Brindle
County Secretary and Solicitor's Group
PO Box 78
County Hall
Preston
PR1 8XJ.


I have been an employee of NPL Estates since 2001 based at Hillhouse Business Park where one of my duties is to look after NPL's landholding in the area.

This area of Thornton, known as Pool Foot Farm, was a working farm until around 2004, all be it latterly the principal business was stabling horses for local people who would use the land for horseriding.

The area has been visited weekly either by myself or one of the services team when signage 'Private Property Keep Off' and fence lines would be checked along with the internal fields area for illegal fly-tipping. I would add that Wyre Borough Council Planning Committee visited the area on the morning of 3rd September 2014 prior to the Approval of the Planning Application for the sports complex, when the Chairman of the Committee noted the presence of the 'Private Property Keep Off' signs.

In conclusion, this area, in my time, has never had public access and never has had a footpath crossing the fields.

Signed:



Scott Carswell
11 Warwick Avenue
Thornton Cleveleys
Lancs
FY5 2PZ.