

THE LANCASHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

**THE LANCASHIRE COUNTY COUNCIL
FROM BESCAR BROW TO PUBLIC FOOTPATH 14A, SCARISBRICK
(DEFINITIVE MAP MODIFICATION) ORDER 2018**

**WITNESS STATEMENT OF
MR ANDREW K WILLIAMS**

1. My name is Mr Andrew K Williams. I live at 28 Holborn Hill, Ormskirk, Lancashire L39 3LH but previously lived at 78 Jacksmere Lane, Scarisbrick, Ormskirk, Lancashire L40 9RS. I was born in 1949 and am retired.
2. I contacted Lancashire County Council in May 2017 to query the route that I was still walking at that time from Bescar Brow Lane along Sandy Brook and was not aware that an application had been made to record the route as a public footpath or that an Order had subsequently been made.
3. An officer from the County Council explained that the Order had been objected to and that it would be submitted to the Planning Inspectorate for determination in due course.
4. Having been a frequent user of the route, and not having submitted evidence of that use when the application was originally made in 2013, I completed a user evidence form provided to me by the County Council.
5. This Statement provides details of my use and knowledge of the Order route.
6. I have known and used the route shown on the Order Map and marked A-B-C-D from 1986 and I was still using it when I submitted my user evidence form in 2017.
7. I used the route on foot for the pleasure as part of a circular route walking from my house on Jacksmere Lane. I have used the way throughout that period regularly every few months as a circular route and have seen others using it over the same period.
8. The way always ran over the same route; it is over 9' wide, having a grass bank alongside Sandy Brook.

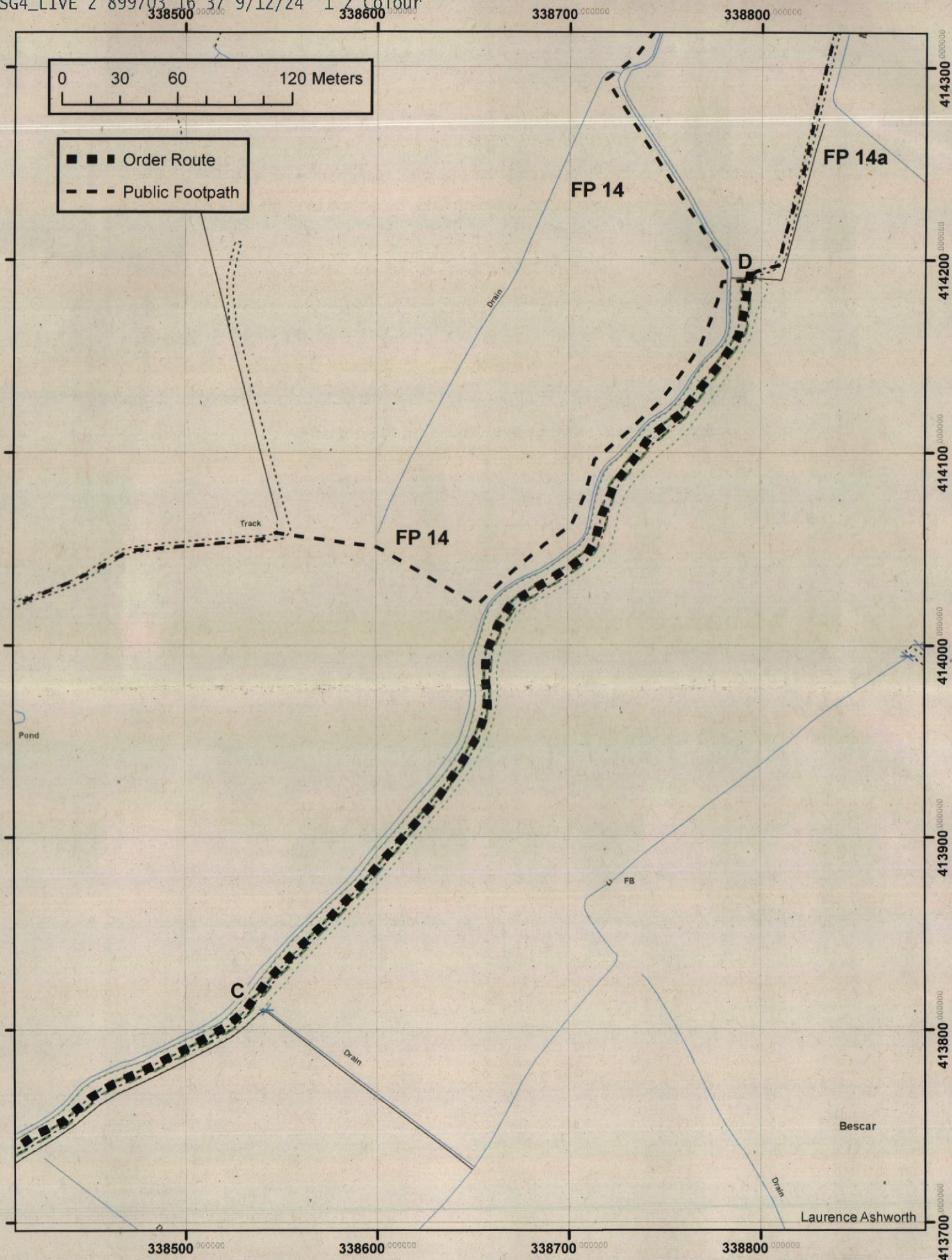
9. To my knowledge, there have been no stiles along the route although there was an unlocked gate at point C. In more recent years it was necessary to use a gate into the field off Bescar Brow Lane close to Point A as the bridge over the brook is fenced.
10. I have never been stopped or turned back when using this way on foot and was not aware of anyone else being turned back or prevented from using it.
11. I have never been told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not a public right of way on foot and I never worked for any landowner over which the route passes.
12. I have never seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted' on or near the way.
13. I have never asked permission to use the way.
14. I consider the route to be an integral part of the Scarisbrick Parish path network and because it runs along a raised fenced bank it does not disturb agriculture operations in neighbouring fields.

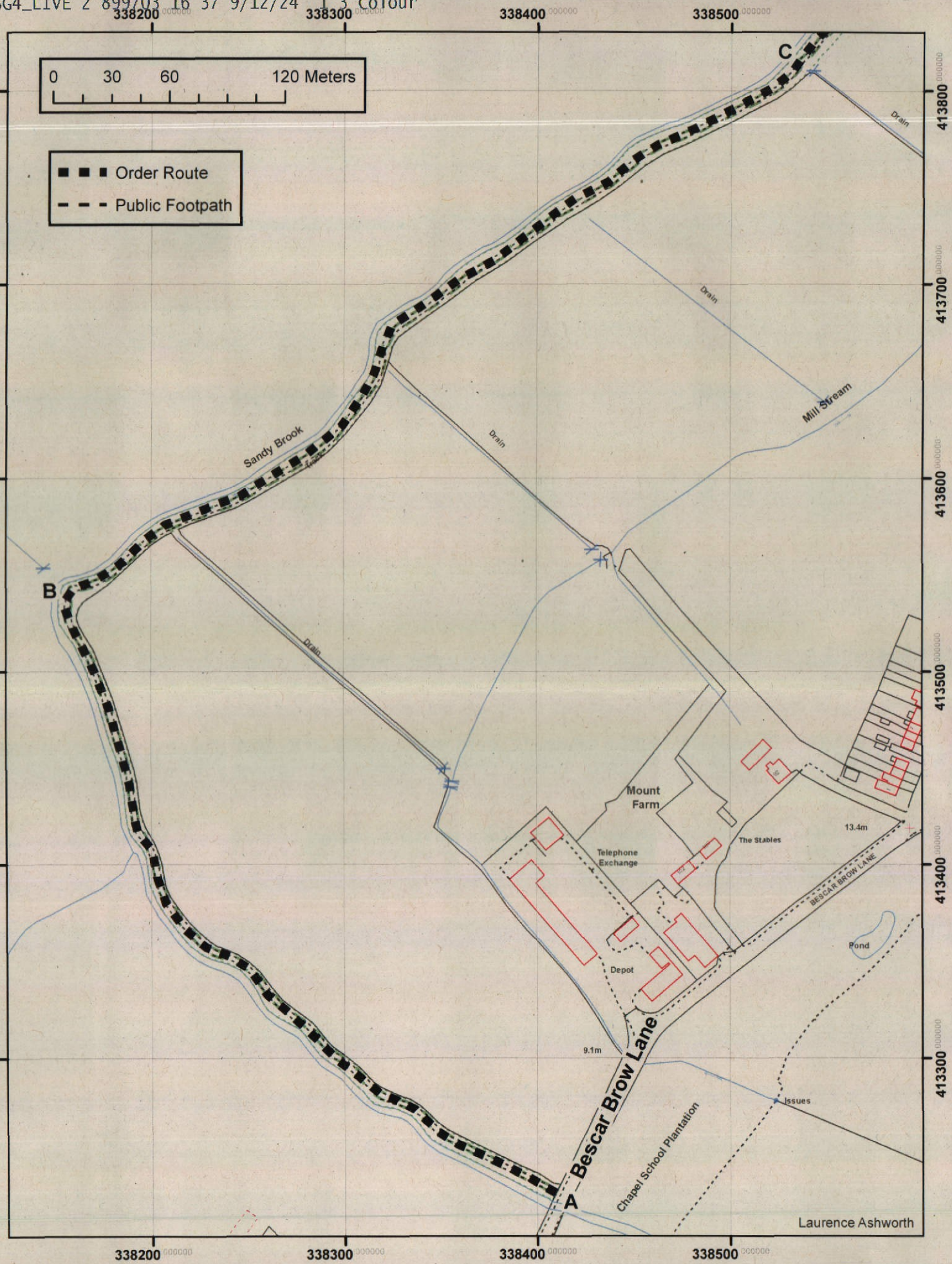
STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed: 

Date: 2.12.2024





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**WITNESS STATEMENT OF
MR JOHN RIDOUT**

1. My name is John Ridout and I live at 11 Everard Close, Scarisbrick, Ormskirk, L40 9QT. I was born in 1943 and am retired. My wife, Mrs Joan Ridout is the joint applicant for the Order route to be added to the Definitive Map as a public footpath.
2. I completed a user evidence form in 2012 detailing my use of a route from Bescar Brow Lane along Sandy Brook to connect to a network of public footpaths in Scarisbrick. The route that my user evidence for referred to is shown on the 2018 Order Map between points A-B-C-D.
3. This Witness Statement provides further details of my use and personal knowledge of that route.
4. When I completed my user evidence form in 2012 I had only known and used the route for one year having only recently moved to the area.
5. My wife and I had been told by local people that the Order route was a nice walk and so we started to use it in November 2011. We had a dog and would walk the route almost daily as part of a walk from Woodmoss Lane to Bescar Brow Lane.
6. The way always ran over the same route.
7. A gate was erected across the route but was not locked.

8. I would see other people walking or jogging along the route when I used it.
9. I never worked for any landowner over which the route passes, nor have I ever been a tenant of any land over which the route passes.
10. In 2012 I was stopped on two separate occasions when using the route and was told by the person who rented an adjoining field that it was not a public footpath and that I should not be there. I thought the fence was the boundary of the land that he rented and the track that I was walking was separate and not rented by him.
11. As a result of the challenges we inquired through the Parish Council and County Council whether the route that we had been walking was recorded as a public footpath. When we were told that it was not My wife and Mrs Patricia Mott gathered user evidence and applied to the County Council to record the route as a public footpath so that people could continue to use it.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

N.B. Signed: Mrs Joan S. Ridat

Date: 31st October 2024

Please note that in 2015 my husband Mr John Ridat died and Mrs P. Mott went into a care home. She may also be deceased. After we made this application, the Bescan Brow end of the footpath was completely blocked off by shuttering. It is now overgrown and impossible to enter. I shall investigate the path from the other end but have not walked along it for some time, not wishing to upset our application. I still wish this to go through. P.S. The path is now overgrown. The very long time you have taken does not help this application.

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WITNESS STATEMENT OF

L NOLAN

1. My name is L Nolan and I live at 5 Bescar Lane, Scarisbrick, Ormskirk L40 9QN. I was born in 1946 and was a shop assistant by occupation.
2. I completed a user evidence form in 2012 detailing my use of a route from Bescar Brow Lane along sandy Brook to connect to a network of public footpaths in Scarisbrick. The route that my user evidence for referred to is shown on the 2018 Order Map between points A-B-C-D.
3. This Witness Statement provides further details of my use and personal knowledge of that route.
4. I have known the route all my life and have used it on foot since 1960 approximately once a week, mainly for the purpose of dog walking. I have seen others using it over the same period including people on horseback.
5. The way always ran over the same route.
6. To my knowledge, I do not recall any stiles or gates across the route that prevented or restricted access.
7. I never worked for any landowner over which the route passes, nor have I ever been a tenant of any land over which the route passes.

8. I have never been stopped or turned back when using the route on foot but I am aware of a recent (2012) incident where a man was apparently assaulted by a landowner while walking his dog.
9. I have never been told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not a public right of way on foot.
10. I have never seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted' on or near the way.
11. I have never asked permission to use the way.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed: L. Nolan

Date: 28.9.2024
2024

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**WITNESS STATEMENT OF
MRS MARGARET ROSE KERRUISH**

1. My name is Mrs Margaret Kerruish and I live at 2 Everard Close, Scarisbrick, L40 9QJ. I was born in 1935 and am retired.
2. I completed a user evidence form in 2012 detailing my use of a route from Bescar Brow Lane along Sandy Brook to connect to a network of public footpaths in Scarisbrick. The route that my user evidence form referred to is shown on the 2018 Order Map between points A-B-C-D.
3. This Witness Statement provides further details of my use and personal knowledge of that route.
4. When I completed the user evidence form in 2012 I had already known the route for over 60 years. During my lifetime I have used the way on foot and I played there for many years as a child. I have seen others walking the route for 50 to 60 years.
5. The way always ran over the same route as far as I am aware and I do not recall and stiles, gates or fences across the way.
6. I never worked for any landowner over which the route passes, nor have I ever been a tenant of any land over which the route passes.

7. I have never been stopped or turned back when using this way on foot, nor have I never heard of anyone else having been stopped or tuned back when using the way on foot.
8. I have never been told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not a public right of way on foot.
9. I have never seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted' on or near the way.
10. I have never asked permission to use the way.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed: M. L. Heron

Date: 30-10-2024

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**WITNESS STATEMENT OF
MRS C E NICHOLSON**

1. My name is Mrs C E Nicholson and I live at 1A Bescar Lane, Scarisbrick, Ormskirk, L40 9QN. I was born in 1950 and was a civil servant by occupation.
2. I completed a user evidence form in 2012 detailing my use of a route from Bescar Brow Lane along Sandy Brook to connect to a network of public footpaths in Scarisbrick. The route that my user evidence form referred to is shown on the 2018 Order Map between points A-B-C-D.
3. This Witness Statement provides further details of my use and personal knowledge of that route.
4. I have used the way on foot from 1965 onwards for the dog walking and walking alone for pleasure and would often walk it about 40 times a year. I have seen others walking the route at the same time.
5. The way always ran over the same route.
6. I recall a barrier at the Bescar Brow Lane end of the route. It was possible to climb this using it like a stile until it was fenced off with a tatty steel fence in about June 2012.

7. I never worked for any landowner over which the route passes, nor have I ever been a tenant of any land over which the route passes.
8. I have never been stopped or turned back when using this way on foot. although I have heard that a local man was pushed by a farmer and his son during the summer (2012).
9. I have never been told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not a public right of way on foot.
10. I have never seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted' on or near the way.
11. I have never asked permission to use the way. The route was much used by local residents throughout my life. I was born and raised in Bescar Lane and have extensive local knowledge.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed: BE Nicholson

Date: 30/10/24

46 Bescar Brow Lane
Scarisbrick ORMSKIRK Lancashire L40 9QG
Tel No 01704 880583

Your Ref: JE/SBS/LSG4/804-544

Date 7 November 2024

Dear Jayne Elliott

Thank you for your letter dated 24 October 2024 concerning the application to record a public footpath from Bescar Brow Lane along Sandy Brook Way.

Much has happened since our application in that some years ago a high fence was erected at the Bescar Brow entrance to the brook which blocked access to the walk. Then the fence which ran along the edge of the fields along the footpath was also taken down which meant that the fields then had open access to the brook.

This must have been against certain regulations as some time later the road side fence was taken down and the fields were again fenced off leaving the way alongside the brook open once more.

However, following that a lot of rubble, soil etc was dumped at the entrance in Bescar Brow Lane effectively obstructing the entrance. This is now so overgrown you can no longer see the path.

We have signed the statements as requested and return them herewith.

I look forward to hearing the outcome to the application but very much fear that it will not be in our favour.

Yours sincerely



Mrs V A Rigby

Encs

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**WITNESS STATEMENT OF
MRS VIVIENNE ANITA RIGBY**

1. My name is Mrs Vivienne Anita Rigby and I live at 46 Bescar Brow Lane, Scarisbrick, Ormskirk L40 9QG. I was born in 1947.
2. In 2012 I completed a user evidence form detailing my use of a route from Bescar Brow Lane along Sandy Brook to connect to a network of public footpaths in Scarisbrick. The route that my user evidence form referred to is shown on the 2018 Order Map between points A-B-C-D.
3. I completed the user evidence form jointly with my husband – Mr William Frederick Rigby – because we generally used the route together.
4. This Witness Statement provides further details of my own personal use and personal knowledge of that route.
5. I have used the route on foot since ¹⁹⁷²~~1956~~ through to 2012 when we completed the user evidence form.
6. I have used the way on foot since ¹⁹⁷²~~1956~~ going to Bescar Brow Lane and Wood Moss Lane for recreation, exercise and dog walking often weekly and sometimes, daily. When I used the route, I would often see others walking it.
7. The way always ran over the same route – along the edge of the ditch. I believed that the ditch and footpath were the responsibility of the water authority to maintain, and I often walked the route while they were doing so.

8. To my knowledge, a gate was erected across the route in October 2012 although it was not locked, and access was not prevented.
9. I have never worked for any landowner over which the route passes, nor have I ever been a tenant of any land over which the route passes.
10. I have never been stopped or turned back when using this way on foot, nor have I ever heard of anyone else having been stopped or turned back when using the way on foot.
11. I have never been told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not a public right of way on foot.
12. I had never seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted' on or near the way except for a notice erected in October 2012 which was only there for a couple of days.
13. I have never asked permission to use the way.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed:

M. J. J. J.

Date:

1.11.24

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**WITNESS STATEMENT OF
MR WILLIAM FREDERICK RIGBY**

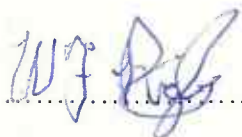
1. My name is Mr William Frederick Rigby and I live at 46 Bescar Brow Lane, Scarisbrick, Ormskirk L40 9QG. I was born in 1946 and was a joiner by occupation.
2. In 2012 I completed a user evidence form detailing my use of a route from Bescar Brow Lane along Sandy Brook to connect to a network of public footpaths in Scarisbrick. The route that my user evidence form referred to is shown on the 2018 Order Map between points A-B-C-D.
3. I completed the user evidence form with my wife – Mrs Vivienne Anita Rigby – because we generally used the route together.
4. This Witness Statement provides further details of my own personal use and personal knowledge of that route.
5. I have known the route since 1956 and used it on foot through to 2012 when we completed the user evidence form.
6. I have used the way on foot since 1956 going to Bescar Brow Lane and Wood Moss Lane for recreation, exercise and dog walking often weekly and sometimes, daily. When I used the route, I would often see others walking it.

7. The way always ran over the same route – along the edge of the ditch. I believed that the ditch and footpath were the responsibility of the water authority to maintain, and I often walked the route while they were doing so.
8. To my knowledge, a gate was erected across the route in October 2012 although it was not locked, and access was not prevented.
9. I have never worked for any landowner over which the route passes, nor have we I ever been a tenant of any land over which the route passes.
10. I have never been stopped or turned back when using this way on foot, nor have I ever heard of anyone else having been stopped or turned back when using the way on foot.
11. I have never been told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not a public right of way on foot.
12. I had never seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted' on or near the way except for a notice erected in October 2012 which was only there for a couple of days.
13. I have never asked permission to use the way.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed:



Date:

7-11-24