

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

**PUBLIC FOOTPATHS AT BANKS ENCLOSED MARSH, NORTH
MEOLS, WEST LANCASHIRE BOROUGH (DEFINITIVE MAP
MODIFICATION) ORDER 2014**

WITNESS STATEMENT OF BARRY PRESCOTT

1. My name is Barry Prescott and I live at 11 Todds Lane, Banks, Southport PR9 8BE. I was born in 1948 and am a retired motor mechanic and have never been employed by any of the owners of the land crossed by the footpaths that run across Banks Enclosed Marsh (the 'Order routes').
2. I have known the footpaths across Banks Enclosed Marsh for a long time having grown up in Banks. As a child I lived with my parents in a house on Square House Lane on the other side of the village and was 24 when I moved to my new home – where I still live today.
3. In 2012 I completed four user evidence forms confirming my use on foot of Order routes 1, 2, 3 and 5 on Banks Enclosed Marsh. I completed the forms at the request of Kath Prince who was one of the local people gathering evidence of use of the footpaths after the landowner started to challenge local people who were using the routes. Having known and used the routes since the 1950s I did not think this was right.

4. I have now reviewed the content of each of my user evidence forms and this Witness Statement provides further information regarding my use and knowledge of the routes.
5. My use of the routes would varied depending on my age, how far I wanted to walk, the weather, how much time I had available and how I felt on any day. I was often dog walking so my use was quite frequent over the years. Because the routes all radiated out from the bridleway to the New Embankment I would generally walk a circuitous route travelling out to the New Embankment along one route and returning along another I would varying which ones I used to give me different views and walks of different lengths each time. Sometimes I walked there and back along the same route although I preferred to walk a circuit – particularly when I was younger.
6. With specific reference to Order route 1 which ran from George's Lane to the New Embankment (shown between points A-B-C-D-E on the Order Map) I can remember using this route as a boy of 8 years of age and used it from that time (1958) through to 2012 when I completed the user evidence form. I would originally use it when I went route to play with friends but as I got older I would use it more for walking and exercise. During all that that time, until approximately March 2012 when I recall a 'Trespassers may be prosecuted' sign being erected at the end of George's Lane, I was never stopped or turned back when using the route, and never sought permission or was given permission to use the route.

7. I used the route on foot, sometimes walking my dog and would estimate that I would use it on average 30 times a year. I only used the route on foot and would often see other people walking it. Occasionally I saw people with push bikes but not often. I recall a stile in the fence which provided access onto the footpath along New Embankment.
8. I always believed the route to be a public footpath and grew up knowing that you could drive a car to the junction of George's Lane and the bridleway adjacent to the Old Embankment but then had to walk out to the New Embankment.
9. With specific reference to Order route 2 which ran from Charnley's Lane to the New Embankment (shown between points F-G-H-I on the Order Map) I also used this route as a boy and used it from about 1953 through to 2012 when I completed the user evidence form.
10. I have early childhood memories of walking along this route as a very young child because in those days walking out to the Marsh to paddle and to have picnics was like going to the beach and many people did it. I also remember we would go egg rolling on the New Embankment at Easter. Banks is a really flat area of West Lancashire and the New Embankment was the only place we could walk to so that we could roll the eggs we decorated.
11. During all that that time I was never stopped or turned back when using the route, and never sought permission or was given

permission to use the route and it was only from 2010 onwards that I heard that other people had been stopped or turned back when using the route.

12. I used the route on foot, sometimes walking my dog and would again estimate that I would use it on average 30 times a year. I only used the route on foot and would often see other people walking it. I recall a stile in the fence which provided access onto the footpath along New Embankment. I always believed the route to be a public footpath.
13. With specific reference to Order route 3 which ran from the bridleway at Fiddler's Ferry along the Old Embankment to the footpath along the New Embankment (shown between points J-K-L-M-N-O on the Order Map) I used this route from 1970 through to 2010. I always believed the route to be a public footpath.
14. I don't recall using this route as early as I did the other routes – possibly because originally my main use of the routes was those from George's Lane and Charnley's Lane which led directly out to the New Embankment and the marsh.
15. I used the route on foot, sometimes walking my dog and sometimes because I liked to bird watch and it was a good place to see a variety of birds. I would again estimate that I would use it on average 30 times a year. I only used the route on foot and would often see other people walking it. I was never stopped or turned back when using the route, and never sought permission

or was given permission to use the route until after signs had started to be erected and people were being challenge in around 2010. At that time, I was challenged by a group of men who were shooting on the inner marsh. It was dusk one evening and during the conversation that followed they threatened to shoot my dog. I left and did not walk the route again.

16. In 2010 I recall that a fence was erected and a deep ditch was dug out at the western end of the path where you joined the New Embankment. 'Private Land' and 'Trespassers will be Prosecuted' signs were also erected and it was no longer possible to walk this route. I was aware of other walkers also being stopped and threatened at that time with incidents being reported to the police.

17. With specific reference to Order route 4 which ran from the bridleway at Fiddler's Ferry along a compacted earth track to the New Embankment (shown between points K-P-Q-R) I did not complete a user evidence form for this route because I didn't really use it. There was no particular reason for not using it other than convenience. If I was wanting to get directly out to the New Embankment out of habit I used the other routes which were either more direct for me or made a decent circular route.

18. With specific reference to Order route 5 which ran from Cross Bank Cottage through the wood to the footpath along the New Embankment (shown between points S-T-U-V on the Order Map) I used this route from 1967 through to 2012.

19. My earliest recollections of the route were from when I was still quite young, and I would go shooting in the wood through which Order route 5 passes. My friend's dad farmed the land at that time, and we had his permission to go out shooting at the time. We would shoot wood pigeon in the woodland, and this is probably how I first found out about the path through the wood.

20. Since that time, I have walked the route frequently over the years. I never recall it being used specifically for shooting or for breeding birds. I have been involved with lots of shoots in different areas over the years and would obviously taken note and have been interested if birds were being bred for shooting within the woods, particularly if this affected me walking through there.

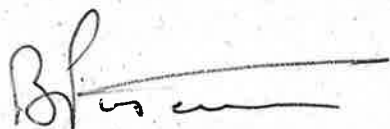
21. I used the route on foot, sometimes walking my dog and sometimes because I liked to bird watch and it was a good place to see a variety of birds. I remember a Harris Hawk escaped and lived in the woods for several years and I would go to see if I could spot it. I would again estimate that I would use the route on average 30 times a year. I only used the route on foot and would often see other people walking it. I was never stopped or turned back when using the route, and never sought permission or was given permission to use the route. I always believed the route to be a public footpath and there was a clearly defined trodden footpath running the full length.

22. Fences were put up preventing access to the route in 2012 and I recall that the gap in the fence at the New Embankment end of the route was blocked off in 2011 but thought that the landowner was made to remove it. Prior to then I clearly remember two huge posts in the ground with a 9 inch gap through which you passed to get from the woods onto the New Embankment. The fence was needed to stop cattle getting into the woodland and onto the fields from the New Embankment. I never remember there being a fence where you entered the wood close to Cross Bank Cottage.

23. In summary, I have known of and used the full lengths of Order routes 1, 2, 3 and 5 for most of my life and have lived in Banks all that time. My use of the route's dates to the 1950s and 1960s (with the exception of route 3 which is from 1970 onwards) and I have always believed the routes to be public footpaths.

STATEMENT OF TRUTH

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

Signed: 

Date: 14TH MARCH 2025.