

**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 MR DAVID JOHN RIMMER

1. My name is David John Rimmer and I currently live at 29 Vicarage Lane, Banks, PR9 8ES. I am a horse trainer and livery yard owner, and I 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 was born in 1958 and have known the routes across Banks Enclosed Marsh for most of my life. Until I was 27/28 years of age, I lived at 29 Vicarage Lane, Banks with my parents. I then moved to Crossens, followed by a few other local places, including 27 Vicarage Lane, before moving to 3 Georges Lane in 2008 and then more recently back to my family home on Vicarage Lane. During all this time I have always run my equestrian business from Banks.
3. In 2012 I completed five user evidence forms confirming my use of five routes on Banks Enclosed Marsh. I completed the forms at the request of Kath Prince and a number of other local members of the community who were 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 reviewed the content of each of my user evidence statements and this Witness Statement provides further information regarding my knowledge and use of the routes.

5. With specific reference to Order route 1 which ran from Georges Lane to the New Embankment (shown between points A-B-C-D-E on the Order Map) I have known of this route all my life and can remember using it as a boy of 6 years of age (1964) when I would go for walks with my grandparents and with my mum.
6. During those early years I can remember walking out along the Order route to get to the marsh to pick samphire. This was one of many local traditions at that time. Many people would walk the route on a regular basis to get out to the New Embankment and onto the marsh as it was one of the main routes out from the village. At Easter we would paint hard boiled eggs and walk out to the New Embankment to roll them because the New Embankment was the nearest hill from the village.
7. From the age of 7 or 8 I would use the route on my own or with my brother and friends. Often, I used it to get to the marsh to go fishing. I continued to use Order route 1 throughout my life. I often used it to walk the dogs, as part of a jogging circuit, sometimes with my son. I was still using it in 2012 when I completed my user evidence form.
8. I was never stopped or turned back when using the route, and never sought permission or was given permission to use the route.
9. I used the route on foot and would estimate that I would use it on average 20 times a year. I would often see other people walking it to. I occasionally used it on horseback, but not often. I have run a business in the village training horses for many years, and would sometimes use the route to canter along while out riding. I did it because there was a grass strip down the middle of the track but would simply ride up to the end, turn round and ride back to George's Lane and the bridleway. I don't recall seeing other people on horseback at that time and whilst I never asked for or was given permission, I never considered the route to be a bridleway and didn't ride along the New Embankment. I recall seeing the occasional vehicle but most would park on George's Lane and walk out to the New Embankment.

10. I recall a gate and stile in the fence at the far end of the route (point D) which provided access onto the footpath along New Embankment. I think the gate was usually locked but there was access to the side via a stile.
11. I never saw any signs on or near the route that indicated that it might be private until December 2011 when a sign was erected on the land to the left (west) of the track. I always believed the route to be a public footpath.
12. 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 recorded on my User Evidence Form that I used it from 1958 (when I was born). As a baby my mum would take me along the route in a pram and continued to take me along the route as I got older. Like Order route 1 I used it from childhood through to 2012 when I completed the user evidence form.
13. 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 in 2012 that I heard that people had been stopped or turned back when using the route by employees of Mr Crooke the landowner.
14. I used the route on foot, sometimes walking my dog, for pleasure, jogging and to go for picnics and to collect samphire from the outer moss in August. I would use it many times during good weather and estimate that I would use it on average 30 times a year. I would often see other people walking it.
15. I also used the route occasionally on horseback riding the length of the route and turning back at the gate. I used it on horseback because I could have a canter there and back when exercising the horses. As a child I also used it on my bicycle because as children we often went out on bikes to play or to see friends. I would lift my bike over the stile or just leave it at the gate and go to play.

16. I recall that there was a gate and a stile in the fence at the end of the route (point H) which provided access onto the footpath along the New Embankment. The gate was usually locked but there was access via the stile until the stile was removed in April 2012.
17. A sign indicating that the land was private was put up in 2011-2012 but I don't ever recall there being any signs before then. I always believed the route to be a public footpath. I remember stopping to talk to the farmer (Russell Bond) who farmed the land. He never stopped or challenged anyone using the route and would often wave and say hello.
18. 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 have also known this route all my life and probably started using it in the 1960s.
19. I used the route on foot for walking for pleasure and exercising my dogs, for jogging and for training horses. I used this route less than some of the others – I wrote on my user evidence form that I possibly used it about 4 times a year, but it was probably more. If riding a horse up the track I would simply turn around and come back to the bridleway at Bank Pace. I didn't use this route as often as the others simply because it was further out from where I lived.
20. I was never stopped or turned back when using the route, and never sought permission or was given permission to use the route on foot or on horseback. It was only in 2010-2012 that the landowner dug out a wide ditch preventing you getting onto the New Embankment.
21. With specific reference to Order route 4 which ran from the bridleway at Fiddler's Ferry along the track to the New Embankment (shown between points K-P-Q-R on the Order Map) I have also known this route all my life and used it from around 1970 to approximately 1993.

22. I used the route mainly on foot, for walking and jogging. I estimate that I use it on average 10 times a year. I may have used the route on horseback occasionally – again just riding 'there and back' so that I could have a canter.
23. I would often see other people walking the route, usually with dogs. 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.
24. I recall that a gate and stile existed at the northern end of the route where the path met the new embankment. The gate was usually locked but this didn't really matter because there was a stile.
25. 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 childhood from approximately 1964 through to 2012.
26. As a child I would play in the woods with my brother. We would also fish for eels in the drain that crossed the route at point T. Sometimes we would use the route to get to the New Embankment and out onto the outer marsh although Order route 1 and 2 were more direct. Up until the age of 12 I was probably up there playing at least 30 times a year and can remember a worn path along the embankment in the wood. When I was 11 or 12 I got a pony. After that I went into the woods less often but I would still go occasionally.
27. As I got older I would walk through the wood along the path and continued to do so until December 2011 when access was blocked off. I do recall bird feeders and pens in the woods but you were never stopped from walking the route and I never recall any fencing across it at the start

of the route near Cross Bank Cottage.

28. I only used the route on foot and would 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 believed the route to be a public footpath.

29. At the north west end of the route I seem to recall a fence with a stile in it to stop cattle getting into the wood.

30. In 2011 Private notices were erected and fencing erected at either end to stop you walking the route. Trees were cut down and deep trenches dug to stop you walking the route.

31. In summary, I have known of and used the full lengths of Order routes 1, 2, 3, 4 and 5 for all my life and have lived in Banks all that time. My use of the route's dates to the 1960s and I have always believed all five routes to be public footpaths.

STATEMENT OF TRUTH

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

Signed: D. Rimmer

Date: 19/03/25