

**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 KATHLEEN M PRINCE

1. My name is Kathleen Prince and I live at The Cottage, 10 Todd's Lane Banks, Lancashire, PR9 8BE. I am a retired teacher.
2. In 2012 I collected user evidence and researched the history of the five routes leading out across Hesketh Enclosed Marsh and along the Old Sea defense embankment (the five Order routes).
3. I did this because like many other people in the village I had walked the routes across the enclosed moss believing them to be public footpaths.
4. When private signs and physical barriers in the form of ditches and fencing were erected on and across the paths in 2011-2012 I worked with North Meols Parish Council collecting the necessary evidence to submit the applications, completing the application forms and then passing them to North Meols Parish Council who had agreed to submit all five applications on behalf of the local community.
5. I completed user evidence forms in 2012 for all 5 of the routes applied for.
6. I first became aware of (and started using the Order routes after I moved to Banks in 1973. At that time I was living on Lancaster Drive which was very close to the A565 Southport New Road. To get to the enclosed marsh I would normally walk along a route adjacent to The Sluice from

Station Road to Banks Road. Use of this route had also been challenged by 2012 and I was again instrumental in collecting user evidence for a separate application (made by the Parish Council) to record public rights along it. An Order was subsequently made for that route recording bridleway rights.

7. In 1989 I stopped using the Order routes because I moved to Hesketh Bank and would use routes closer to home instead. However, I moved back to Banks in 2004 (to my current address) and started once again to walk along the old routes with which I was already familiar with.
8. When I lived in Banks the first time (1973 to 1989) I was working as a teacher so my opportunities to walk for pleasure were limited. When I returned to the area in 2004 I had retired and had a pet dog. I had much more time to walk hence the fact that my use of the route increased from on average 4-6 times a year to over 50 times a year.
9. Applications to record public rights along the routes were only made in 2012 because it was not until 2011-2012 that Private Notices were erected along the routes, members of the public started to report being stopped and challenged when using the route, ditches were dug and fences erected across the route through Cross Bank Covert (Order route 5) and a fence erected and culvert crossing removed at the south east end of the old sea defense embankment (Order route 4).
10. Whilst I now understand that a Statutory Deposit and Declaration made by the landowner in 1998 is taken as being a clear indication from the owners of the land that they did not acknowledge the existence or intend to dedicate the 5 Order routes as public footpaths from March 1998 onwards I had no knowledge of this at the time. People continued to use the routes after 1998 as they had done previously, and it was not until 2011-2012 that people were challenged while walking the routes and/or

physically prevented from using them. It is for that reason that the user evidence submitted was collected in 2012 and that the evidence of many local people refers to their use after 1998 up until 2012.

11. In 2012 I completed user evidence forms for the 5 routes that I had used for pleasure/exercise on foot. It was only in 2025 when I had a meeting with an Officer from the Order Making Authority that it became apparent that my forms for two of the routes had been mislaid. I was sure that I had completed forms as I had used all five of the routes prior to 2012 so went home to check to see if I had retained copies. I have now completed new, updated forms for routes 3 and 4. In order to do this I used records which I had saved from 2012 together with an earlier witness statement which was compiled after a meeting with a Lancashire County Council Solicitor. My original forms were available at that time.
12. My use of the five routes would vary depending on how far I wanted to walk, the weather, how much time I had available and how I felt on any day and because of how they all radiated out from the bridleway that runs adjacent to the old sea defense embankment to the footpath along the new sea defense embankment I would generally walk a circuitous route travelling out to the new sea embankment along one Order route and returning along another Order route varying which ones I used to give me different views and walks of different lengths each time.
13. I completed my user evidence forms for Order routes 1, 2 3 4 & 5 on 6th July 2012. I have reviewed the content of each one and this Witness Statement provides further information regarding my use.
14. With specific reference to Order route 1 shown between points A-B-C-D-E on the Order Map)and use prior to the Statutory Declaration submitted in 1998, I can confirm that I used it from 1973-1989 (16 years) approximately 4-6 times a year on foot. Almost every time I used it, I

recall seeing other people also using it on foot as part of a walk. I recall a stile in the fence at the northwest end of the route where you accessed the footpath along the new sea defense embankment (point D on the Order Map). I was never stopped or challenged when using the route and never asked permission to use it. I always believed it to be a public footpath. It was not until 2011 that I recall a private notice being erected and in 2012 I was told of several reports of people being challenged in an intimidating manner and photographed.

15. I have never been employed by any of the owners of the land crossed by Order route 1.

16. In summary, I regularly used the *full* length of Order Route 1 on foot from 1973- 1989 (and 2004-2012).

17. With regards to Order route 2 shown between points F-G-H-I on the Order Map and use prior to the Statutory Declaration submitted in 1998, I can confirm that I used it from 1973-1989 (16 years) approximately 4-6 times a year on foot and recall seeing other people also using it on foot. I recall a stile in the fence at the northwest end of the route where you accessed the footpath along the new sea defense embankment (point H on the Order Map). I was never stopped or challenged when using the route and never asked permission to use it. I always believed it to be a public footpath. It was not until 2010-12 that I recall the stile being removed and I was also told of several people being stopped and challenged from spring 2012.

18. I have never been employed by any of the owners of the land crossed by Order route 2.

19. In summary, I regularly used the full length of Order Route 2 on foot from 1973- 1989 (and 2004-2012).

20. Route 3 runs along the old sea embankment from point J to point O on the new embankment and I have walked both on the top of and beside the old embankment. There is a farm track beside the old embankment. It is used by tractors and other farm vehicles and obviously has no stiles. There were no gates either. Along the top of the old embankment the footpath was narrow and remains of old stiles could be seen. As the path on top of the bank was becoming overgrown it was easier to use the track
21. About 2012 a deep ditch was dug out between point O and point N which prevented access by this route. As the ditch was very deep with steep sides I stopped using this route in 2012
22. Route 4 runs from point J and goes in a north-north westerly direction towards the new embankment. It is quite a well defined route until the last field when the track was more overgrown. There was always a stile and a fence at the end of the route at point Q.
23. With regards to Order route 5 shown between points S-T-U-V on the Order Map and use prior to the Statutory Declaration submitted in 1998, I can confirm that I used it from 1973-1989 (16 years) approximately 4-6 times a year on foot and recall seeing other people also using it on foot most of the times that I walked it. It was probably one of my favorite routes because you walked through the woodland and on a cold day it was more sheltered than the other routes. I don't recall any stiles or gates across the route but do remember gaps in the fencing that looked to have been purposefully left for access. I was never stopped or challenged when using the route and never asked permission to use it. I always believed it to be a public footpath. It was not until the spring of 2012 that a barbed wire fence was erected across the Order route next to Cross Bank Cottage (point S) and a deep ditch dug across the route at point D preventing access. I was also told of several people being stopped and questioned from spring 2012.

24. I have never been employed by any of the owners of the land crossed by Order route 3.

25. In summary, I regularly used the full length of Order Route 3 on foot from 1973- 1989 (and 2004-2012).

26. Since the Order was made in 2014, I am aware that people have continued to use several of the routes, and I have been asked on quite a few occasions about what progress had been made with regards to the matter being resolved.

27. When I was contacted by the Order Making Authority in 2025, I assisted the Officers tasked with submitting the evidence to the Planning Inspectorate in looking through the user evidence originally obtained and updating them with regards to whether people were still alive and who might be willing to be interviewed and provide Witness Statements. I explained that I would contact the North Meols Parish Council about the application but that since the application had been made 13 years earlier many of the current Parish Councilors – and the current parish clerk - were not serving on the Parish Council at the time the application was made. It is for that reason that I have now taken on a more proactive role than just providing a Statement detailing my own personal use of the routes.

STATEMENT OF TRUTH

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

Signed: Kathleen M Prince.

Date: 26.01.2025.