

THE LANCASHIRE COUNTY COUNCIL
(DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY)
DEFINITIVE MAP MODIFICATION ORDER

UPGRADING TO BRIDLEWAY OF PUBLIC FOOTPATHS 47,48 AND 49
(PART) AND ADDITION OF A SECTION OF BRIDLEWAY PARALLEL TO
FOOTPATH 49 (PART) NORTH MEOLS WEST LANCASHIRE DISTRICT

STATEMENT OF THOMAS FAWCETT

I THOMAS FAWCETT, presently a partner with Carter Jonas, Estate Agents of Regent House, 13-15 Albert Street, Harrogate, HG1 15X, WILL SAY AS FOLLOWS:-

I was employed between 1980 and 1989 by Cluttons, Estate Agents and Land Agents, as Managing Agent for land near North Meols Lancashire. My client, the landowner, was DCL and Associated Company Pension Scheme, ("DCL") and they had purchased this land from the Scarisbrick Estate only a short while before in 1979.

I visited tenants on the land approximately every two months and recall the landscape of the area. I recall the two embankments, both the twentieth century one and the older embankment further inland. Tenants of DCL rented land on both sides of this old embankment.

As Managing Agent I have direct knowledge of the ownership of this land, which had formerly belonged to the Scarisbrick family. Whilst I was Managing Agent the ownership of the land changed twice. Firstly when Guinness PLC took over DCL in the mid 1980s, the land transferred to the Guinness Pension

Scheme, who, as landowner, continued to employ Cluttons as Land Agents and I continued as Managing Agent.

The ownership changed again in 1989 when the Guinness Pension Fund property was sold to Mountleigh Investments Ltd ("Mountleigh"). Mountleigh again used Cluttons as their Agents, and I continued as Managing Agent, until Mountleigh ceased trading in 1989. The subsequent land owners did not engage Cluttons and my visits to North Meols ceased.

During all the years that Cluttons were land agents the landowners were not local and were mainly concerned in the yield and capital growth of their investments.

At no time did the landowners from 1979 to 1989 take any action or request Cluttons or myself to take any action in respect of any public right of way or use of tracks across the land. The public rights or their use of the tracks were never an issue. No signs were erected nor any notices filed.

I was never asked by any tenant farmer to prevent equestrian use of the tracks alongside the old embankment or indeed any other tracks, nor was I requested by the landowners to challenge any users on horseback. It is my view that the landowners considered that if the tenants were content, then they were also. I am not surprised by the reference to equestrian use of the tracks alongside the old embankment.

Signed

Thomas Fawcett

Dated.....November 2001

