

# Application for a Modification Order

## Wildlife and Countryside Act 1981

### The Definitive Map and Statement of Public Rights of Way for the County of Lancashire

To: The County Secretary and Solicitor, Lancashire County Council.

Of: PO Box 78, County Hall, Fishergate, Preston, Lancashire, PR1 8XJ

I: Victor Pogson, for and on behalf of the British Horse Society

Of: Abbey Park, Stareton, Kenilworth, Warwickshire, CV8 2XZ

Hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981  
modifying the Definitive Map and statements for the area by:

1. Adding the restricted byway:

FROM: Lee Lane, Bispham Green, L40 3SJ; Grid Reference SD 49472 13285

TO: Bentley Lane, Bispham, L40 3SR; Grid Reference SD 349795 473088

AND SHOWN ON THE MAP ACCOMPANYING THE APPLICATION

I attach copies of the following documentary evidence in support of this application:

LIST OF DOCUMENTS PROVIDED:

Map	Scale	Date	Reason for inclusion
Ordnance Survey	1:25,000	06.01.2021	Route identification
LCC definitive map		2020	Current RoW listing
OS 25 (MARIO)	1:2500	First Edition	Historical map
OS 6inch (MARIO)	Six inch	First Edition	Historical map
Hennets	-	1829	Historical map
Greenwood	-	1818	Historical map
Finance Records IR 133-5-183	-	1910	Historical map
Bartholomew	Half inch	1904	Historical map
OS map	25 inch	1894	Historical map
OS map	Six inch	1848	Historical map
OS map	One inch	1896	Historical map

# Wildlife and Countryside Act 1981

## Map to Accompany Definitive Map Modification Order Application

For a route in the Parish of Bispham Green to be added as a Restricted Byway, marked on the map below by the red dashed line A-B (7th January 2021)

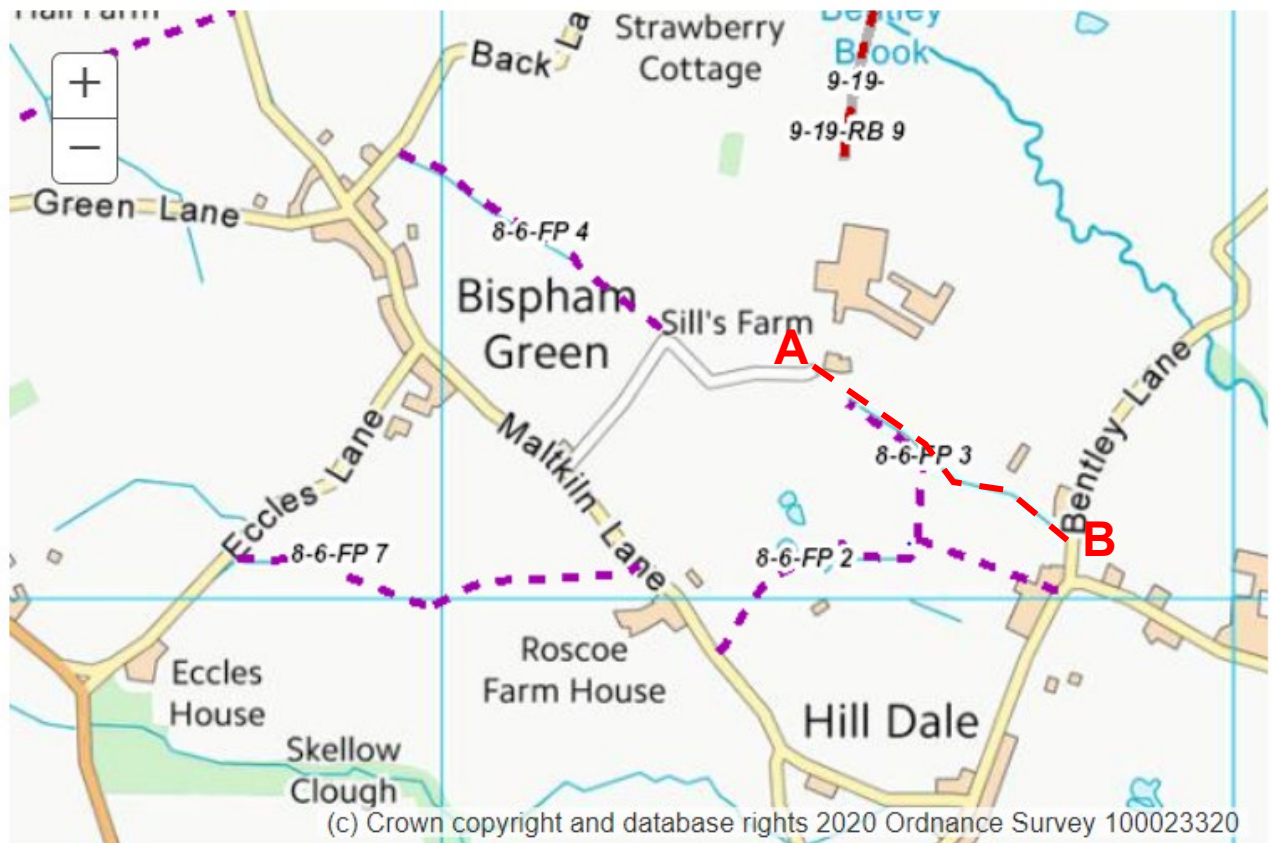


Map produced from extract of Ordnance Survey 1:25,000 scale mapping. When printed on A4 paper, the scale will be not less than 1:25,000 and thus meets the requirement of regulation 2 and regulation 8(2) of The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993.

This application presents evidence from the last 200 years that consistently indicates that A-B was part of the wider roads network. The evidence herein paints a compelling picture of the existence of public vehicular rights. It forms part of an obvious through route connecting Bispham with Hilldale. Its depiction on the Tithe Award and on the 1910 Finance Act plans provide further strong support for such a conclusion.

The applicant requests the surveying authority to add the route to the definitive map as a restricted byway.

LCC Definitive Map:



- Subject route (A-B): the western section of the route is incorporated in grazing land operated as part of the undertaking at Sil's Farm, as the route progresses east, it then travels adjacent to the school sports field associated with Richard Durnings Primary School and terminates at Bentley Lane. Although there is no longer any physical evidence of this route through the grazing pasture, there is physical evidence of the road joining Bentley Lane (page 12, photo 6).

**NOTE: so as not to obscure map details and features, the proposed route is identified on map evidence below with 'A-B' from here on.**

MARIO maps (OS First Edition 1:2500, OS First Edition Six Inch):

- Both maps depict the subject route as a named lane (Dark Lane), and are shown in a similar manner as known public roads in the area.

OS First Edition 1:2500

Lancashire County Council Home Page | MARIO Home Page | A to Z | Contact Us | MARIO Enquiries | User Guide Print/Save Map

**MARIO** **your Lancashire** Lancashire County Council

Maps & Related Information Online TOOL HELP Pan - Press mouse key down and drag cursor in direction needed to move map Easting:349228, Northing:412731 Scale=1:4000

Maps Find Tools Draw Results Help

Overview Map  
My Map Layers/Settings - 7 map(s) added  
Local Services  
Learning Leisure And Culture  
Countryside Environment And Waste  
Highways And Transportation  
Local Government Information  
Crime And Public Safety  
Historic Information  
Thematic Designation Maps  
Aerial Photographs and Historic Maps

Map Layers Details  
Transparency: 10%  
 OS 1950s Map  
 OS First Edition 1:2,500  
 OS First Edition 1:10,000 (Formerly Yorkshire)  
 OS First Edition 1:10,000  
 Aerial Photos  
 1960s Aerial Photos  
 1940s Aerial Photos  
 Public Rights of Way 1966 Definitive Map

MARIO OS First Edition (Six Inch):

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**MARIO** **your Lancashire** Lancashire County Council

Maps & Related Information Online TOOL HELP Pan - Press mouse key down and drag cursor in direction needed to move map Easting:349163, Northing:412746 Scale=1:4000

Maps Find Tools Draw Results Help

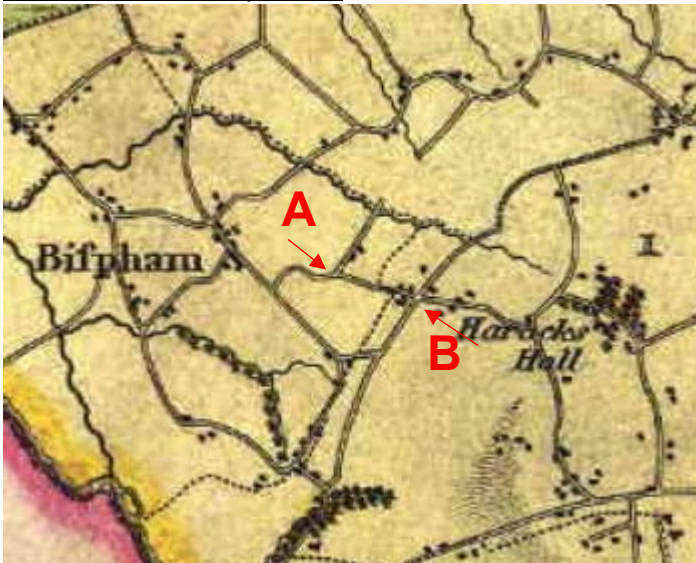
Overview Map  
My Map Layers/Settings - 7 map(s) added  
Local Services  
Learning Leisure And Culture  
Countryside Environment And Waste  
Highways And Transportation  
Local Government Information  
Crime And Public Safety  
Historic Information  
Thematic Designation Maps  
Aerial Photographs and Historic Maps

Map Layers Details  
Transparency: 10%  
 OS 1950s Map  
 OS First Edition 1:2,500  
 OS First Edition 1:10,000 (Formerly Yorkshire)  
 OS First Edition 1:10,000  
 Aerial Photos  
 1960s Aerial Photos  
 1940s Aerial Photos  
 Public Rights of Way 1966 Definitive Map

Hennets map 1829

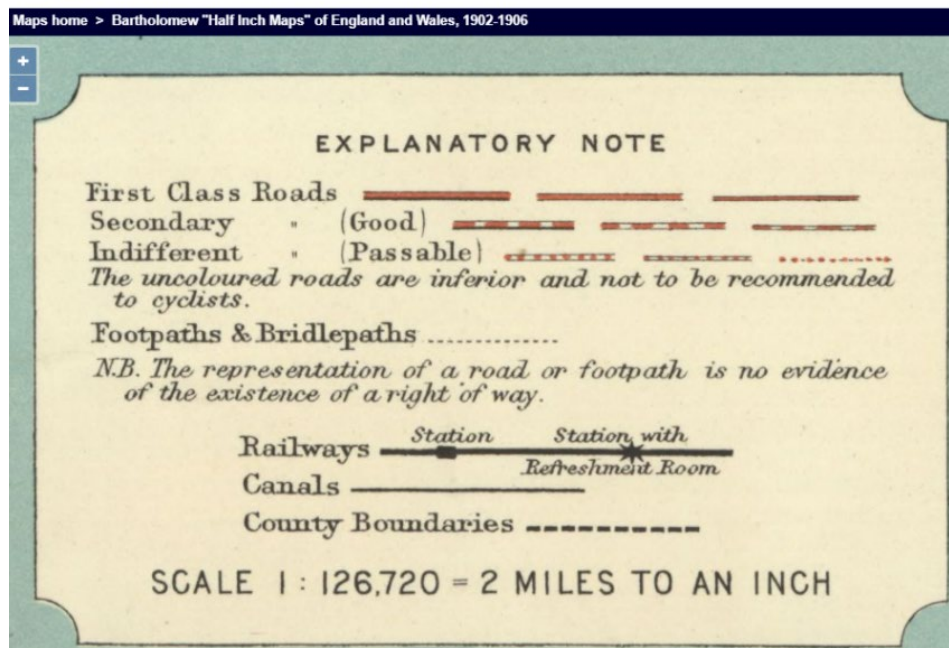
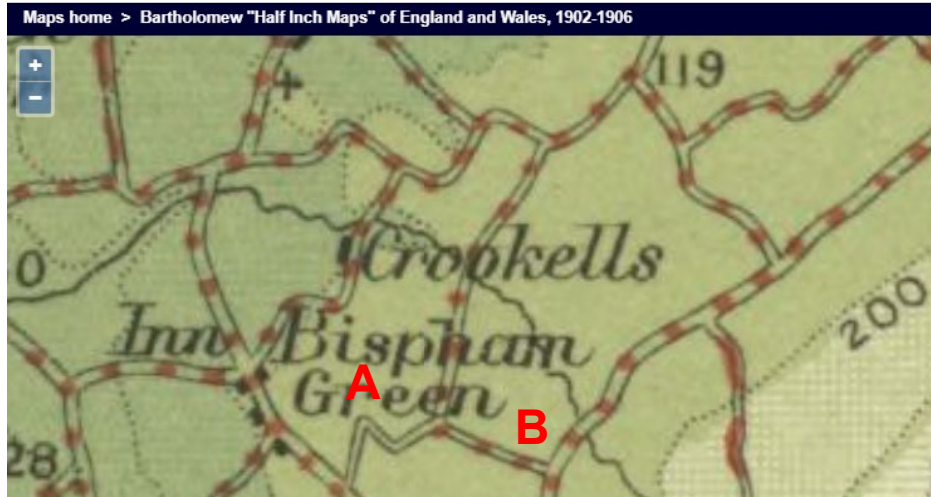


Greenwood's map 1818



## Bartholomew Half-Inch; 1904, Sheet 8 – Liverpool & Manchester

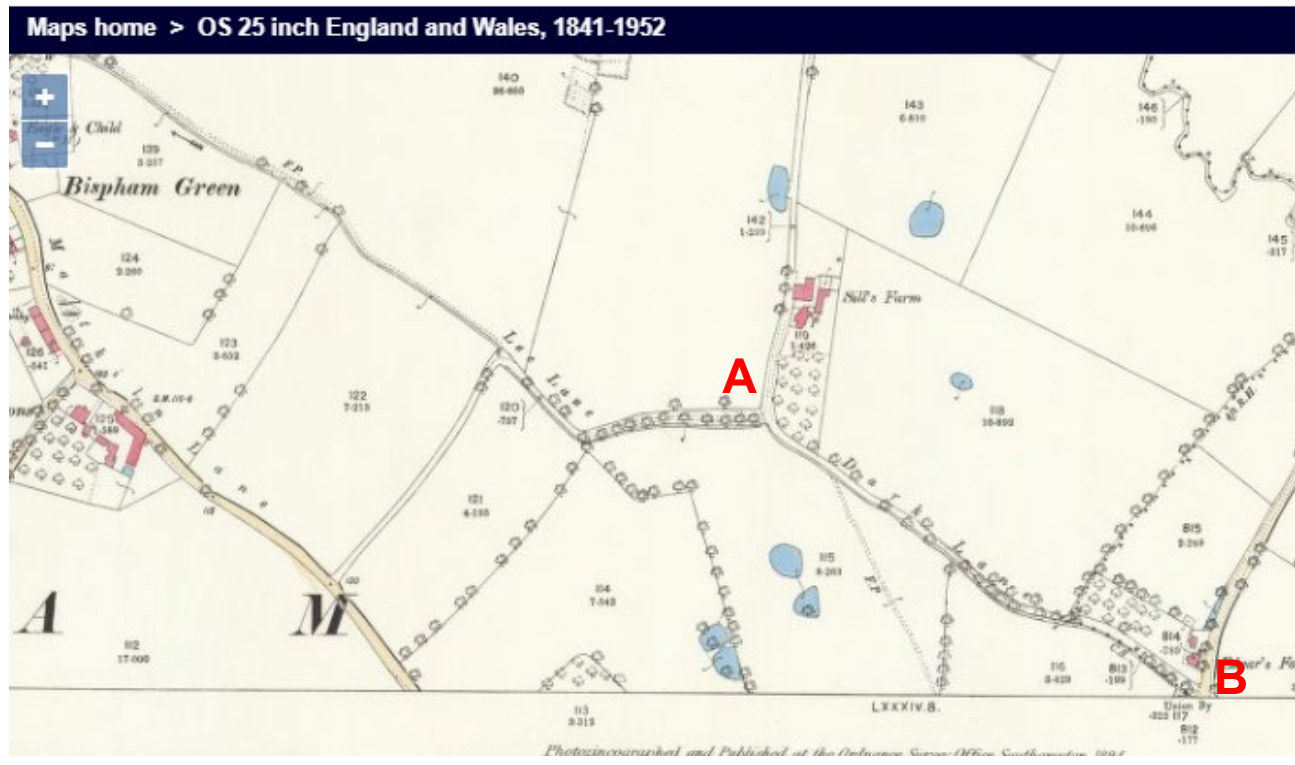
- Showing the proposed route positively assessed as being 'passable' to cyclists (vehicles) at this time.



OS25 inch , 1894



Lancashire LXXXIV.4 (Bispham; Mawdesley; Wrightington)  
Surveyed: 1893  
Published: 1894



OS Six Inch: 1848



Lancashire LXXXIV (includes: Lathom.)  
Surveyed: 1845 to 1846  
Published: 1848

Keywo

Commercial re-use restriction:

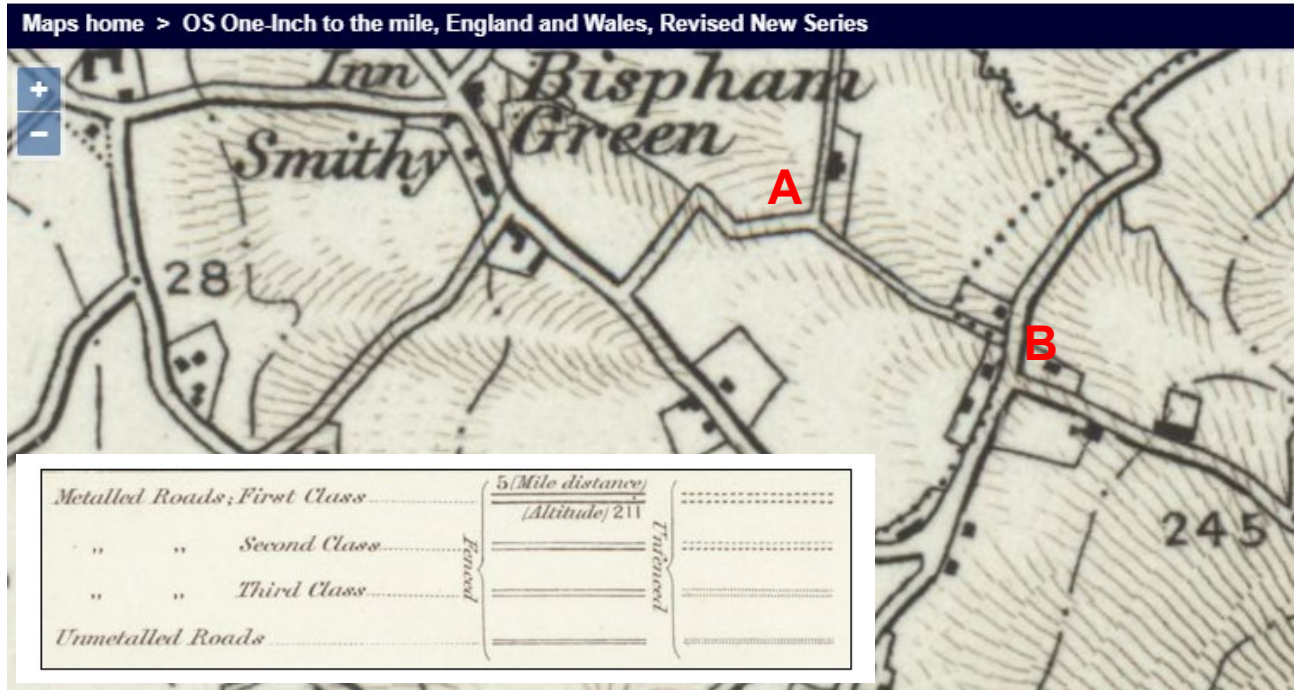


OS One Inch 1896

- Showing subject route as a metalled, fenced, third class road.

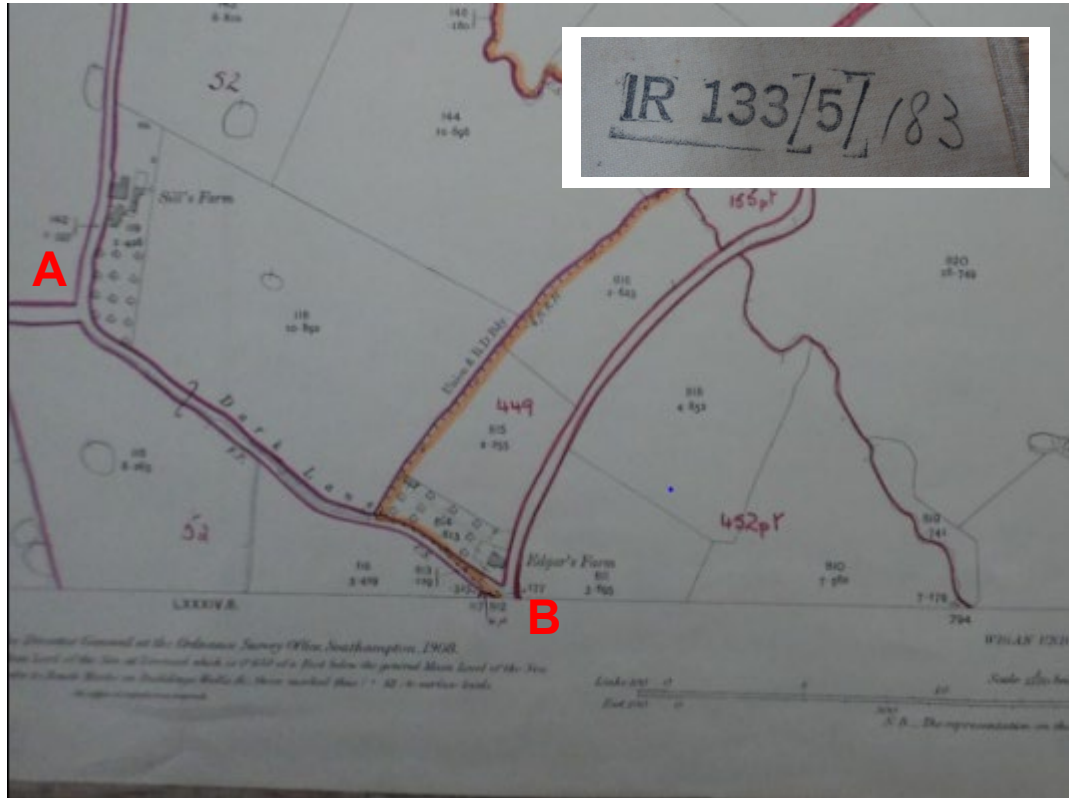


Sheet 84 - Wigan (Hills)  
Publication date: 1896



Finance Maps 1910

- Sheet 183 clearly shows the subject route (A-B) as a 'White Road' excluded from valuation, therefore good evidence that the route was considered to be a public vehicular route.



Tithe Map – Parish of Bispham :

- Showing public apportionment No. 207 (public road) to the Bispham Green Tithe Award 1840 (IR 29/18/35)



Public Roads	
19	1 3 12
20	1 3 16
205	" 2 35
206	3 " 24
207	1 2 28
208	1 1 24
209	3 3 4

DATED: 16<sup>th</sup> April 2021

SIGNED: *Wogson*

**THE FOLLOWING DOES NOT MAKE UP PART OF THE ABOVE FORM**

Please return the completed application form to:

The County Secretary and Solicitors Group, Lancashire County Council, PO BOX 78  
County Hall, Fishergate, Preston, PR1 8XJ (REF: LSG4/PROW/JM)

**NOTE: Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.**

**NOTE: Lancashire County Council is obliged to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicants name and address would, or would be likely to, cause substantial damage distress to the applicant or to another person and such damage would is or would be unwarranted, please contact Lancashire County Council who can remove these details from the register and from any documents contained on the register.**

The BHS reference for the claim is: LAN-0395.

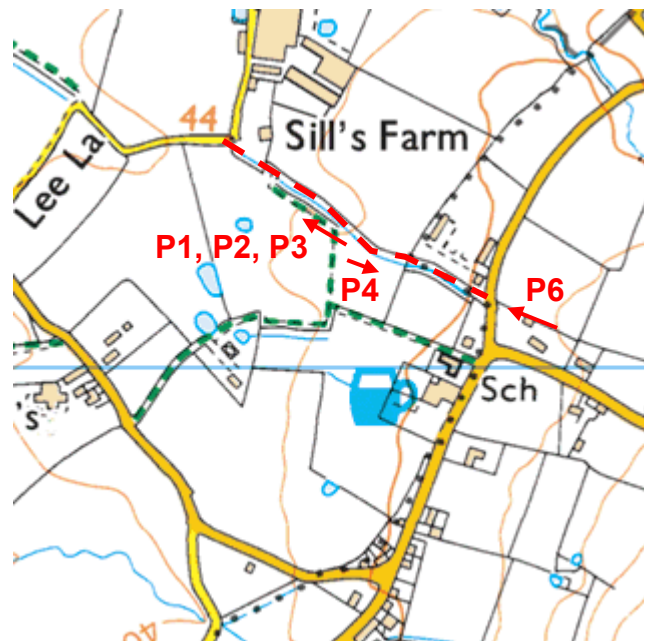
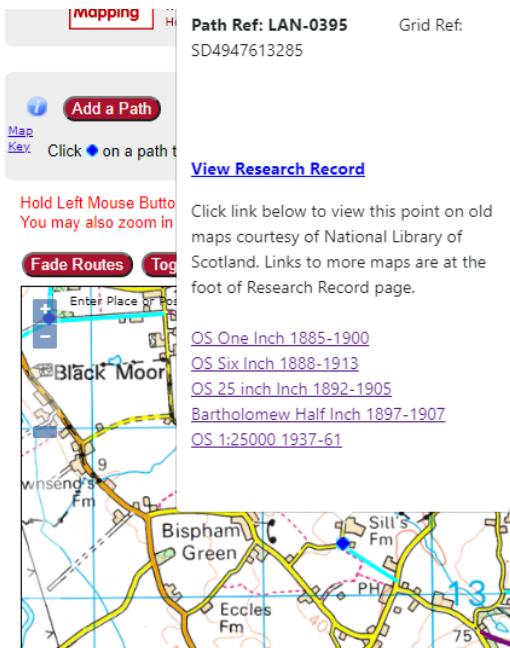


Photo locations)



Photo 1)



Photo 2)



Photo 3)



Photo 4)



Photo 5)



Photo 6)