

**COVERING LIST OF REPRESENTATIONS, OBJECTORS AND
SUPPORTERS**

**THE LANCASHIRE COUNTY COUNCIL PUBLIC FOOTPATH FROM UNION
ROAD TO RAWTENSTALL PUBLIC FOOTPATH 321, DEARDEN HEIGHTS,
ROSSENDALE (DEFINITIVE MAP MODIFICATION) ORDER 2014**

No.	OBJECTIONS STILL OUTSTANDING	ADDRESS
1	Hurstwood Group 1 Limited 40 Peter Street, Manchester, England, M2 5GP	CO/Alvin Pinder Group Solicitor Hurstwood Group alvin.pinder@hurstwoodholdings.com

Alvin Pinder (alvin.pinder@hurstwoodholdings.com)

Tue, 6 Jan 2015 12:15:29 +0000 (UTC)

To: "Brindle, Megan" (Megan.Brindle@lancashire.gov.uk)

RE: Rawtenstall Public Footpath 321 - Dearden Heights, Rossendale - Your ref: LSG4/MB3/5.49860/MB3

Attachments: Letter to Lancs CC objecting to the Modification Order.pdf

Hi Megan and a Happy New Year.

Please find attached hereto my client's letter of objection to the Modification Order for your attention.

The hard copy will follow by Special Delivery.

Kind regards

Alvin

Alvin Pinder
Group Solicitor
Hurstwood
06.01.2015



Email: alvin.pinder@hurstwoodgroup.com

Website: www.hurstwoodgroup.com

Telephone: 0161 220 1999 | Fax: 0161 220 1990

Address: **Bridge Street Chambers, 72 Bridge Street, Manchester M3 2RJ**



Our Ref: Alvin Pinder
Your Ref: LSG4/PROW/5.49860/MB

**The County Secretary and Solicitor
Lancashire County Council
PO Box 78
County Hall
PRESTON
PR1 8XJ**

By email and Special Delivery.

6 January 2015

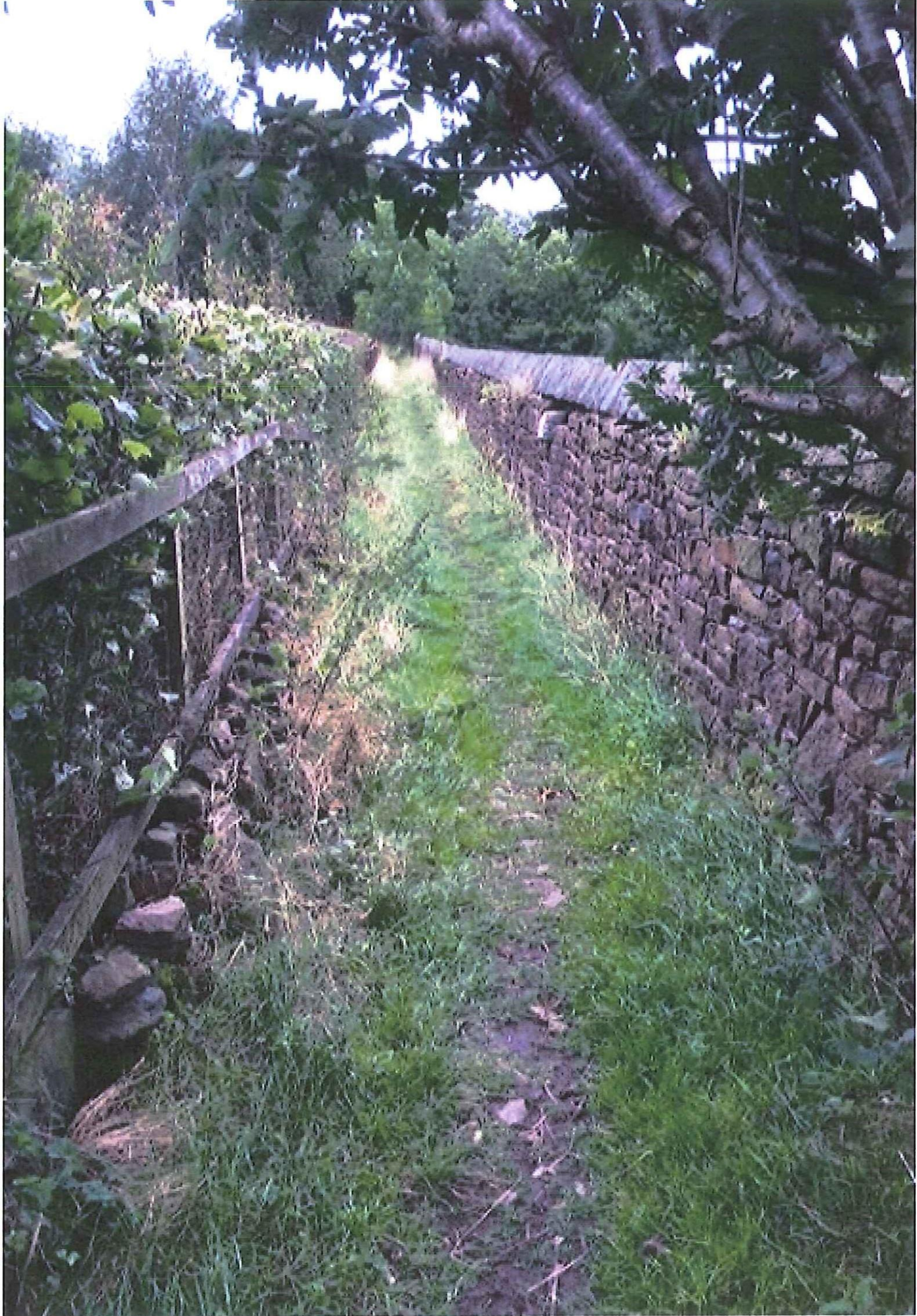
Dear Sirs,

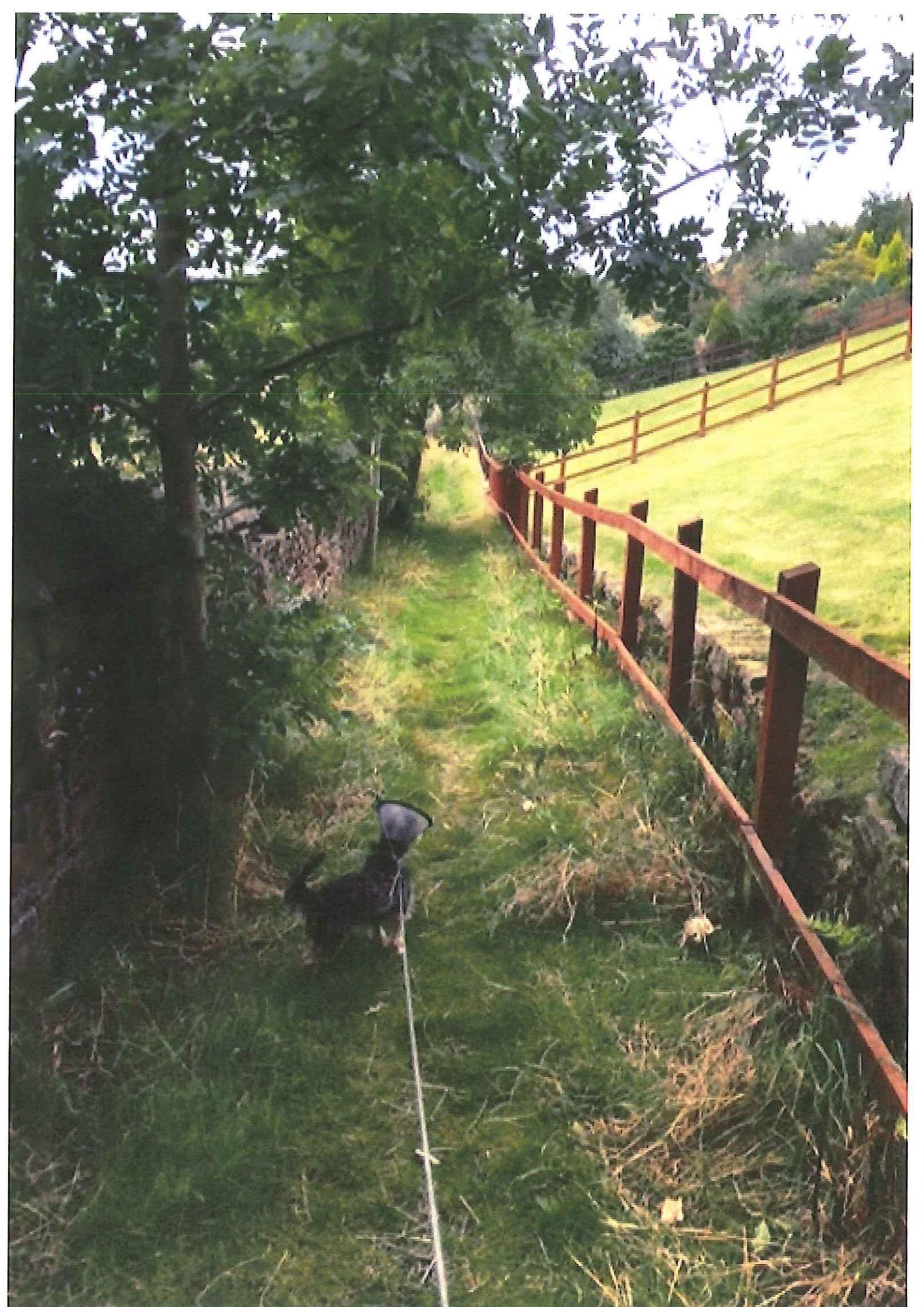
Re: Wildlife and Countryside Act 1981 – Part III
The Lancashire County Council Public Footpath from Union Road to
Rawtenstall Public Footpath 321, Dearden Heights, Rossendale (Definitive
Map Modification) Order 2014

I thank you for your letter dated 25th November last informing me of the above mentioned order. As solicitor for Hurstwood Group 1 Limited I hereby object to the making of the order on the following grounds:

1. The report to the Committee referred to the boundary wall being in a state of collapse "allowing pedestrians to access the field from several points" but even if this was the case - which is disputed because Hurstwood believes that the wall has been deliberately broken down by persons wishing to gain access to the field – the access then exercised was not by right and in effect was a trespass by those concerned.
2. On 1st February 1979 the claimed route was not included in the Draft Map but no objections were raised then to its omission.
3. Subsequent Draft Maps in 1982 and 1983 did not include or mention the claimed route and the summary to the Committee states that there "is no evidence of a route existing on any of the maps which have been inspected"
4. Several of the statements in Evidence of Use on Foot refer to the existing PF 321 being "dangerous underfoot", "difficult and dangerous" and "unusable" but Hurstwood disputes this and I enclose two photographs to show the level gradient and good state of repair of PF 321.
5. The action by Hurstwood to protect its land by erecting fences and safety signage has not been given sufficient weight in the Committee's deliberations.
6. The claimed route is not a footpath as such because people use the field to exercise dogs and do not go from point A to point B on the Order plan. The vast majority of users access the field from Union Road and return to Union Road without reaching FP321.
7. Hurstwood disputes that rights of access have been exercised for the periods claimed in several of the statements of Evidence of Use on Foot.

I hope the Council will consider carefully my client's objections and refer the confirmation of the Order to the Planning Inspectorate.







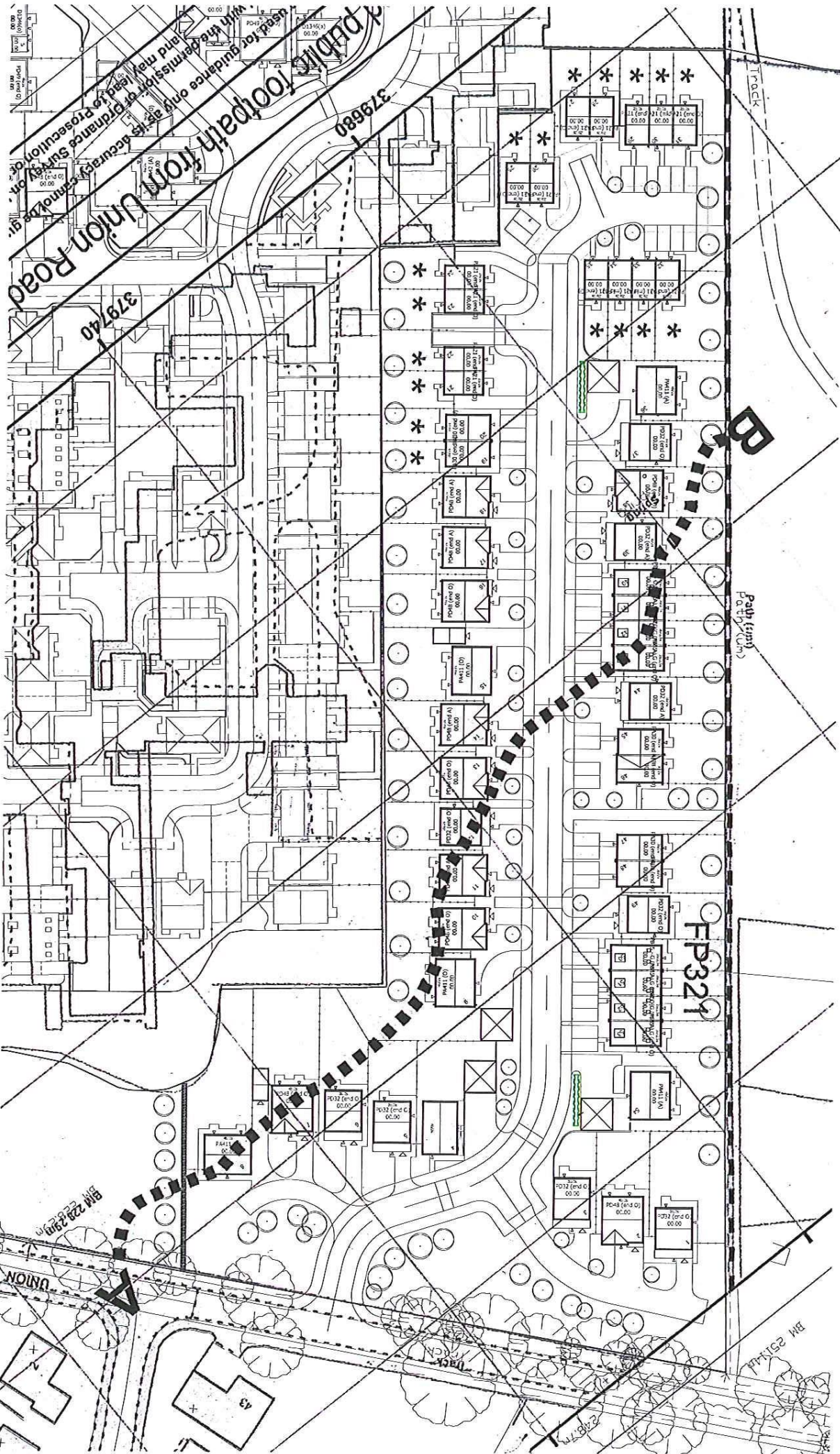
Without Prejudice Save as to Costs

Notwithstanding the above objections, and strictly on the above mentioned basis, Hurstwood is willing to agree to a Modification Order to add the route shown by a red line on the enclosed estate layout plan (which is being considered by the Planning Department of Rossendale Borough Council) as Footpath 382. The offered route differs only slightly from the route of the Order (which route is shown by the black dotted line on the enclosed plan) and would follow the proposed estate road and would be safer for users once constructed.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Alvin R Pinder', written over a dotted line.

Alvin R Pinder
Group Solicitor
Hurstwood Group
alvin.pinder@hurstwoodholdings.com



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Public footpath from Union Road

379740

379680

FP321

B

UNION

BIM 224 2910

BIM 251 144

Path (10m)

TRACK

TRACK

43