

9. Copies of Replies to pre-Order Consultations and Order Making Authority's Responses

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

"alvin.pinder@hurstwoodholdings.com" <>

Fri, 04 Oct 2013 09:46:06 -0000

To: "Brindle, Megan" <>

Wildlife and Countryside Act 1981 - Part III : Claim for Definitive Map Modification Order - claimed public footpath from Union Road to Dearden Heights, Rawtenstall

Attachments: image001.jpg, image002.gif, image003.gif, image004.gif, Letter of objection to public footpath modification.pdf

Good morning Miss Brindle,

Please see the attached letter, the hard copy of which will be posted to your office tonight.

Yours sincerely

Alvin Pinder

Alvin Pinder
Group Solicitor
Hurstwood
04.10.2013

Email: alvin.pinder@hurstwoodgroup.com

Website: www.hurstwoodgroup.com

Telephone: 0161 220 1999 | Fax: 0161 220 1990

Address: 4th Floor, 1 Marsden Street, Manchester M2 1HW



Our Ref: Alvin Pinder
Your Ref: LSG4/MB3/5.49860/MB3

**Lancashire County Council
County Secretary and Solicitor's Group
PO Box 78
County Hall
PRESTON
PR1 8XJ**

4 October 2013

Dear Sirs,

Re: Wildlife and Countryside Act 1981 – Part III
Claim for Definitive Map Modification Order
Claimed public footpath from Union Road to Dearden Heights, Rawtenstall

I act for Hurstwood Group 1 Limited and refer to your letter dated 25th September last regarding the above mentioned matter.

In the absence of the map referred to in paragraph three of your letter but not enclosed therewith I enclose a copy of the Land Registry plan showing by red edging the extent of the land owned by my client. You will see that my client's land is affected very much by the claim being made by Mr and Mrs Collins.

My client bought the land in August 2012 and recently erected fences along those sections of the boundaries which had fallen into disrepair. Signs were also erected to deter local people from exercising their dogs on my client's land and leaving behind the excrement of their dogs. I enclose herewith photographs of the fencing and the signage for your attention.

My client objects most strongly to the application for modification as there is already a public footpath which links Union Road to Dearden Heights so there is no need for the proposed modification. If the application is approved and the order for modification made the effect will be to sterilise the land against future use and prevent the land from being used for much needed local housing.

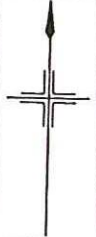
I hope the Council will consider carefully my client's objection and that it will decide not to make the order for modification.

Yours faithfully,

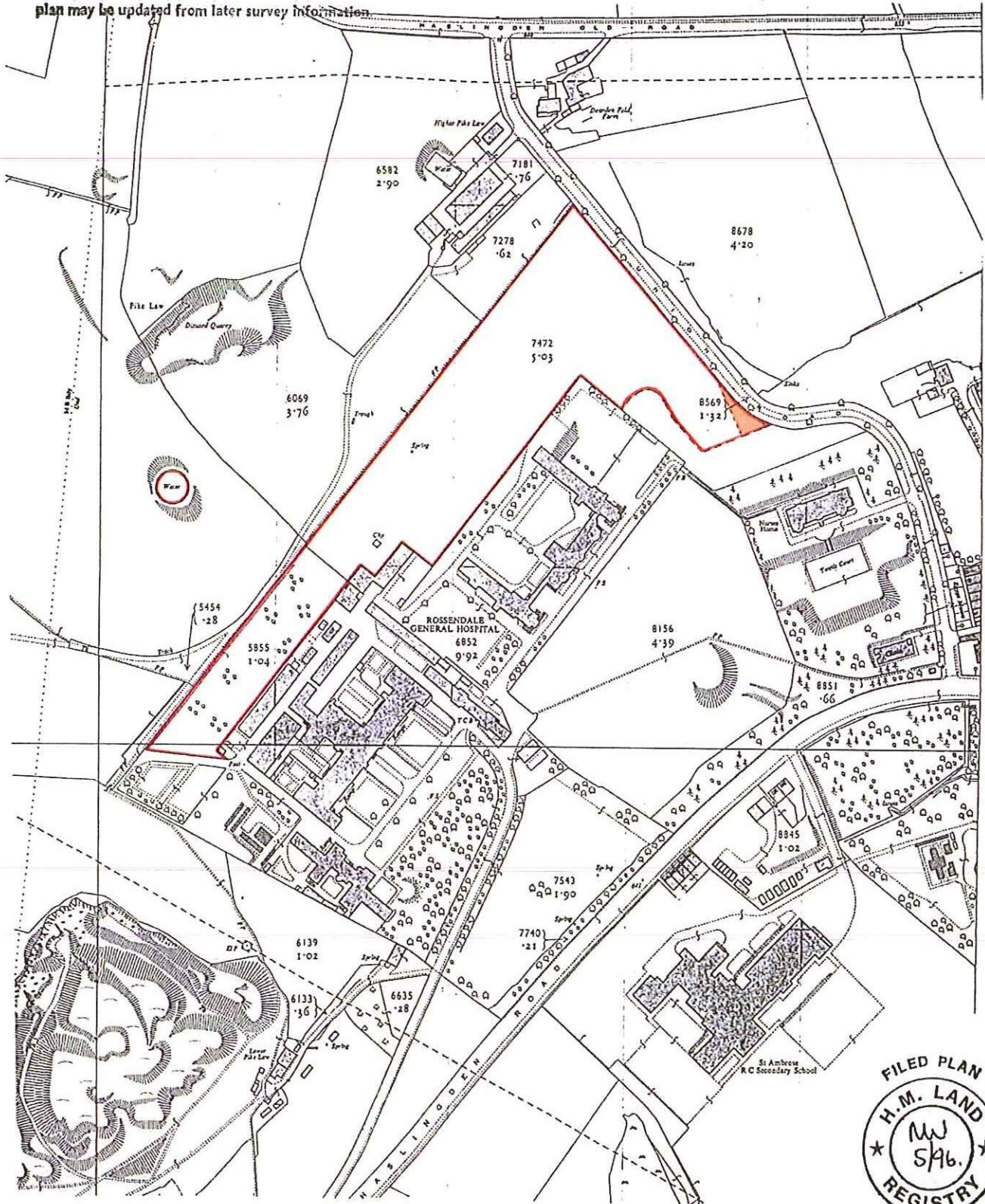
A handwritten signature in blue ink, appearing to read 'Alvin R Pinder', written over a horizontal line.

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

H.M. LAND REGISTRY		TITLE NUMBER	
		LA 777147	
ORDNANCE SURVEY PLAN REFERENCE	SD 7922	Scale 1/2500	
COUNTY LANCASHIRE		ROSSENDALE DISTRICT	© Crown Copyright



The boundaries shown by dotted lines have been plotted from the plans on the deeds. The title plan may be updated from later survey information.







Alvin Pinder (alvin.pinder@hurstwoodholdings.com)

Mon, 23 Jun 2014 09:06:10 +0000 (UTC)

To: "Baron, Hannah" (Hannah.Baron@lancashire.gov.uk)

Cc: Stephen J. Ashworth (Stephen.Ashworth@hurstwoodholdings.com), Michael Gilbert (mgilbert@peterbrett.com) (mgilbert@peterbrett.com)

Modification Order - Union Road to Dearden Heights, Haslingden

Attachments: Additional photos of unsafe ground.pdf, Letter of objection to public footpath modification.pdf

Good morning

I act for Hurstwood Group 1 Limited and have seen recent emails regarding this matter, which, I understand, is currently under public consultation. I am very concerned that Hurstwood has not been contacted on this matter since 25th September 2013 and so I attach hereto a copy of my response to the Council's letter of that date from Megan Brindle. I would be grateful if you would confirm that my client's objection has been noted and is being given due consideration.

The trespass on my client's land continues and it is clear that the reason for the proposed modification is not to create a short cut (a strange concept in itself for people who want to take exercise!!) between the existing points of the established public footpath but is so that people can roam all over my client's land letting their dogs off the lead to foul the land at will. It should be noted that access to my client's land was only achieved after somebody had deliberately destroyed the boundary wall (as you can see from the photographs attached to the letter) and my client has had to erect fencing to protect the rest of that wall.

My client is a responsible landowner and respects the existing public footpath which is a safe route along the edge of the land in question. It is ironic and of great concern to my client that the ground across which the trespassers choose to roam is overgrown, uneven and unsafe to use when there is a perfectly safe public footpath available for lawful use. I attach hereto further photographs showing how overgrown and unsafe the land is across which the trespassers roam as compared to the public footpath which is also shown.

I look forward to hearing from you

Yours sincerely

Alvin Pinder.

Alvin Pinder
Group Solicitor
Hurstwood
23.06.2014



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**

Tue, 24 Jun 2014 11:04:07 -0000
To: Alvin Pinder (alvin.pinder@hurstwoodholdings.com)
RE: Modification Order - Union Road to Dearden Heights, Haslingden
Attachments: image001.jpg, image002.gif, image003.gif, image004.gif

Hello Alvin,

Good morning and thank you for your email.

I apologise for the lack of correspondence you have received from the County Council since our Legal department was last in touch. The Definitive Map Modification process is a very lengthy statutory procedure, and as I am sure you can appreciate we have many similar applications to deal with. However, I can assure you that this particular case has not been overlooked.

Our Legal department has conducted a public consultation to notify the Borough Council and all landowners & occupiers who are affected by the application to add this route onto the Definitive Map and Statement. Our Legal team then passed the case file onto the Public Rights of Way team, where I have conducted historical research of the available old maps and documents, to see if there is any evidence recorded of a right of way ever crossing your clients land. The outcome of this has been prepared into a report along with the user evidence submitted. This report is due to be presented to members of the regulatory committee on 2nd July 2014, for a decision as to whether there is enough supporting evidence to make an Order.

I can confirm that your clients objection has been noted by the County Council. It has been included on the committee report and the information will be relayed to committee members before they reach their decision.

The report is available for the general public to view at
<http://council.lancashire.gov.uk/ieListDocuments.aspx?CId=121&Mid=3106&Ver=4>

Our legal department will contact you with the outcome of committee in due course.

I hope that this is of assistance to you.

Kind Regards,
Hannah

Hannah Baron

Public Rights of Way
Lancashire County Council
Environment Directorate
County Hall, Preston, PR1 0LD

Email: Hannah.baron@lancashire.gov.uk
Tel: 01772 533478