

# 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 Director of Corporate Services, Lancashire County Council.

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

I: D Brooksbank, for and on behalf of The British Horse Society

Of: C/O Access and Rights of Way Department, The British Horse Society, 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:

#### 3. Upgrading to a BRIDLEWAY part of footpath 1-20-FP 6 Wrayton Old Road, Parish: Melling with Wrayton

FROM: Junction with Back Lane, Wrayton SD 6112 7224 (A)

TO: Point where footpath joins route SD 6098 7176 (B)

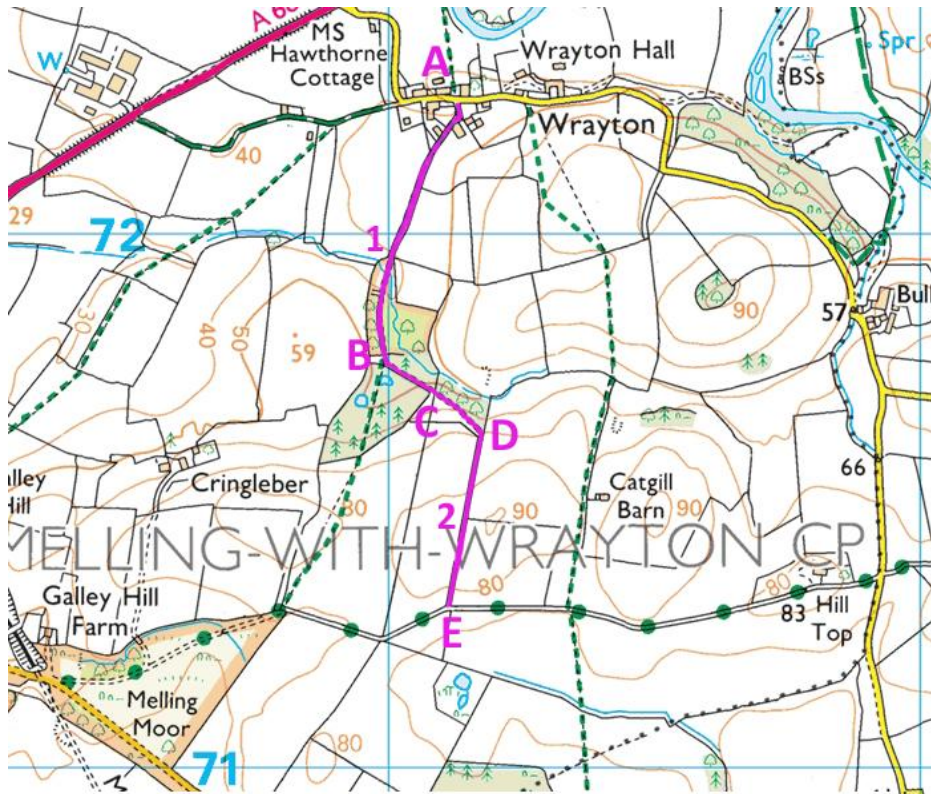
AND

#### 2. Adding the BRIDLEWAY – Wrayton Old Road, Parish: Melling with Wrayton

FROM: Point where footpath joins route SD 6098 7176 (B)

TO: Junction with Melling Moor Road SD 6110 7129 (E)

AS SHOWN ON THIS MAP:



Application Route:  Identified by: **A, B, C, D, E**

Copyright Designs and Patents Act 1988 Section 46 - This copy is made for the purposes of initiating a statutory inquiry and so does not infringe Copyright. Further copies should not be made.

This map should print at 1:14,500 scale when printed on A4 paper. Note: Points 1, 2 refer to photographs and descriptions of the current route. See Appendix D for larger scale copy of this map.

## Description of Application Route:

The Application Route is approximately 1090m long and around 4 to 6m wide throughout. There is a stone base to the Lane for most of its length. It is enclosed on both sides for about half of its length, mainly with hedges and fences, but with stone walls near the hamlet of Wrayton.

30m south of Point A there is a varnished wooden gate across the lane (open at the time of inspection). There are further field gates at Points B, C, D and another at Point 2. There was no gate at the southern entry to the lane. The gates at B, C and D all had old stone gateposts.

From Point A the route heads generally south along an enclosed lane, which opens out into an ancient coppice (Point 1) and continues on a good track to the gate at Point B. From B to C the route heads southeast along a grassy corridor between the ancient coppice and a more recent woodland area. From C the route is across open ground, uphill away from the line of a small stream to arrive at the old enclosed lane at D. The northern section of this lane from D to Point 2 is no longer enclosed on its western side, but there is an avenue of trees and other obvious signs of its previous enclosure. The route continues to rise and at the top of the hill (Point 2) a final gate across the route leads into the fully enclosed section heading downhill to join Melling Moor Road at E.

There is a footpath sign at Point A. There is a public footpath roundel affixed to a fence by the gate and stile at Point B, showing where FP 6 joins the Application Route.

From Point A towards B, it is clear the route is in regular use by farm vehicles, but beyond the gate at B there was hardly any sign of recent use. The unenclosed sections from Point C to Point 1 show signs of having been grazed.

## Current Recorded Status:

The route is partially recorded on the Definitive Map as footpath 1-20-FP 6 from Point A to Point B – approximately 530 metres; the remaining 560 metre section Point B to Point E is not recorded.

The route is not recorded on the List of Streets.

## Notes:

The route is not believed to be used by the public other than the section which is recorded as footpath. It does not seem to be used by vehicles, except from Point A to B.

The current OS 1:25,000 scale map shows the route as enclosed on both sides from Point D to E, however this is no longer the case between D and Point 2, which seems to indicate this is a fairly recent change.

## Summary and Statement of Reasons:

This route is supported by a sufficient body of evidence to be recorded as a **BRIDLEWAY**.

All evidence, spanning over 170 years, points to this being a public highway of status at least equal to Bridleway, even though it is recorded merely as a footpath from Point A to B and not recorded on the Definitive Map at all from B to E.

1. It is clearly shown as a through road on all historic Ordnance Survey Maps inspected, from the earliest 6 inch map of 1847 up to the 1:10,000 scale map of 1956.

2. On the OS 25 inch 1<sup>st</sup> Edition (1891) and also 1913 Edition the northern and southern sections of the route are shown as roads with their own plot numbers, indicating they are separate entities, not part of the surrounding farmland. On both editions, a footpath is shown joining the route at Point B and the Application Route is clearly depicted as being of higher status than the footpath.
3. It is clearly shown as a through road on Bartholomew's Maps, in the same manner as minor roads in the area today. As a commercial Map maker, Bartholomew's would aim to show only highways that their customers (largely motorists and cyclists) could use, so would not knowingly include footpaths or private roads.
4. It is clearly shown as a through road on the Ministry of Transport Road map of 1922-3. These maps were developed specifically for motorists, which is a good indication the route was considered a public road.
5. It is shown as a road on the Melling with Wrayton Tithe Map of 1848 and the plots from A to B and D to E are listed as Road and Waste owned by the Township of Melling on the Tithe Apportionment. From C to D it is listed as a lane with no tithe payable. From B to C it is shown on the map as a cart road but not mentioned in the apportionment. This is exactly the same depiction as Back Lane, which is a classified road today.
6. It is shown as a "white road" on the IR1910 map from Point A to where it widens into the coppice (Point 1); that is: excluded from adjoining hereditaments, which is good evidence that this section of the route was considered a public road.
7. The Parish Council Survey Record for FP 6 describes the route finishing at Point 1, when following from the south. This could be taken to infer that from Point 1 to Point A was considered a public highway at that time, as it is unlikely they would consider a dead-end route worthy of inclusion on the Definitive Map.
8. The Land Registry holds no ownership record of the majority of the route, with the exception of the short stretch (approximately 120m) from Point B to Point C, which is a good indication the majority of the route is a public road.
9. There are no stopping up orders found.

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

#### **A: Evidence from Maps**

##### **A1: Ordnance Survey Maps – 6 inch England and Wales (Drawn scale 1:10,560)**

**1847** - shown as road; **1895** - shown as road; **1916** - shown as road

Source: National Library of Scotland Online Map database <https://maps.nls.uk/>

##### **A2: Ordnance Survey Maps - 25 inch England and Wales (Drawn scale 1:2,500)**

First Edition **1891** and also **1913** Edition the route is shown as road in northern section Plot 221 and southern section Plot 241 on Lancashire Sheet XXVI.1, separate to abutting fields.

The footpath joining at Point B is clearly shown as of lower status than the Application Route.

Source: National Library of Scotland Online Map database <https://maps.nls.uk/>

##### **A3: Ordnance Survey Maps - One-inch England and Wales (Drawn scale 1:63,360)**

**1898** and **1947** shown as 3rd class road; **1955** shown as unmetalled road

Source: National Library of Scotland Online Map database <https://maps.nls.uk/>

##### **A4: Ordnance Survey, 1:25,000 maps of Great Britain**

**1948** and **1952** - shown as Other Road

Source: National Library of Scotland Online Map database <https://maps.nls.uk/>

## **A5: Ordnance Survey, 1:10,560 maps of Great Britain**

1956 - shown as Other Road

Source: National Library of Scotland Online Map database <https://maps.nls.uk/>

## **A6: Bartholomew's Half Inch to the Mile Maps England and Wales (Drawn Scale 1:126,720)**

As a commercial Map maker, Bartholomew's would aim to show only highways that their customers (largely motorists and cyclists) could use, so would not knowingly include footpaths or private roads. On **1905, 1920** and **1941** maps, it is shown as Other Road, the same as minor roads in the area today.

Source: National Library of Scotland Online Map database <https://maps.nls.uk/>

## **A7: Ministry of Transport ½ inch Road Map of Great Britain 1922-23 (Drawn scale 1:126,720)**

Reduced from the OS One Inch Third Edition series, they were specifically developed for sale to motorists. Route shown in the same manner as other minor roads in the area.

Source: SABRE-Maps <https://www.sabre-roads.org.uk/maps/>

## **B: Primary Evidence**

### **B1: Tithe Records 1847**

The route is shown as a road on the Melling with Wrayton Tithe Map of 1847:

Plot 147 from A to B is listed in the Tithe Apportionment as waste owned by the Township of Melling.

From B to C it is shown on the map as a cart road but not mentioned in the apportionment. This is exactly the same depiction as Back Lane, which is a classified road today.

From C to D it is listed as Plot 153a – Road and Waste with no tithe payable.

D to E is listed as Plot 174 - Road owned by the Township of Melling on the Tithe Apportionment and is shown on the same plot at Melling Moor Road.

Source: *The Genealogist* – Crown copyright images reproduced courtesy of The National Archives.

### **B2: Inland Revenue Valuation Records - Finance (1908-10) Act 1910**

Shown as “white road” on IR1910 maps from Point A to where it widens into the ancient coppice (Point 1). Being excluded from adjoining hereditaments is good evidence that this section of the route was considered a public road. Between Points D and E the red line dividing two adjacent plots is drawn down the centre of the enclosed lane, which is quite unusual.

Source: Photographed at The National Archives IR133/3/30

## **C: Other Evidence:**

### **C1: Land Ownership**

The Land Registry documents show no ownership registered for the majority of the Application Route. The only exception is the section from Point B to Point C.

Source: The Land Registry <https://eservices.landregistry.gov.uk/eservices/FindAProperty/view/MapEnquiryInit.do>

### **C2: Parish Council Survey Records**

A section of the route from Point B northwards is described on the card for Footpath No.6 in Melling Parish. The route reaches (Point B) “a field gate which opens onto another cart road through a wood at the end of which the path finishes” (Point 1). This could be taken to infer that from Point 1 to Point A was considered a public highway at that time, as it is unlikely they would consider a dead-end route worthy of inclusion on the Definitive Map.

Source: Lancashire CC Archives

### **C3: Further Evidence**

Stopping Up Order - search returned no records.

Source: *The Gazette official public record* <https://www.thegazette.co.uk/all-notices/notice>

### **D: Map and Photographs of the Application Route:**

#### **D1: Current OS 1:25,000 map of Applicant Route**

Approximate scale when printed on A4 paper – 1:10,000

Source: *Viewranger personal subscription. Map data: Ordnance Survey, Crown copyright*

#### **D2: Recent photograph of the junction with Back Lane (Point A)**

The first gateway is visible ahead by the white car, where the lane swings to the right.

Source: *Applicant's own image*

#### **D3: Recent Photograph of the route beyond the old farmhouse 50m south of Point A**

The lane has a stone surface and is clearly used by vehicles.

Source: *Applicant's own image*

#### **D4: Recent Photograph of the route approaching Point 1**

Showing the coppice area ahead, the lane seems to be used by vehicles at this point although rather muddy and overgrown.

Source: *Applicant's own image*

#### **D5: Recent Photograph of the second gate, where footpath FP 6 leaves the lane (Point B)**

There is no obvious vehicle use here and the route is more overgrown but the stone surface is in good repair. The footpath marker is on the fence at the left of the gate. The footpath continues ahead whilst the Application Route turns left beyond the gate.

Source: *Applicant's own image*

#### **D6: Recent Photograph of the route beyond Point B**

Showing the grassy corridor between the ancient coppice and the more recent woodland area.

Source: *Applicant's own image*

#### **D7: Recent Photograph of the route at Point C**

Beyond the gate the route heads uphill towards D.

Source: *Applicant's own image*

#### **D8: Recent Photograph of the route near Point D looking NW to Point C**

The gate at C is visible at the bottom of the slope. This section is clearly grazed.

Source: *Applicant's own image*

#### **D9: Recent Photograph of the route at Point D looking south**

The avenue of trees shows the position of the original hedgelines. The old stone gatepost is still in position.

Source: *Applicant's own image*

#### **D10: Recent Photograph of the route at the top of the hill (Point 2)**

Looking north towards Point D along the avenue of trees.

Source: *Applicant's own image*

#### **D11: Recent Photograph of the route at junction with Melling Moor Road (Point E)**

The stone surface of the track is very evident.

Source: *Applicant's own image*

**D12: Recent Photograph of the route at Point E looking N**

Looking back along the enclosed section of the lane. It does not seem to be used much at this point.

*Source: Applicant's own image*

DATED:

SIGNED:

**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/SK)

**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 be 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.**

**Application for a Modification Order – 3. Upgrading to BRIDLEWAY part of footpath 1-20-FP 06 AND 2. Adding the BRIDLEWAY – Wrayton Old Road, Parish: Melling with Wrayton**

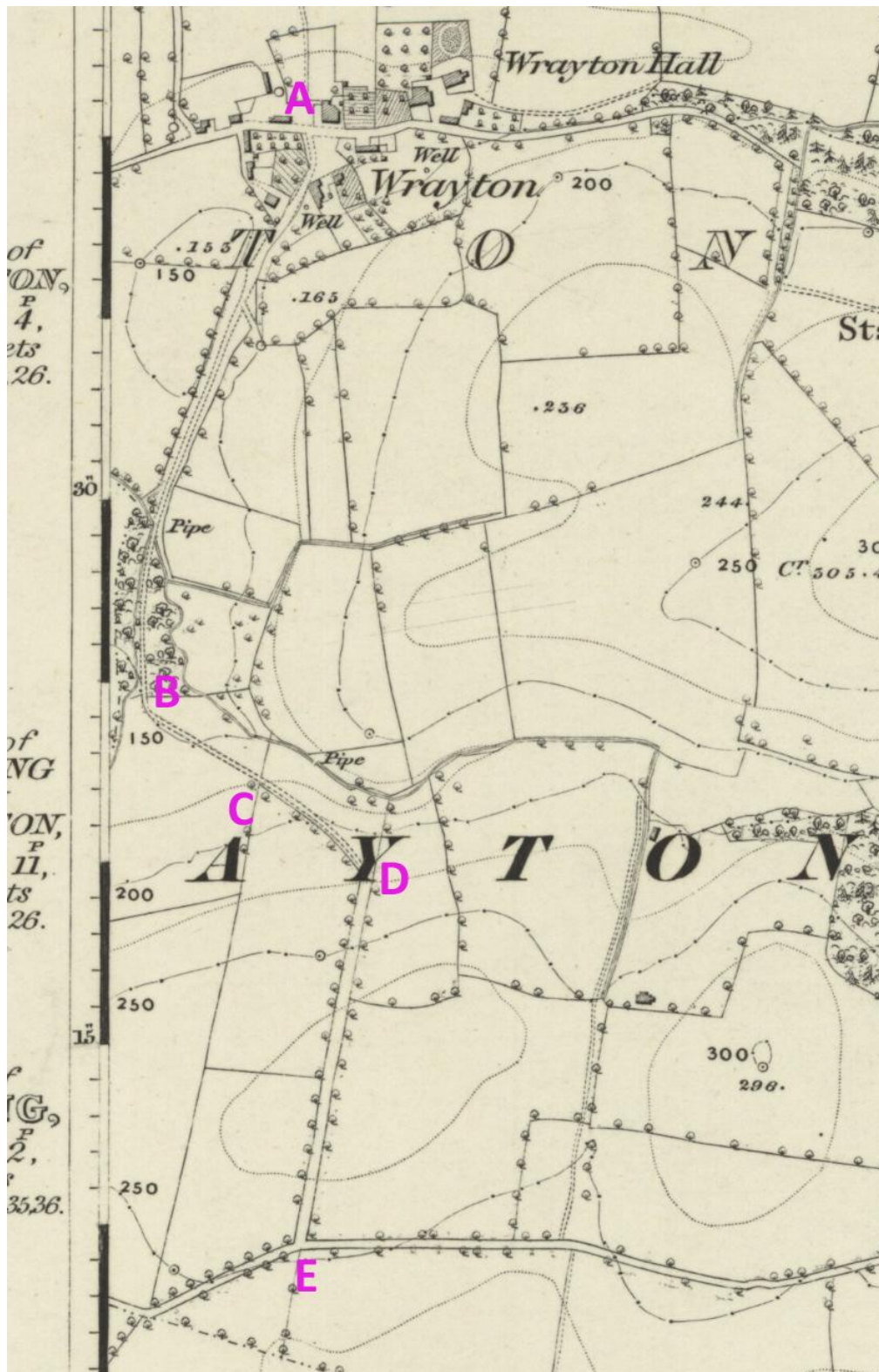
**Appendix A: Evidence from Maps**

Note: All MAUVE MARKS AND LETTERING on Map Evidence have been added by applicant to help locate Application Route. They in no way represent the route itself.

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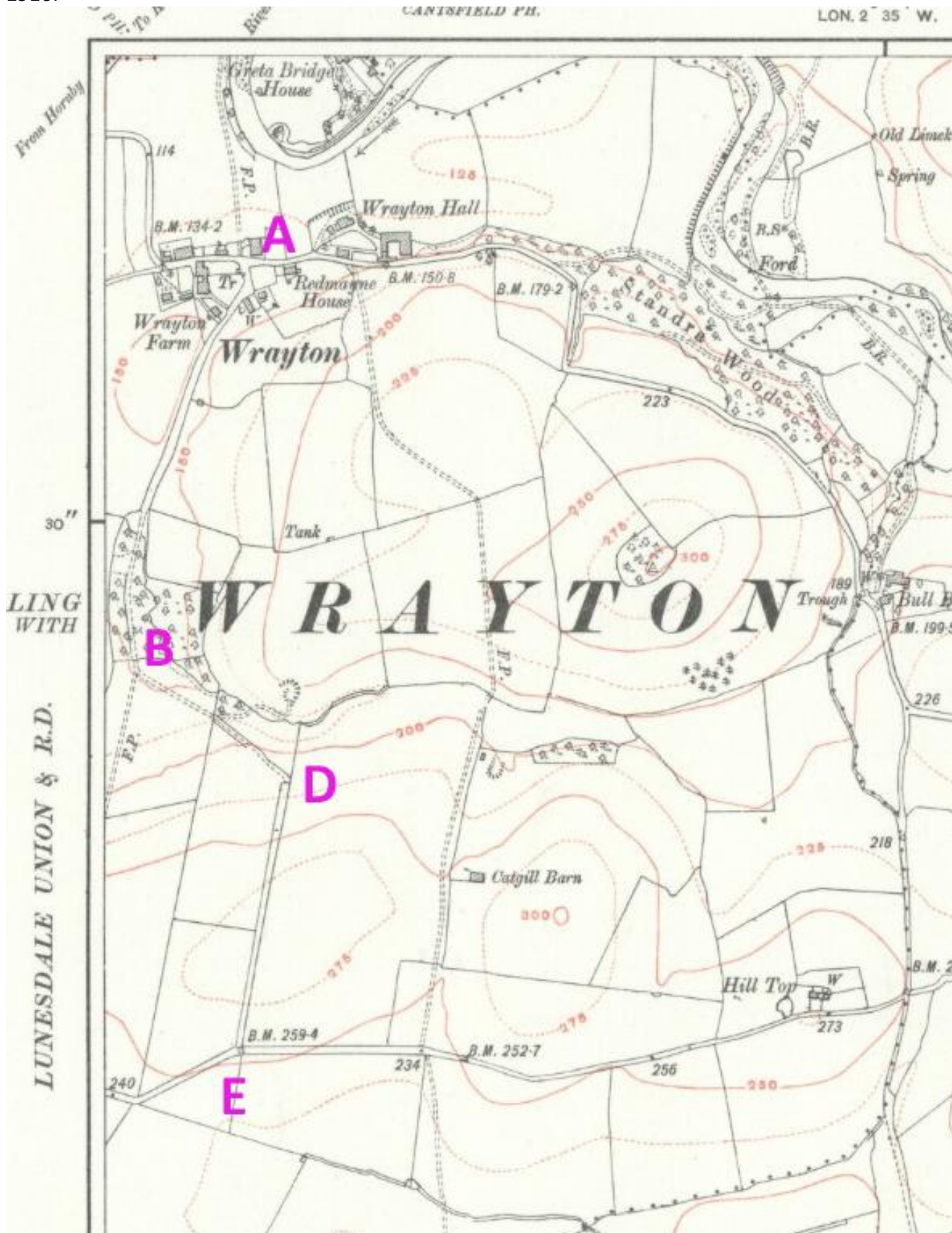
**1847 - shown as road; 1895 - shown as road; 1916 - shown as road**

1847:





1916:



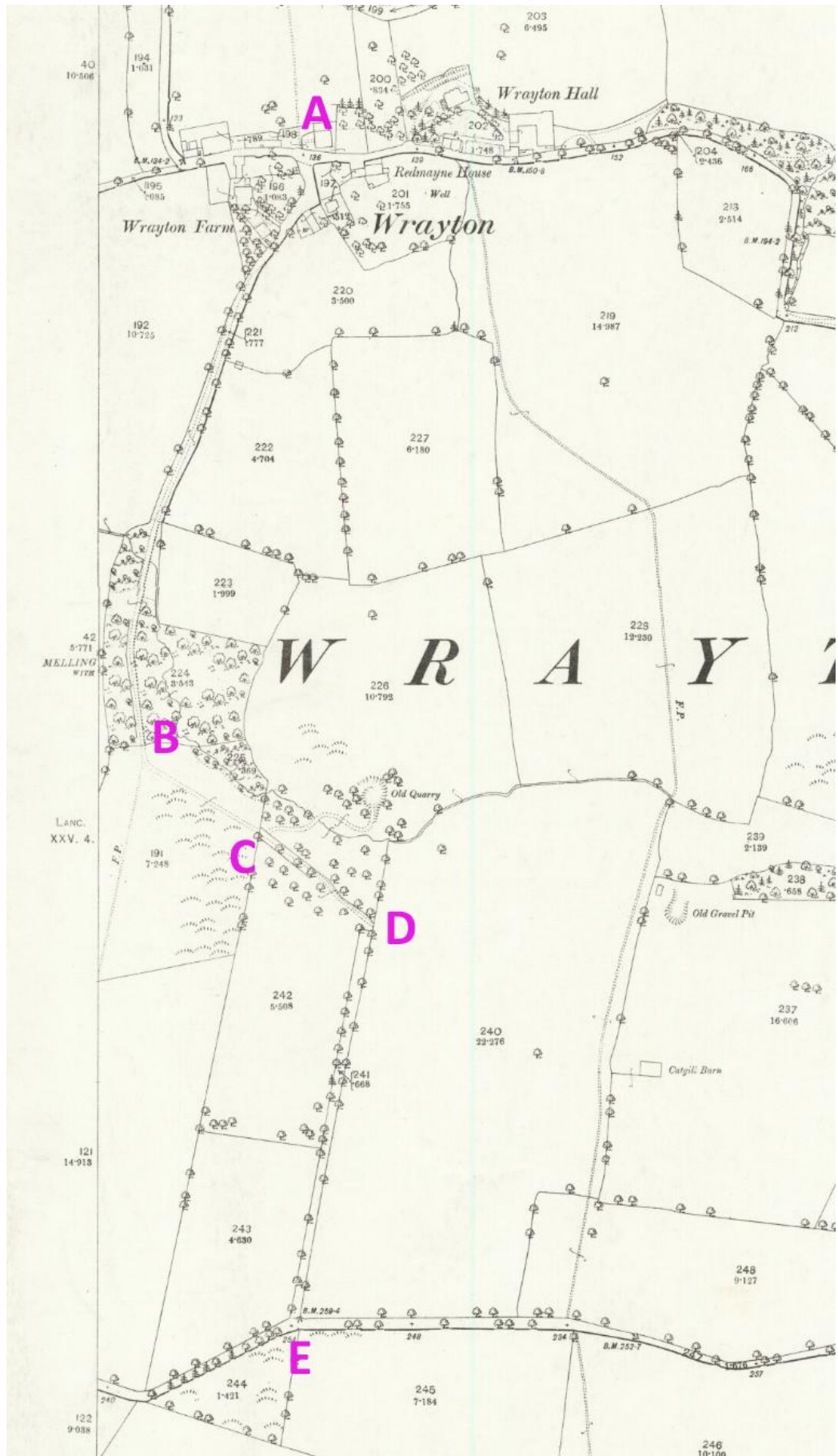
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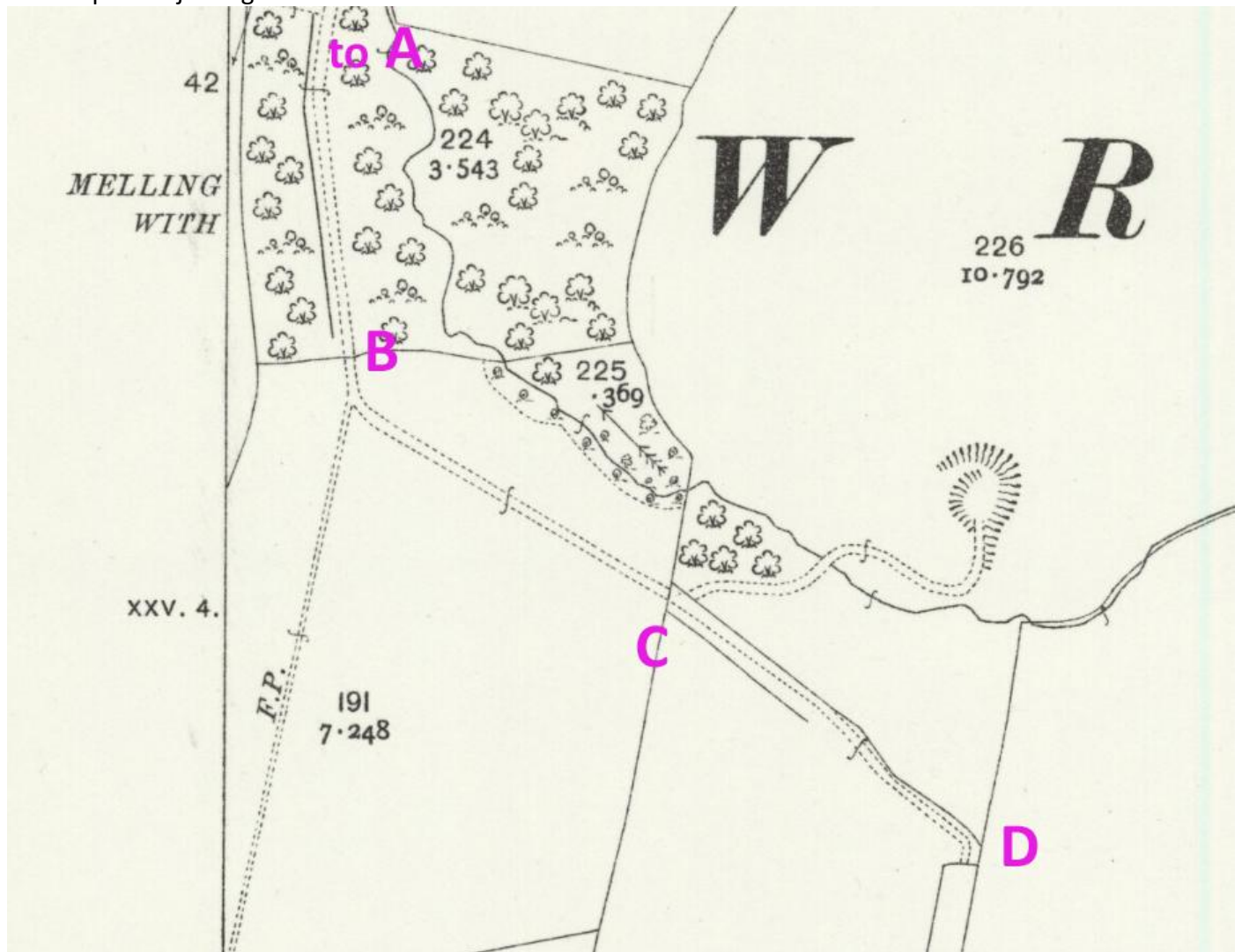
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1891:





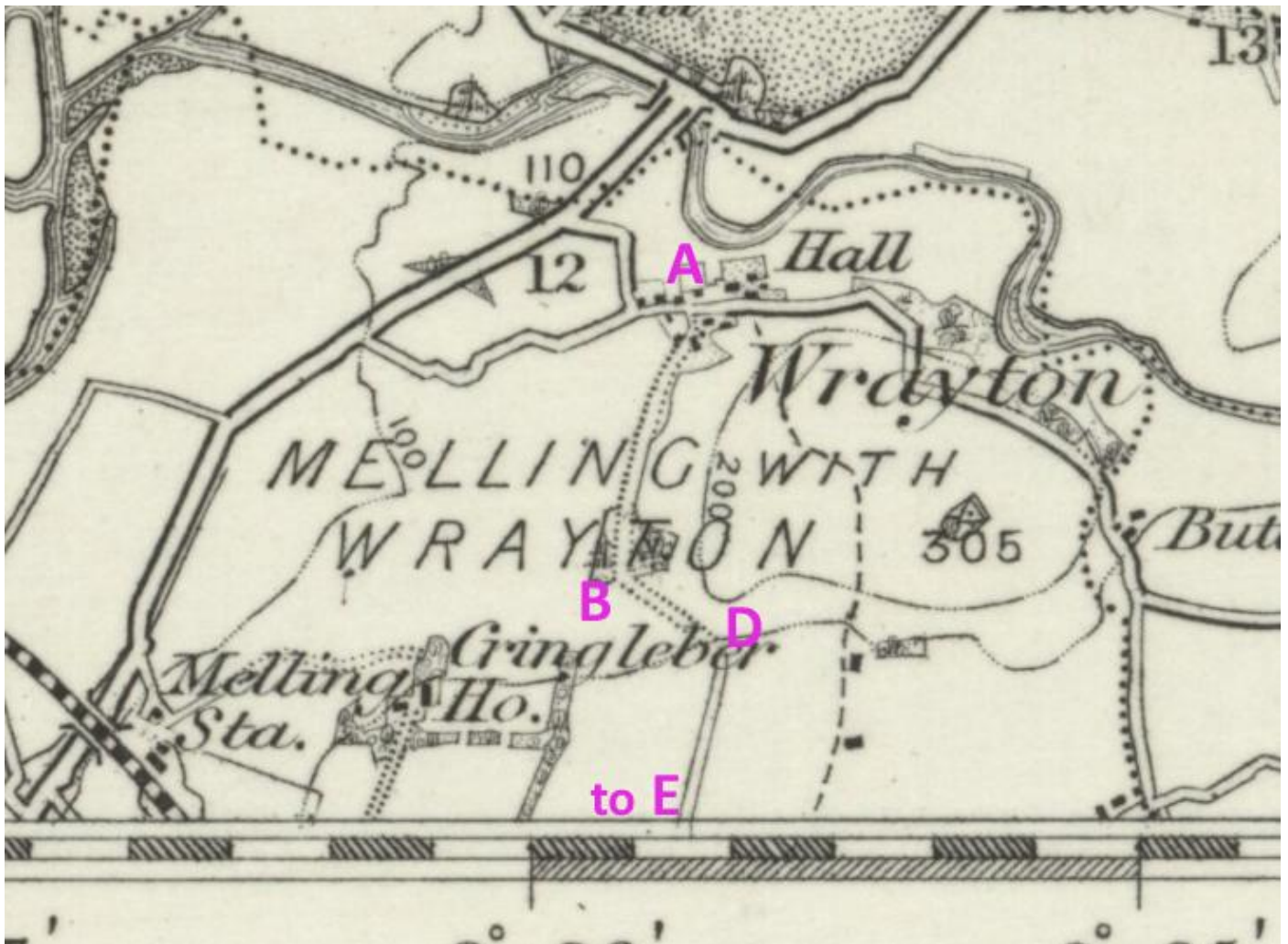
Close-up of FP joining at Point B - 1913 Edition:



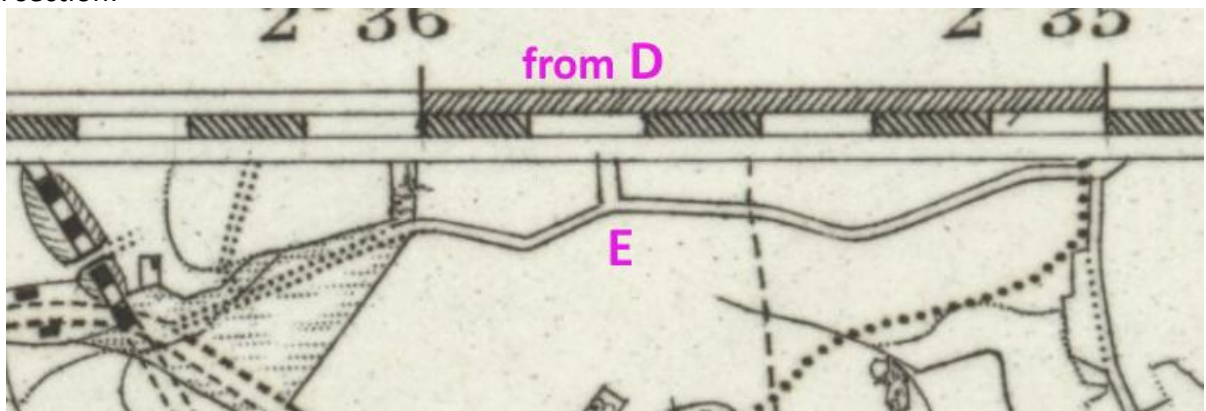
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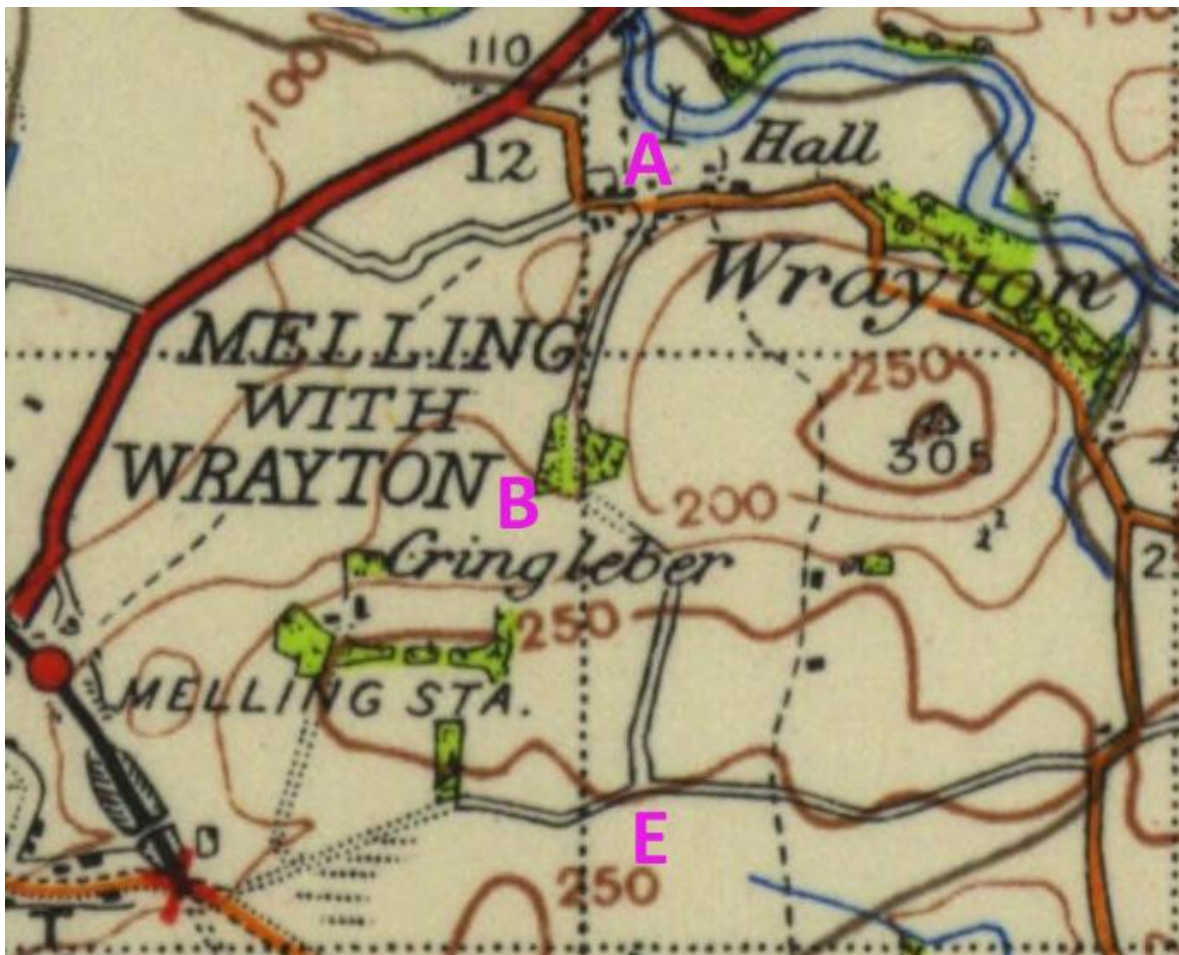
1898 north section:



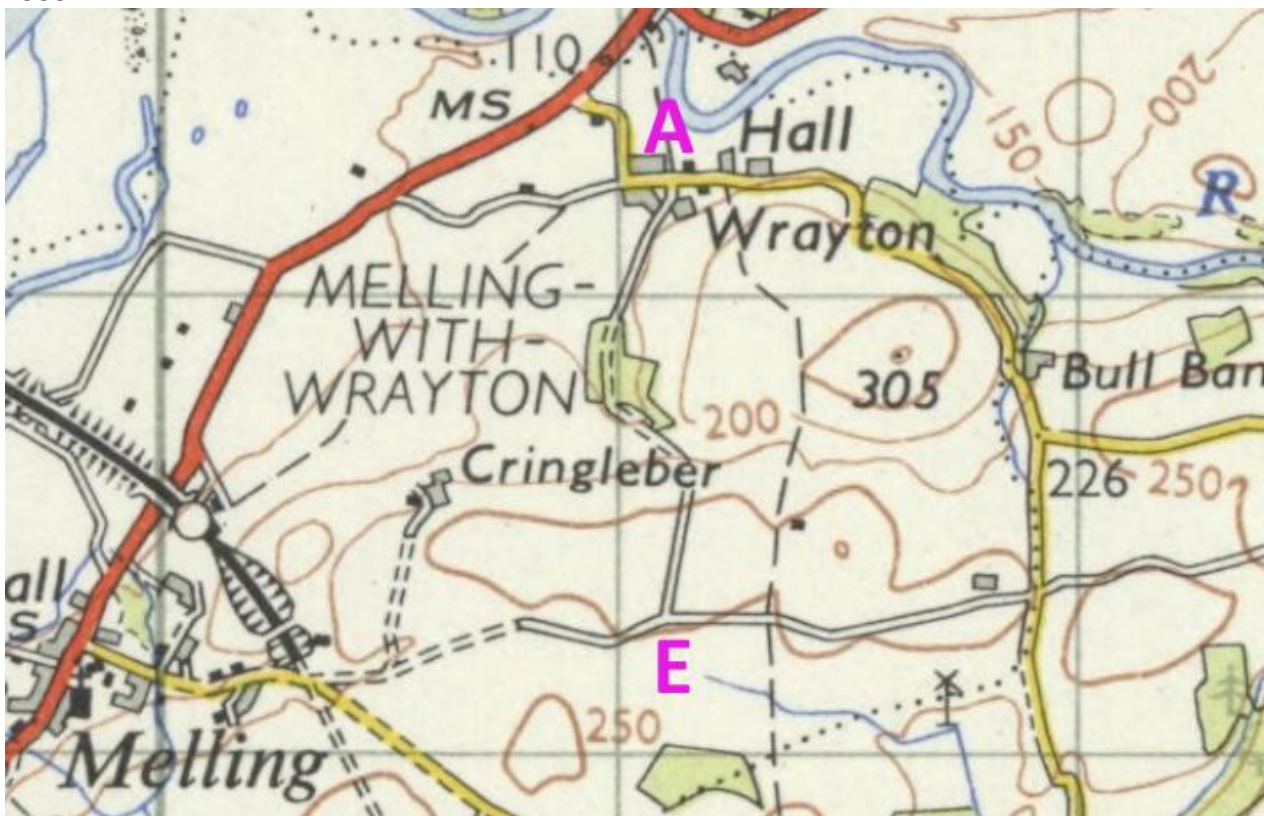
1898 south section:



1947:



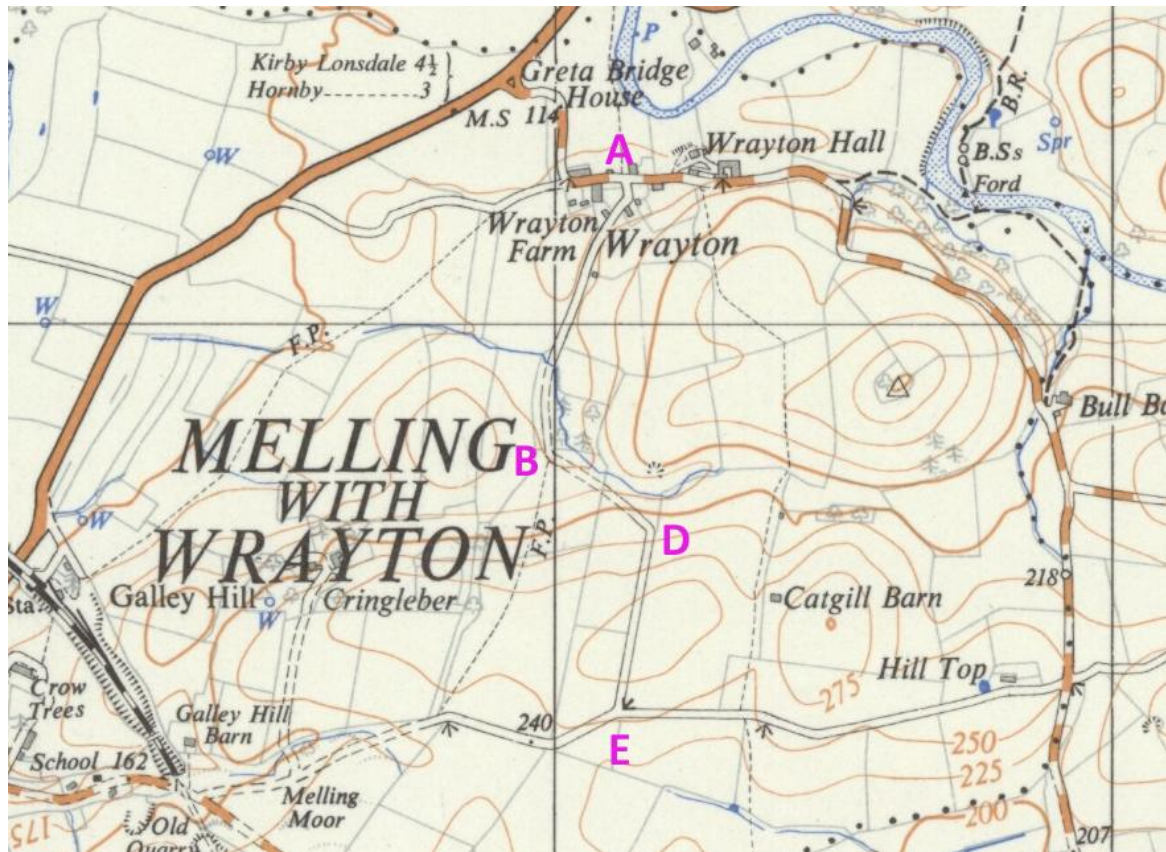
1955:



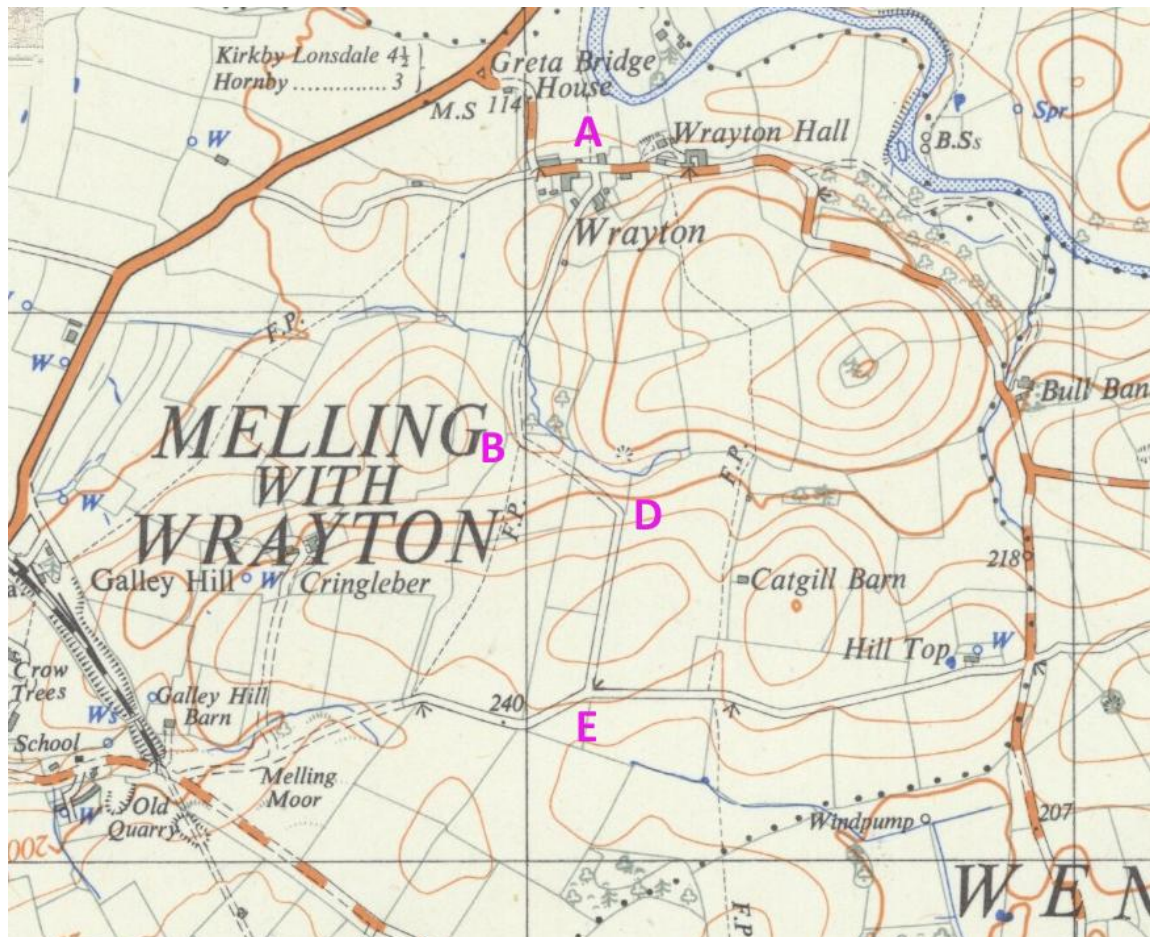
Source: National Library of Scotland Online Map database <https://maps.nls.uk/>

**A4: Ordnance Survey, 1:25,000 maps of Great Britain  
1948 and 1952 - shown as Other Road**

1948:

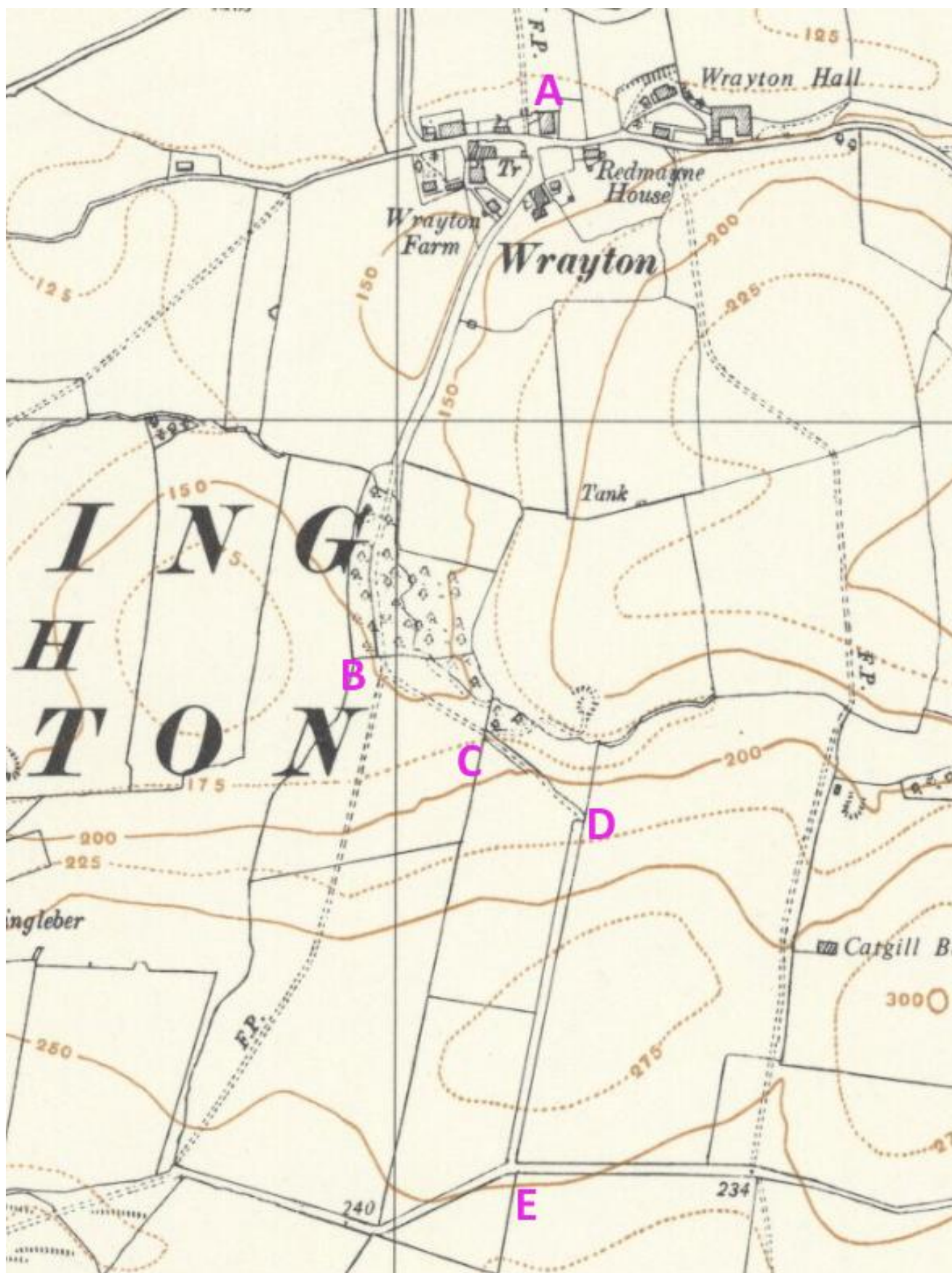


1952:



Source: National Library of Scotland Online Map database <https://maps.nls.uk/>

**A5: Ordnance Survey, 1:10,560 maps of Great Britain  
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**A6: Bartholomew's Half Inch to the Mile Maps England and Wales (Drawn Scale 1:126,720)**

As a commercial Map maker, Bartholomew's would aim to show only highways that their customers (largely motorists and cyclists) could use, so would not knowingly include footpaths or private roads. On 1905, 1920 and 1941 maps, it is shown as Other Road, the same as minor roads in the area today.

1905:



1920:



1941:



Source: National Library of Scotland Online Map database <https://maps.nls.uk/>

**A7: Ministry of Transport ½ inch Road Map of Great Britain 1922-23 (Drawn scale 1:126,720)**

Reduced from the OS One Inch Third Edition series, they were specifically developed for sale to motorists. Route shown in the same manner as other minor roads in the area today.



Source: SABRE-Maps <https://www.sabre-roads.org.uk/maps/>

## Application for a Modification Order – 3. Upgrading to BRIDLEWAY part of footpath 1-20-FP 06 AND 2. Adding the BRIDLEWAY – Wrayton Old Road, Parish: Melling with Wrayton

### Appendix B: Primary Evidence

Note: All MAUVE MARKS AND LETTERING on Map Evidence have been added by applicant to help locate Application Route. They in no way represent the route itself.

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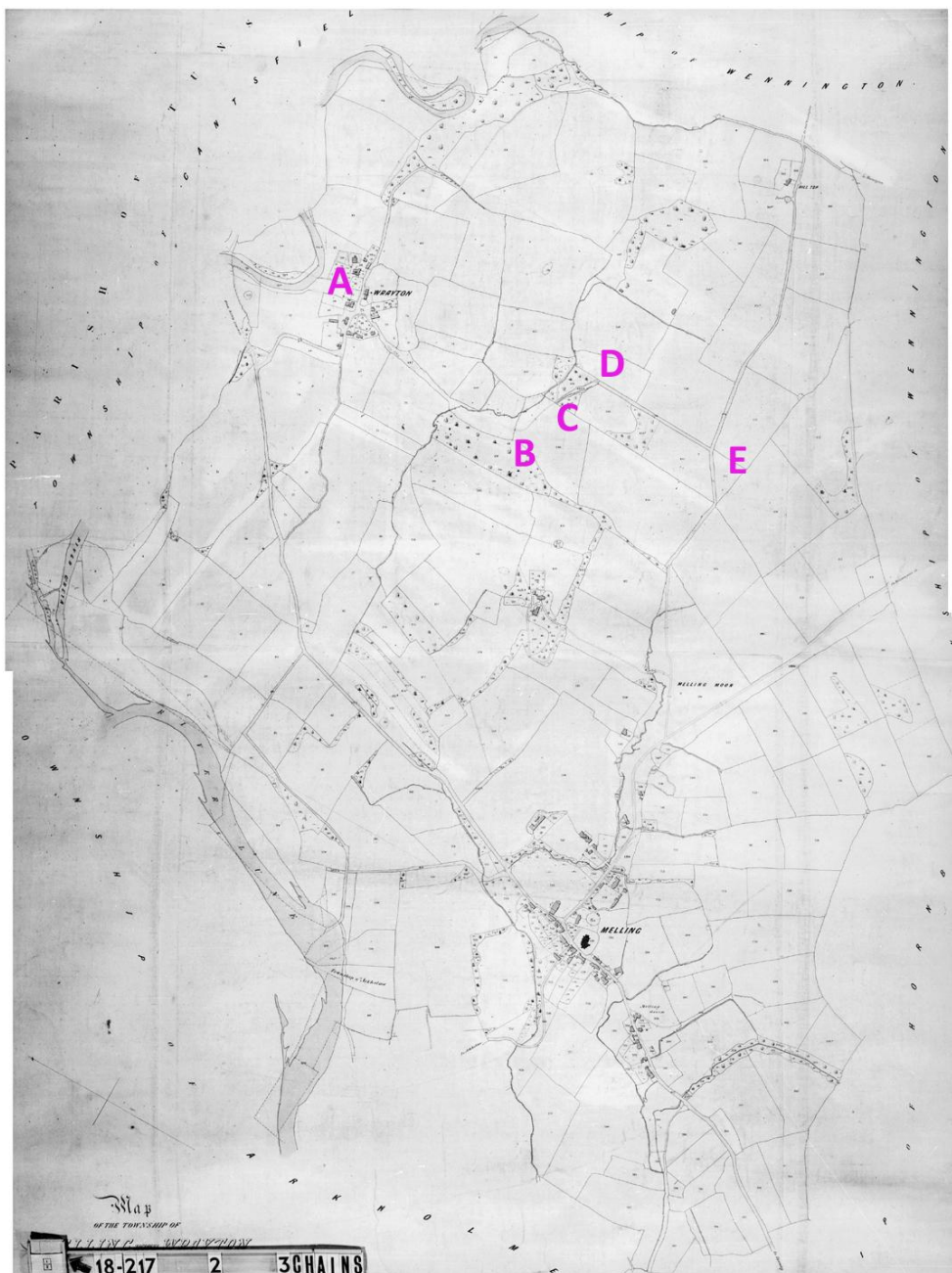
Plot 147 from A to B is listed in the Tithe Apportionment as waste owned by the Township of Melling.

From B to C it is shown on the map as a cart road but not mentioned in the apportionment. This is exactly the same depiction as Back Lane, which is a classified road today.

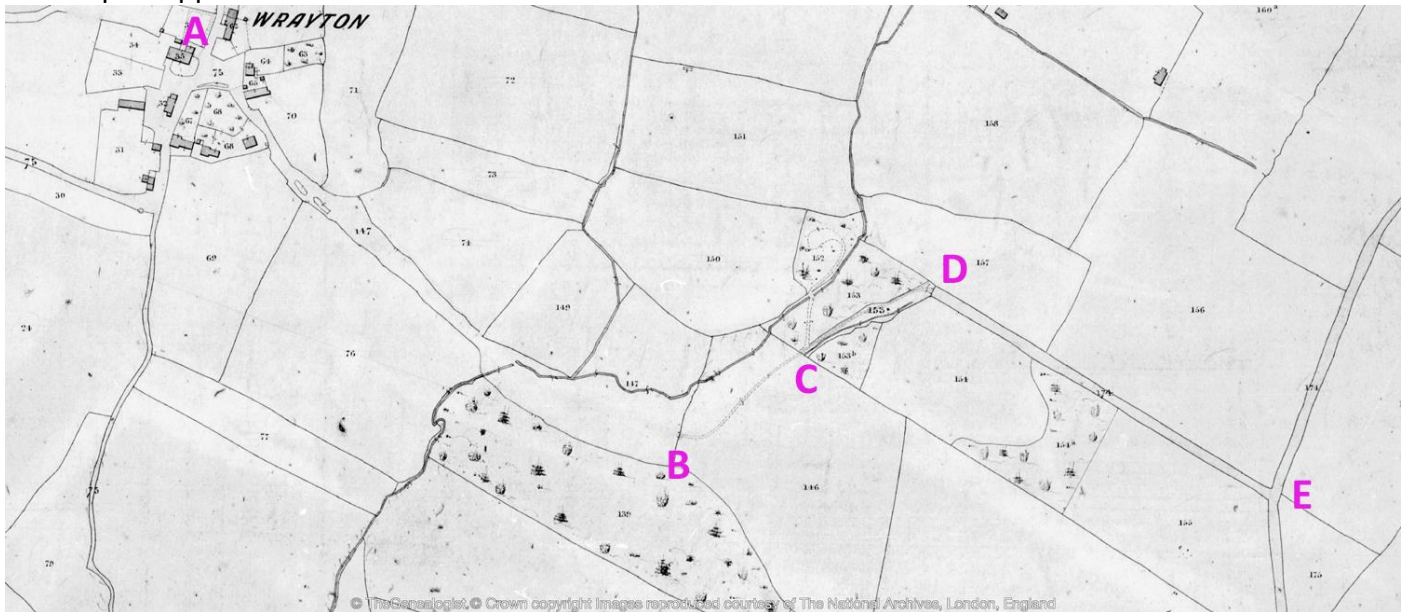
From C to D it is listed as Plot 153a – Road and Waste with no tithe payable.

D to E is listed as Plot 174 - Road owned by the Township of Melling on the Tithe Apportionment and is shown on the same plot at Melling Moor Road.

Melling with Wrayton Tithe Map:



Close-up of Application Route:



Tithe Apportionment – Plots 147 and 174:

LANDOWNERS.	OCCUPIERS.	Numbers referring to the Plan.	NAME AND DESCRIPTION OF LANDS AND PREMISES.	STATE OF CULTIVATION.	QUANTITIES IN STATUTE MEASURE.		Amount of Rent-Charge apportioned upon the several Lands, and to whom payable.						
					A.	R.	P.	PAYABLE TO Vicar of Melling		PAYABLE TO Rector of Melling			
Township of Melling	Themselves	26	Waste			1	12						
		75	Road and waste			2							
		89	Road			2		6					
		102a	Road					14					
		118c	Road					34					
		147	Waste			4	2	25					
		174	Road			2	3	5					
		196	Melling Moor and Road			17		21					
		261	Road					1	27				
		308	Melling Green			3	1	2					
		322	Road			5	3	22					
					38	3	8						
	John Cook	208	School House Garden &c			31			3			M.	
		202a	Garden			9			1			R.	
		210a	Garden			12			1			M.	

Tithe Apportionment – Plot 153a:

LANDOWNERS.	OCCUPIERS.	Numbers referring to the Plan.	NAME AND DESCRIPTION OF LANDS AND PREMISES.	STATE OF CULTIVATION.	QUANTITIES IN STATUTE MEASURE.		Amount of Rent-Charge apportioned upon the several Lands, and to whom payable.					
					A.	R.	P.	PAYABLE TO Vicar of Melling		PAYABLE TO Rector of Melling		
			Brought forward		70	3		10	10	7	5	
am Gillison Eg <sup>o</sup> (continued)	Himself (continued)	142	Plantation				14					
		143	Tringlebar Hill	Pasture	4	1	15			3		11
		144	Plantation		1	1	37					
		149	Meadow		2					8		
		150	Banks	Grable	4		22			2		10
		151	Banks	Grable	4	2	33			2		11
		152	Plantation and Quarry				2	23				
		153	Gill Plantation		1		30					
		153a	Road & Waste				1	12				
		153b	Plantation				1	25				
		154	Moor	Grable & Pasture	3		19			1		5
		154a	Moor	New Plantation	1	2	11					2
		155	Moor	Pasture	4	1	32			3		14
		180	Poston Cocksheath	Pasture	5	3	17			4		6
181	Cocksheath	Grable & Pasture	2	3	6			2		4		
					1	13				1		

Source: The Genealogist – Crown copyright images reproduced courtesy of The National Archives.

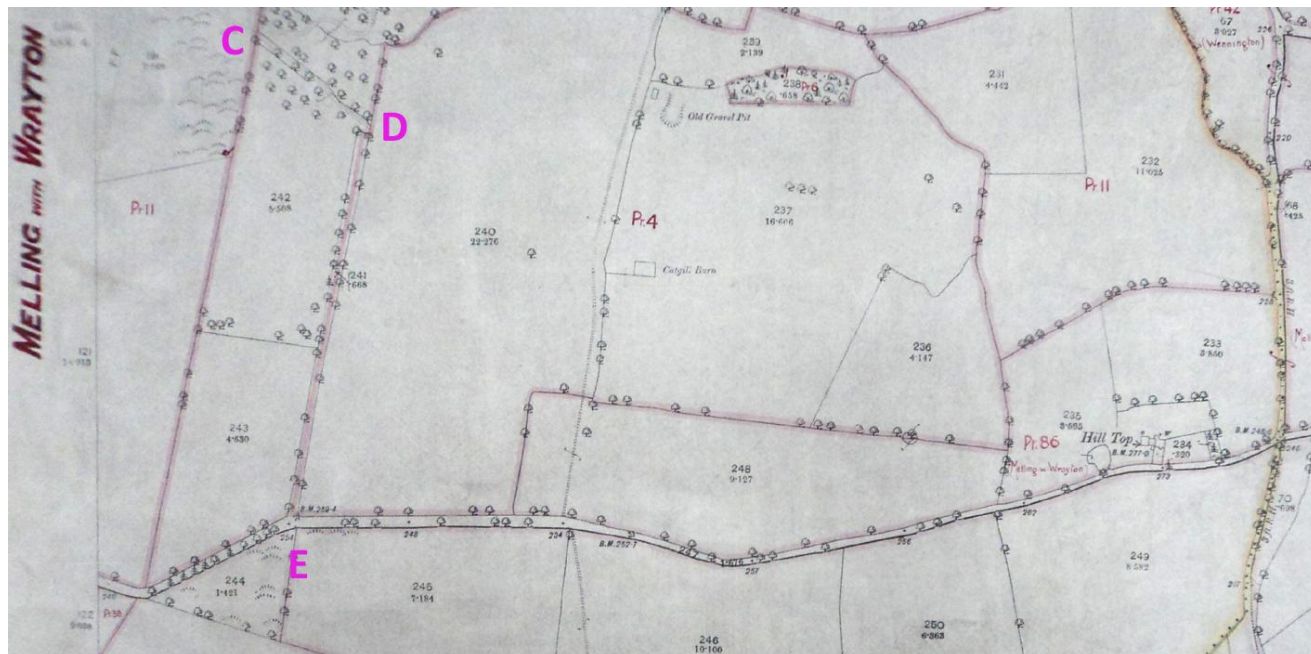
## B2: Inland Revenue Valuation Records - Finance (1908-10) Act 1910

Shown as “white road” on IR1910 maps from Point A to where it widens into the ancient coppice (Point 1). Being excluded from adjoining hereditaments is good evidence that this section of the route was considered a public road. Between Points D and E the red line dividing two adjacent plots is drawn down the centre of the enclosed lane, which is quite unusual.

Northern section:



Southern section:



Source: Photographed at The National Archives IR133/3/30

# Application for a Modification Order – 3. Upgrading to BRIDLEWAY part of footpath 1-20-FP 06 AND 2. Adding the BRIDLEWAY – Wrayton Old Road, Parish: Melling with Wrayton

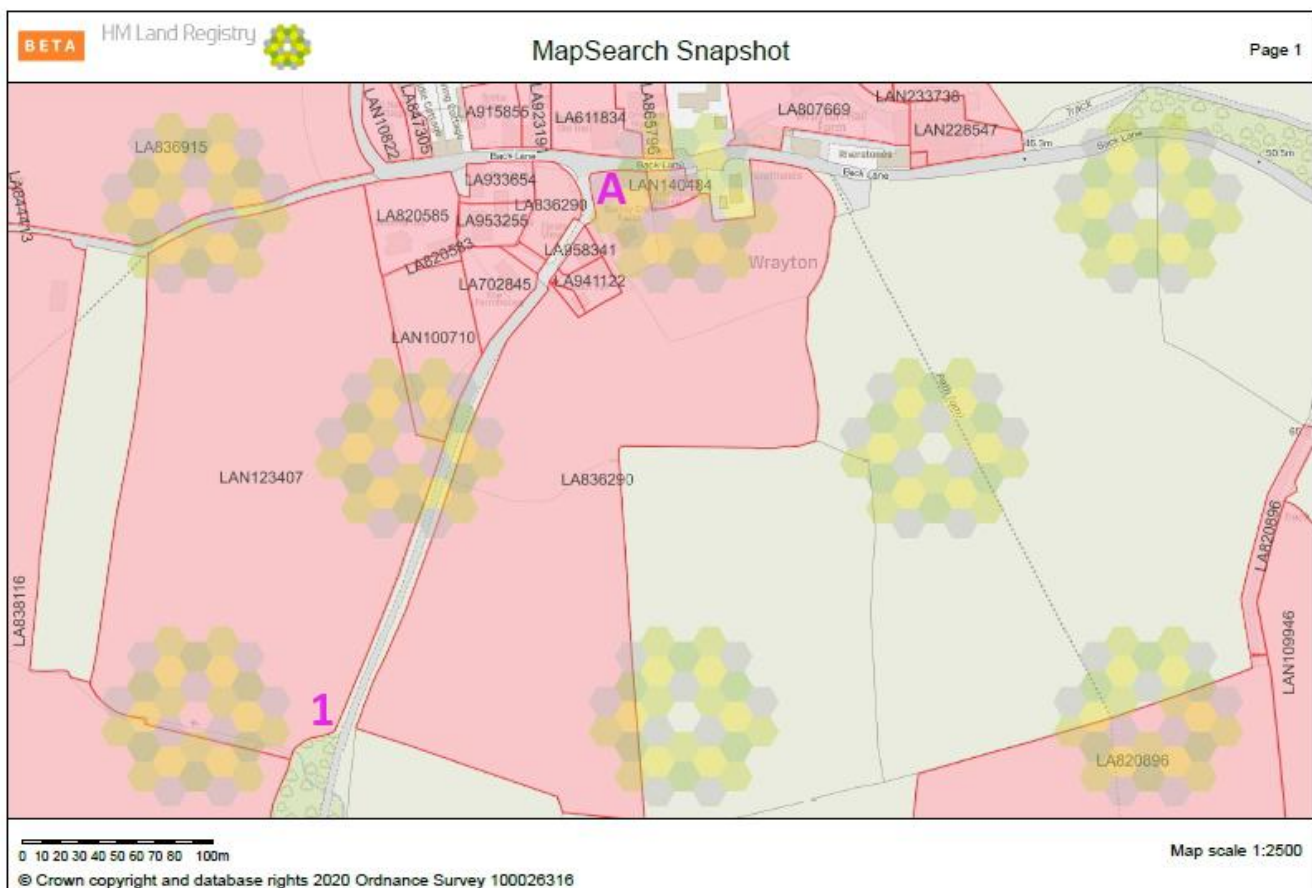
## Appendix C: Other Evidence

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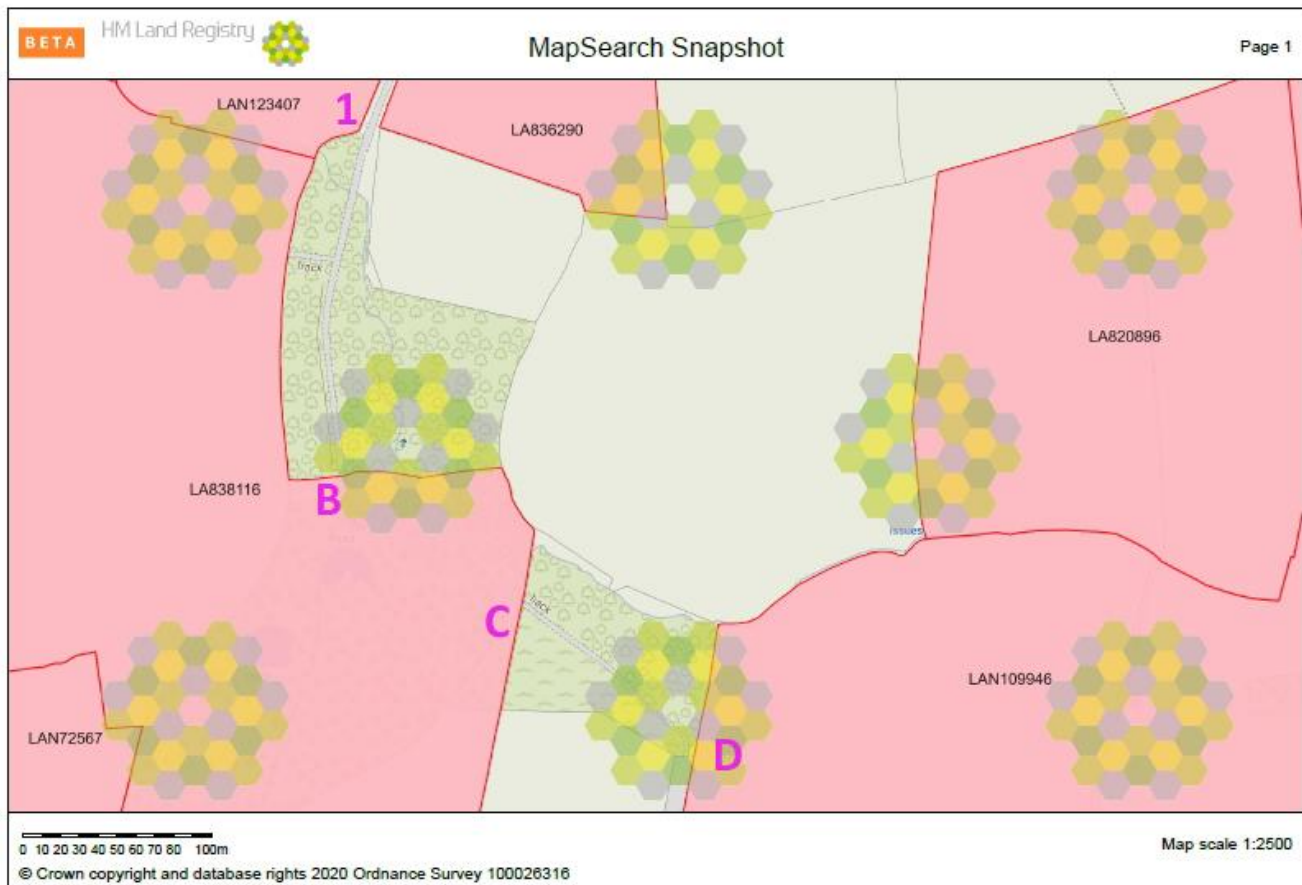
### C1: Land Ownership

The Land Registry documents show no ownership registered for the majority of the Application Route. The only exception is the section from Point B to Point C.

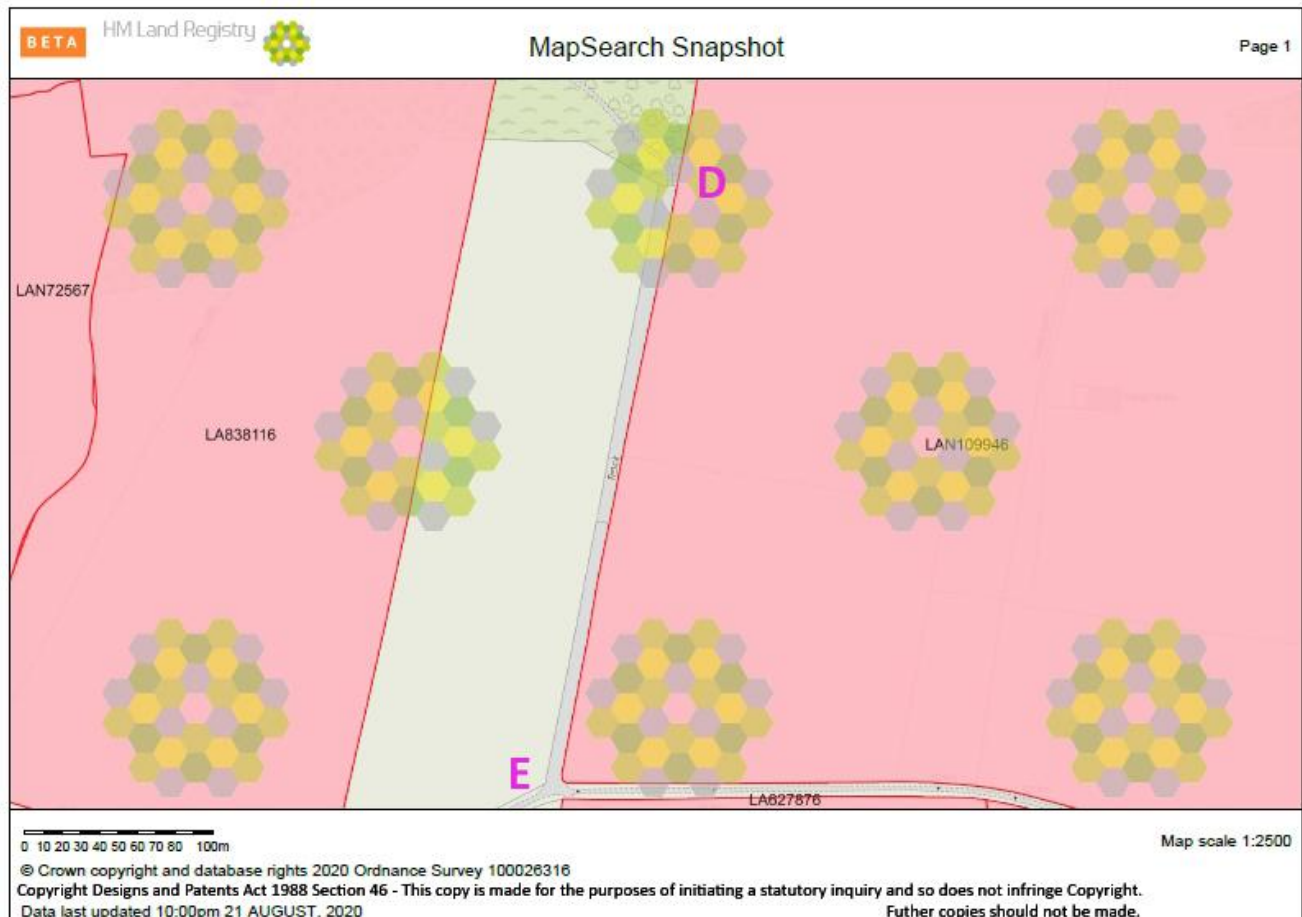
Northern section:



Central section:



Southern section:



Source: The Land Registry <https://eservices.landregistry.gov.uk/eservices/FindAProperty/view/MapEnquiryInit.do>

## C2: Parish Council Survey Records

A section of the route from Point B northwards is described on the card for Footpath No.6 in Melling Parish. The route reaches (Point B) "a field gate which opens onto another cart road through a wood at the end of which the path finishes" (Point 1). This could be taken to infer that from Point 1 to Point A was considered a public highway at that time, as it is unlikely they would consider a dead-end route worthy of inclusion on the Definitive Map.

Note: the mauve marks indicate the section of FP 6 which is part of the Application Route:

DISTRICT	LUNESDALE R.O.C.	PARISH	MELLING - W - WRAYTON No. 6
MAP SHEET Nos	3 + 4.	LENGTH	.63 miles (to two decimal places)
BRIEF DESCRIPTION (Field F.P. or otherwise)	C.R.F changing to Field F.P.		
DETAILED DESCRIPTION (giving starting point, means of passage and general condition).	The cart road starts at Melling Tunnel & crosses Melling Moor over a beck to the Moor Gate. The field footpath is entered over rails to the left, proceeds across the field to a field gate which opens into another cart road through a wood at the end of which the path finishes. Condition satisfactory.		
Section from Melling Moor in Vol. of No 2/53			
SURVEYED BY :-	Name	Parish Council	
	Address		
Date	31 March 1951		

50000/F39/4/50

Source: Lancashire CC Archives

## C3: Further Evidence

Stopping Up Order - search returned no records.



Published by Authority | Est 1665

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### Resources

[What is a Minimal Asset Process \(MAP\) bankruptcy in Scotland and how does it work?](#)

How does a Minimal Asset Process (MAP) bankruptcy work? Iain Penman, senior associate in litigation at Brodies LLP, explains the advantages and disadvantages of a MAP bankruptcy in Scotland.

Date: 20 August 2020

[How to support workers without childcare](#)

With the pandemic changing many employees' childcare arrangements, Victoria Templeton of HR Solutions looks at how

Source: The Gazette official public record <https://www.thegazette.co.uk/all-notices/notice>

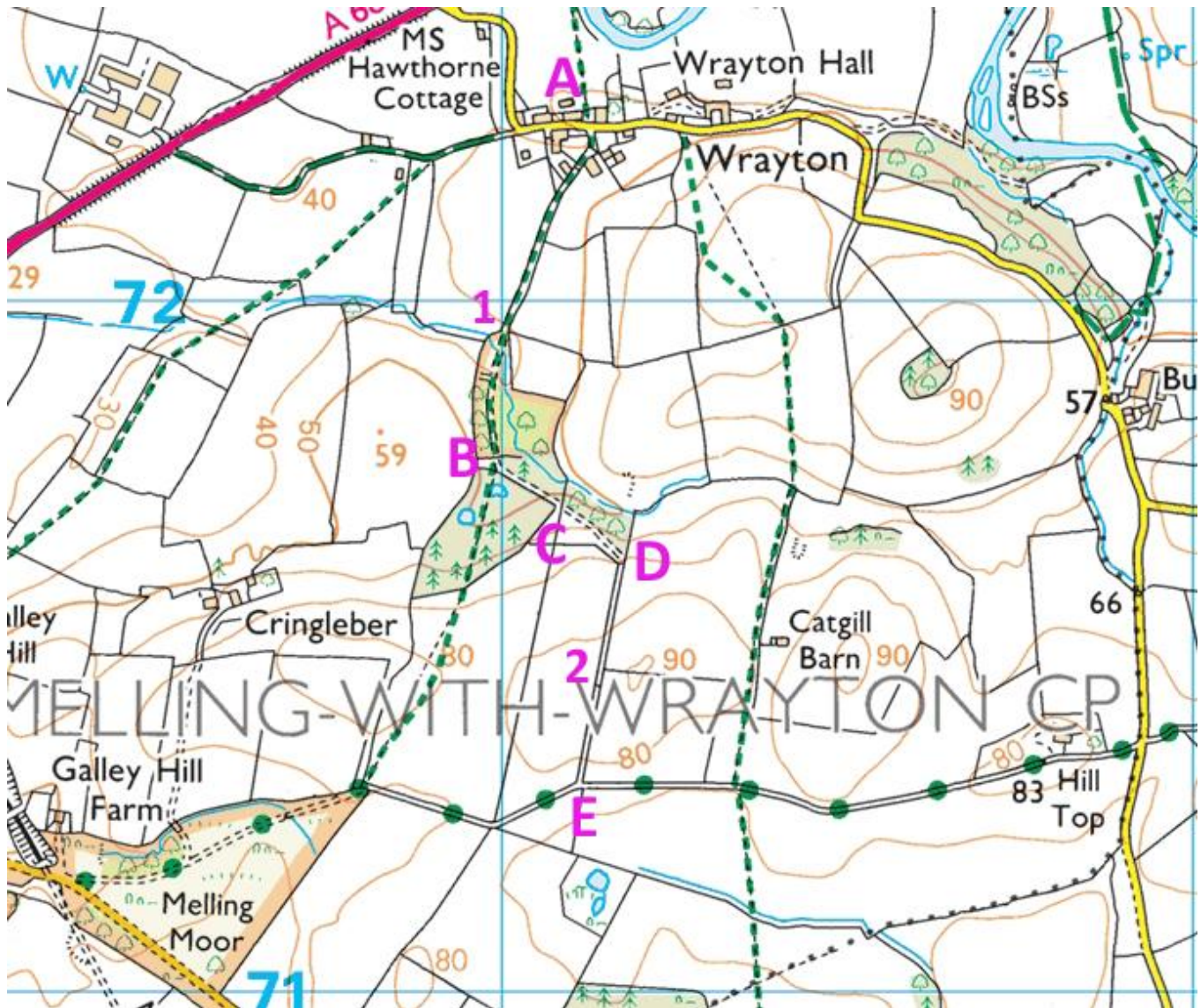
**Application for a Modification Order – 3. Upgrading to BRIDLEWAY part of footpath 1-20-FP 06 AND 2. Adding the BRIDLEWAY – Wrayton Old Road, Parish: Melling with Wrayton**

**Appendix D: Map and Photographs of the Application Route**

Note: All MAUVE MARKS AND LETTERING on Map Evidence have been added by applicant to help locate Application Route. They in no way represent the route itself.

**D1: Current OS 1:25,000 map of Applicant Route**

Approximate scale when printed on A4 paper – 1:10,000



Source: Viewranger personal subscription. Map data: Ordnance Survey, Crown copyright

**D2: Recent photograph of the junction with Back Lane (Point A)**

The first gateway is visible ahead by the white car, where the lane swings to the right.



*Source: Applicant's own image*

**D3: Recent Photograph of the route beyond the old farmhouse 50m south of Point A**

The lane has a stone surface and is clearly used by vehicles.



*Source: Applicant's own image*

**D4: Recent Photograph of the route approaching Point 1**

Showing the coppice area ahead, the lane seems to be used by vehicles at this point although rather muddy and overgrown.



*Source: Applicant's own image*

**D5: Recent Photograph of the second gate, where footpath FP 6 leaves the lane (Point B)**

There is no obvious vehicle use here and the route is more overgrown but the stone surface is in good repair. The footpath marker is on the fence at the left of the gate. The footpath continues ahead whilst the Application Route turns left beyond the gate.



*Source: Applicant's own image*

**D6: Recent Photograph of the route beyond Point B**

Showing the grassy corridor between the ancient coppice and the more recent woodland area.



*Source: Applicant's own image*

**D7: Recent Photograph of the route at Point C**

Beyond the gate the route heads uphill towards D.



*Source: Applicant's own image*

**D8: Recent Photograph of the route near Point D looking NW to Point C**

The gate at C is visible at the bottom of the slope. This section is clearly grazed.



*Source: Applicant's own image*

**D9: Recent Photograph of the route at Point D looking south**

The avenue of trees shows the position of the original hedgelines. The old stone gatepost is still in position.



*Source: Applicant's own image*

**D10: Recent Photograph of the route at the top of the hill (Point 2)**

Looking north towards Point D along the avenue of trees.



*Source: Applicant's own image*

**D11: Recent Photograph of the route at junction with Melling Moor Road (Point E)**

The stone surface of the track is very evident.



*Source: Applicant's own image*

**D12: Recent Photograph of the route at Point E looking N**

Looking back along the enclosed section of the lane. It does not seem to be used much at this point.



*Source: Applicant's own image*