

Regulatory Committee

Meeting to be held on 23rd June 2021

Electoral Division affected: Lancaster Rural North

Wildlife and Countryside Act 1981 Definitive Map Modification Order Investigation Addition of Bridleway along Lord's Lot Road, Over Kellet - Addendum

Contact for further information quoting ref. 804-642:

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Following completion of the committee report, four user evidence forms were subsequently submitted detailing recent use of the route. This user evidence is summarised below.

Duration of Use

With the exception of one of the users, use of the route has been relatively recent and for short durations – two years (2019-21), three years (2018-21) and seven years (2014-21). The fourth user claims to have used the route on foot for 36 years (1985-21).

Frequency of Use

Recorded use of the route by the four users tended to be on a monthly basis with only one user recording weekly use of the route.

	Weekly	Monthly	Every Few Months	Occasionally
Foot		2	1	
Horseback	1	2		
Bicycle				1

Reasons for Use

Three of the four users noted using the route for pleasure, two of the horse riders noted use as part of a longer route. One of the four users noted use for dog walking, another recorded use for running and occasional bike rides.

Other Users of the Route

All four users recollected seeing others using the route. One user noted use of the route by motor vehicles, specifically 'scramble bikes' which they believed to be unauthorised.

Other Users Seen				
On Foot	On Horseback	On Bicycle	On Bicycle or Horse Drawn Vehicle	On Motorcycle / In Vehicle
4	4	1	3	1

Consistency of the Route

The user recording use of the route over a period of 36 years noted that it had always followed the same route. However, it is not clear from their evidence form where they say the route ended on Borwick Road (either H or X). The recent remaining three users of the route all stated that the section W-X was impassable during their years of use and that they accessed/exited the route onto Borwick Road through section W-G-H.

Unobstructed Use of the Route

None of the users recalled having been obstructed from using the route, nor did they recollect any signs/notices or having been turned back from using the route.

All recorded 'vehicle barriers' along the route which did not prevent use. All users noted that these could be passed on horseback, one clarified that these were easy to pass on horseback whilst two stated that they were difficult or 'tight' to pass.

Conclusion from Legal

This user evidence confirms what we know of the route on the ground presently – specifically that the application route (A-W-H) is the one that is currently accessible and the amended route (A-W-X) has not been useable for some time.

The fact that the amended route is not presently accessible does not alter the conclusion that the historical evidence supports an inferred dedication (between A-W-X) under common law.

With regards to use of the application route (points A-W-H), it is unclear whether the user with over 20 years' use has been using the amended route or the application route. In any event, they have only been travelling on foot and only every few months. Therefore, this is not supportive of bridleway status. The other three users who have personally used the application route on horseback have only done so for relatively short periods of time (two, three and seven years respectively and concurrently). A presumption of dedication under section 31 requires evidence of public use of the route 'as of right' and without interruption for a full 20 year period. As we don't have that here, the evidence does not raise a presumption of dedication of a public bridleway under section 31. Similarly, there is insufficient user evidence to support an inferred dedication under common law.

In conclusion, the recommendation to make an Order recording a public bridleway along the amended route (A-W-X) but not across the application route (A-W-H) still stands.