

Regulatory Committee

Meeting to be held on 17th November 2021

Part I

Electoral Division affected:
Lancaster Rural North

Wildlife and Countryside Act 1981

Definitive Map Modification Order Investigation

Addition of Restricted Byway from Borwick Hall Bridge to the River Keer near Capernwray Old Hall

(Annex 'A' refers)

Contact for further information: (file reference 804-628)

Simon Moore, 01772 531280, Paralegal Officer, County Secretary and Solicitors Group, Simon.Moore@lancashire.gov.uk

Jayne Elliott, 01772 537663, Public Rights of Way Definitive Map Officer, Planning and Environment Group, jayne.elliott@lancashire.gov.uk

Brief Summary

Application to consider the addition of Restricted Byway from Borwick Hall Bridge, Borwick to the south side of the ford crossing of the River Keer and junction with unclassified county road U50230 near Capernwray Old Hall, Nether Kellet to the Definitive Map and Statement of Public Rights of Way.

Recommendation

- (i) That the application for the addition of Restricted Byway from Borwick Hall Bridge, Borwick to the south side of the ford crossing of the River Keer and junction with unclassified county road U50230 near Capernwray Old Hall, Nether Kellet, be accepted
- (ii) That an Order be made pursuant to Section 53 (2)(b) and Section 53 (3)(c)(i) the Wildlife and Countryside Act 1981 to add a Restricted Byway from Borwick Hall Bridge to the south side of the ford crossing of the River Keer and junction with unclassified county road U50230 on the Definitive Map and Statement of Public Rights of Way as shown on Committee Plan between points A-B-C-D-E.
- (iii) That being satisfied that the higher test for confirmation can be met the Order be promoted to confirmation.

Details

An application under Schedule 14 of the Wildlife and Countryside Act 1981 has been received for the addition of a Restricted Byway from Borwick Hall Bridge, Borwick to

the south side of the ford crossing of the River Keer and junction with unclassified county road U50230 near Capernwray Old Hall, Nether Kellet on the Definitive Map and Statement of Public Rights of Way.

The county council is required by law to investigate the evidence and make a decision based on that evidence as to whether a public right of way exists, and if so its status. Section 53(3)(b) and (c) of the Wildlife and Countryside Act 1981 set out the tests that need to be met when reaching a decision; also current Case Law needs to be applied.

An order will only be made to add a public right of way to the Definitive Map and Statement if the evidence shows that:

- A right of way “subsists” or is “reasonably alleged to subsist”

An order for adding a way to or upgrading a way shown on the Definitive Map and Statement will be made if the evidence shows that:

- “the expiration... of any period such that the enjoyment by the public...raises a presumption that the way has been dedicated as a public path or restricted byway”

When considering evidence, if it is shown that a highway existed then highway rights continue to exist (“once a highway, always a highway”) even if a route has since become disused or obstructed unless a legal order stopping up or diverting the rights has been made. Section 53 of the Wildlife and Countryside Act 1981 makes it clear that considerations such as suitability, the security of properties and the wishes of adjacent landowners cannot be considered. The Planning Inspectorate’s website also gives guidance about the interpretation of evidence.

The county council’s decision will be based on the interpretation of the evidence discovered by officers and documents and other evidence supplied by the applicant, landowners, consultees and other interested parties produced to the County Council before the date of the decision. Each piece of evidence will be tested and the evidence overall weighed on the balance of probabilities. It is possible that the council’s decision may be different from the status given in any original application. The decision may be that the routes have public rights as a footpath, bridleway, restricted byway or byway open to all traffic, or that no such right of way exists. The decision may also be that the routes to be added or deleted vary in length or location from those that were originally considered.

Consultations

Lancaster City Council

Lancaster City Council provided no response to our consultation.

Borwick Parish Council

The Clerk to the Council responded to our consultation to state that they have no objection to the application. They did note that currently many dog walkers park at the Borwick Hall Bridge end of the route, sometimes posing problems for vehicle

access for farmers and that perhaps some restrictions could be implemented to manage this issue. They also noted that they believe that the ancient pack bridge at Capernwray is under Lancashire County Council control and that if this application is successful the bridge should remain maintained and secure. The Clerk to the Council clarified that these comments were made on his own behalf without recourse to the Parish Council.

Applicant/Landowners/Supporters/Objectors

The evidence submitted by the applicant/landowners/supporters/objectors and observations on those comments are included in Advice – Head of Service – Legal and Democratic Services Observations.

Advice

Head of Service – Planning and Environment

Points annotated on the attached Committee plan.

Point	Grid Reference (SD)	Description
A	5241 7295	Open junction with Borwick Lane immediately west of Borwick Hall Bridge
B	5243 7272	Junction with Footpath Borwick 9
C	5244 7266	Junction with Bridleway Borwick 13
D	5267 7261	Junction with Footpath Borwick 8
E	5287 7189	Junction with unclassified county road U50230 on south side of ford crossing of the River Keer.

Description of Route

A site inspection was carried out in September 2020.

n.b. Reference to public rights of way shown on the Definitive Map and Statement are generally given in the form '07-01-BW13' or 'Bridleway Borwick 13' but are referenced below in the abbreviated form 'Bridleway 13' for brevity since all those referred to are in Borwick in the District of Lancaster.

The application route – which has been signposted as bridleway - commences at a junction with Borwick Lane immediately to the west of Borwick Hall Bridge (point A on the committee plan). It passes over a wide surfaced area immediately adjacent to the Lancaster Canal where, on the day of inspection, a number of cars had been parked.

The route descends adjacent to the canal in a south easterly direction along a tarmac road before continuing in a generally south south westerly direction bounded on either side by hedges to the junction with Footpath 9 at point B.

At point B the tarmac surface ends and the application route continues south along a compact stone surfaced road – still bounded on either side by hedges – for approximately 60 metres to point C where it meets the northern end of Bridleway 13.

From point C the route turns through a 90° bend to continue east then east south east – still as a bounded stone surfaced roadway - to point D where it meets the southern end of Footpath 8. The application route then continues in a general southerly direction for a further 450 metres to a point where the surfaced track bends south west providing access to a fishing pond and the application route rises gently uphill to continue as a bounded track in a south south easterly direction. From the point at which the fishing pond is accessed the surface of the application route alters – indicative of the fact that from this point onwards there appears to be very little use of the route by vehicles. Whilst the width of the route remains to be approximately 6 metres what appears to have been a stone surface is now largely grassed over with a narrow central worn strip consistent with pedestrian, bicycle and equestrian use.

A short distance before point E the route passes directly under a railway viaduct and crosses the River Keer via a ford. On the day the route was inspected a horse was seen entering the river via a graded slope immediately north of the railway bridge and was then ridden along the river under the railway bridge to exit the river at point E.

Recent work on the railway viaduct has seen a concrete walkway constructed underneath the viaduct and piles of stones placed in the river at the base of the viaduct arches. This appears to have altered the original entry/exit to and from the ford on the northern bank and has extended the ford crossing by approximately 5 metres from how it appeared when the route was inspected and photographs taken in 2009.



Photograph taken in 2009

Passing under the railway



Photograph taken in 2020

Pedestrian access was available under the railway arch along the concrete walkway and then across the river via a packhorse bridge.

Immediately south of the ford crossing point is point E from where the route continues in a south south easterly direction along a track recorded on the List of Streets as unclassified county road U50230 in the parish of Over Kellet to Capernwray Road.


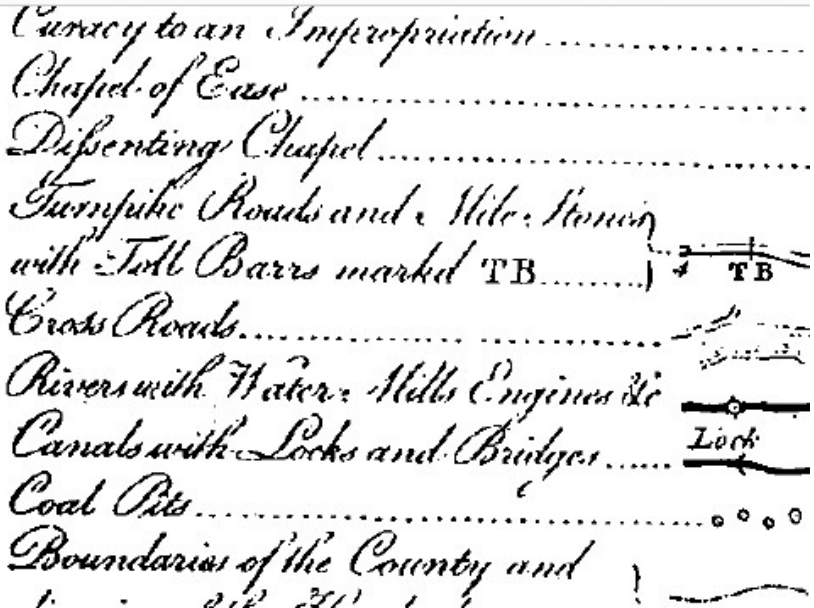
From an inspection of the route it was clear that it was regularly used by walkers, riders, cyclists as a through route and other motor vehicles for access purposes.

Map and Documentary Evidence

A variety of maps, plans and other documents were examined to discover when the route came into being, and to try to determine what its status may be.

Document Title	Date	Brief Description of Document & Nature of Evidence
Yates' Map of Lancashire	1786	Small scale commercial map. Such maps were on sale to the public and hence to be of use to their customers the routes shown had to be available for the public to use. However, they were privately produced without a known system of consultation or checking. Limitations of scale also limited the routes that could be shown.

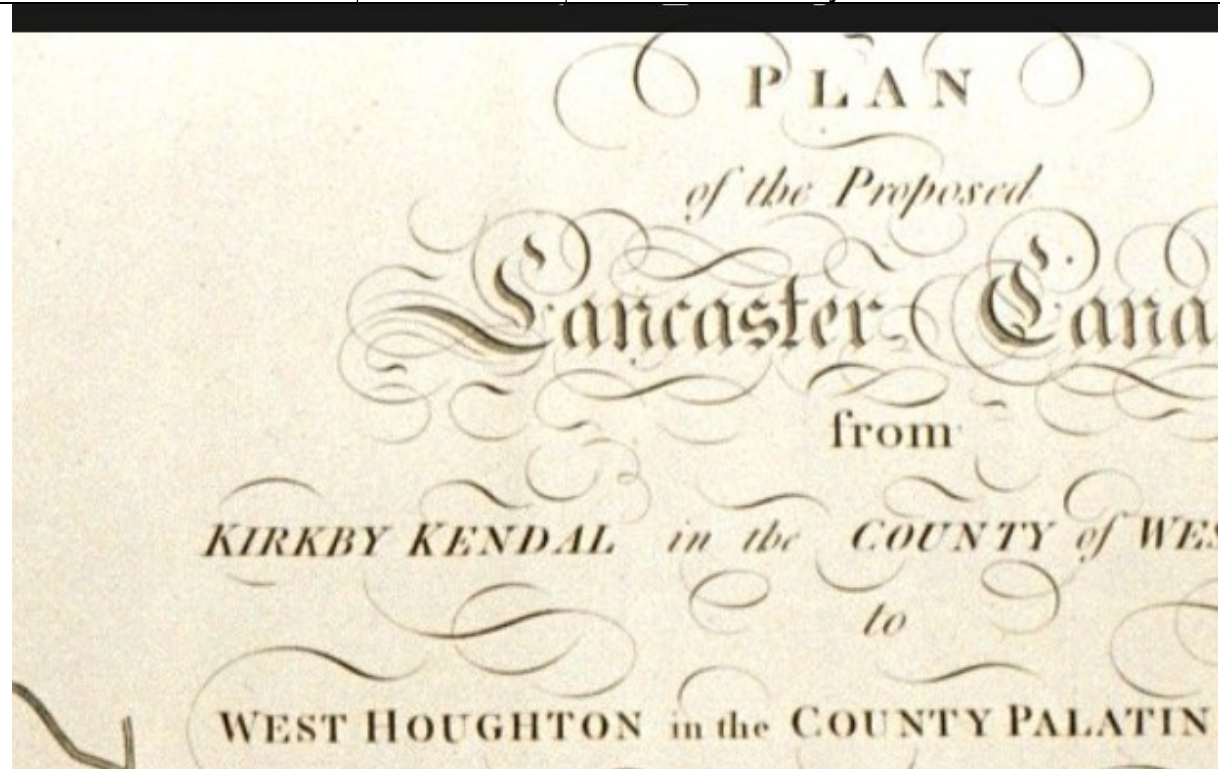


	
<p>Observations</p>	<p>The map predated the construction of the Lancaster Canal and railway. The application route is shown as part of a route extending north from the hall marked on the map at Capernwray. The first part of this route is consistent with the route recorded as unclassified county road U50230 from Capernwray Road north to cross the River Keer (at point E). It then continues north broadly consistent with the application route to the approximate bend in the route at point D and then in a more north westerly direction towards point C. The remainder of the route through to point A on Borwick Lane is not clearly shown although when the map was enlarged it did appear to show a route crossing a watercourse and continuing north to the approximate location of point A. That part of the application route shown on the map is depicted in the map key as a 'cross road'.</p>
<p>Investigating Officer's Comments</p>	<p>A route broadly consistent with the application, possibly as a through route, appeared to have existed in 1786.</p> <p>It is not known what is meant by the term 'cross road' but the only other category of highway shown on the map is turnpike roads. The inclusion of the route on a map of this scale suggests that it existed as a substantial route and appears to have formed a through route as part of the general road network. The depiction of the route on this commercially produced small scale map suggests that the route was considered to be public highway and travellers using such a map were likely to be on horseback or horse-drawn vehicle.</p>

Construction of the Lancaster Canal

1791-1792

Canals and railways were the vital infrastructure for a modernising economy and hence, like motorways and high speed rail links today, legislation enabled these to be built by compulsion where agreement couldn't be reached. It was important to get the details right by making provision for any public rights of way to avoid objections but not to provide expensive crossings unless they really were public rights of way. This information is also often available for proposed canals and railways which were never built.





Observations

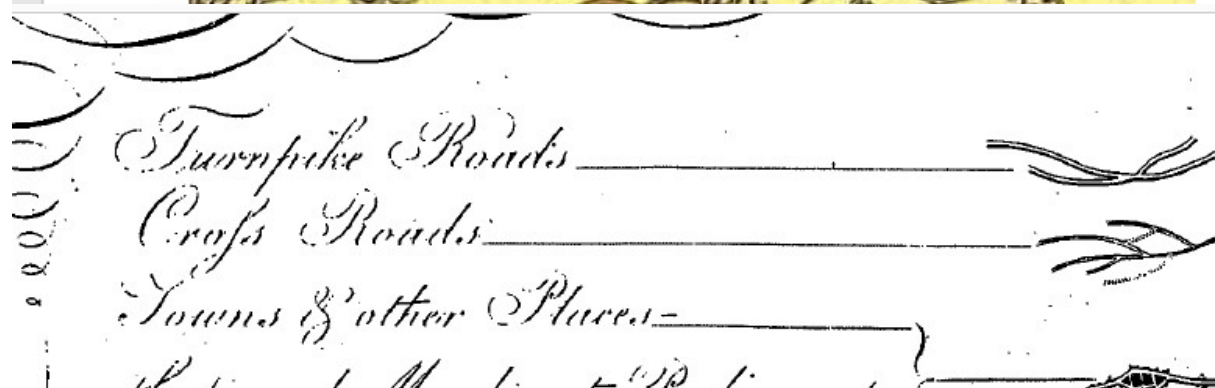
The line of the proposed canal was first surveyed in 1772. In 1791 the proposed line was resurveyed and a final survey was carried out later the same year by John Rennie.

A small scale plan surveyed in 1791 and 1792 by John Rennie is available to view at the maritime museum in Lancaster and online. The plan shows the full length of the proposed Lancaster Canal from Kendal to West Houghton. The plan shows the canal passing through Borwick towards Capernwray and Over Kellet and also shows the River Keer. It appears to show key public roads crossing the proposed canal including part of the application route.

It shows Capernwray Hall with a route extending from the Hall over the canal (Capernwray Bridge) and then crossing the River Keer (point E) before continuing north towards point D from where the route appears to lead towards the canal and stops.


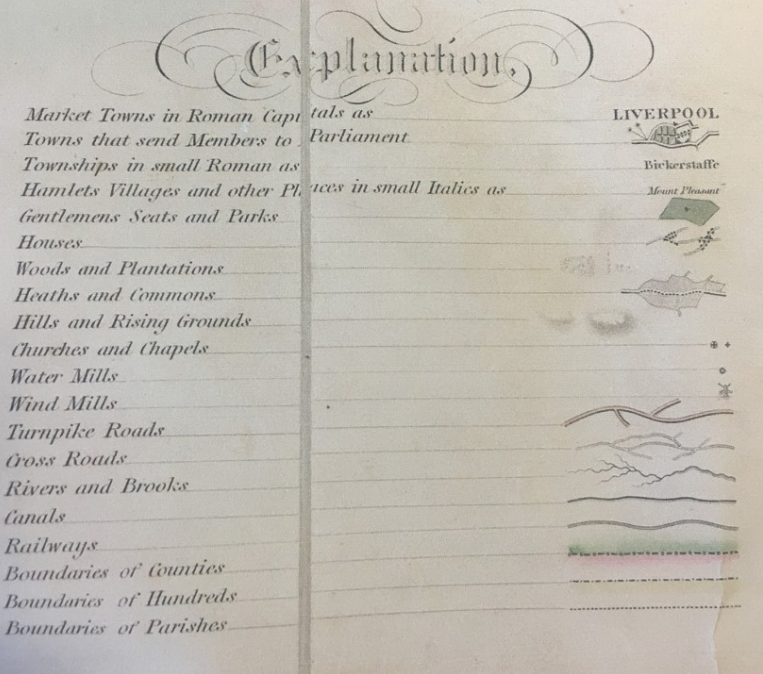
In 1792 the promoters of the canal sought an Act of Parliament to allow its construction. It received

		the Royal Assent on 11 June 1792, and was entitled 'The Westmoreland Canals Act 1792 - <i>'An Act for making and maintaining a navigable canal, from Kirkby Kendal in the County of Westmorland, to West Houghton in the County Palatine of Lancaster, and also a navigable branch from the said intended canal at or near Barwick, to or near Warton Cragg, and also another navigable branch, from, at or near, Galemoss, by Chorley, to or near Duxbury in the said County Palatine of Lancaster'</i> . (Ref:32 Geo.111c. 101). A copy of the Act has been deposited in the County Records Office (CRO Ref: CBP 11804/59) but makes no specific reference to the application route.
Investigating Officer's Comments		The application route – or at least part of it – appears to have existed prior to the construction of the canal.
Inclosure Act Award and Maps	1816	Inclosure Awards are legal documents made under private acts of parliament or general acts (post 1801) for reforming medieval farming practices, and also enabled new rights of way layouts in a parish to be made. They can provide conclusive evidence of status.
Observations		The Inclosure Award for Borwick does not cover the area of land affected by this application.
Investigating Officer's Comments		No inference can be drawn with regards to the existence of public rights.
Greenwood's Map of Lancashire	1818	Small scale commercial map. In contrast to other map makers of the era Greenwood stated in the legend that this map showed private as well as public roads and the two were not differentiated between within the key panel.

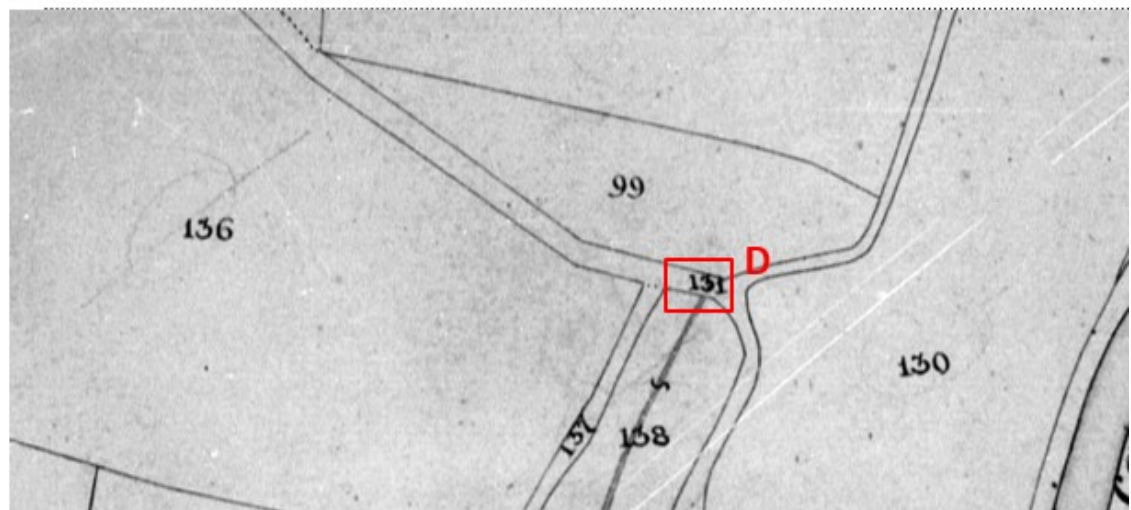
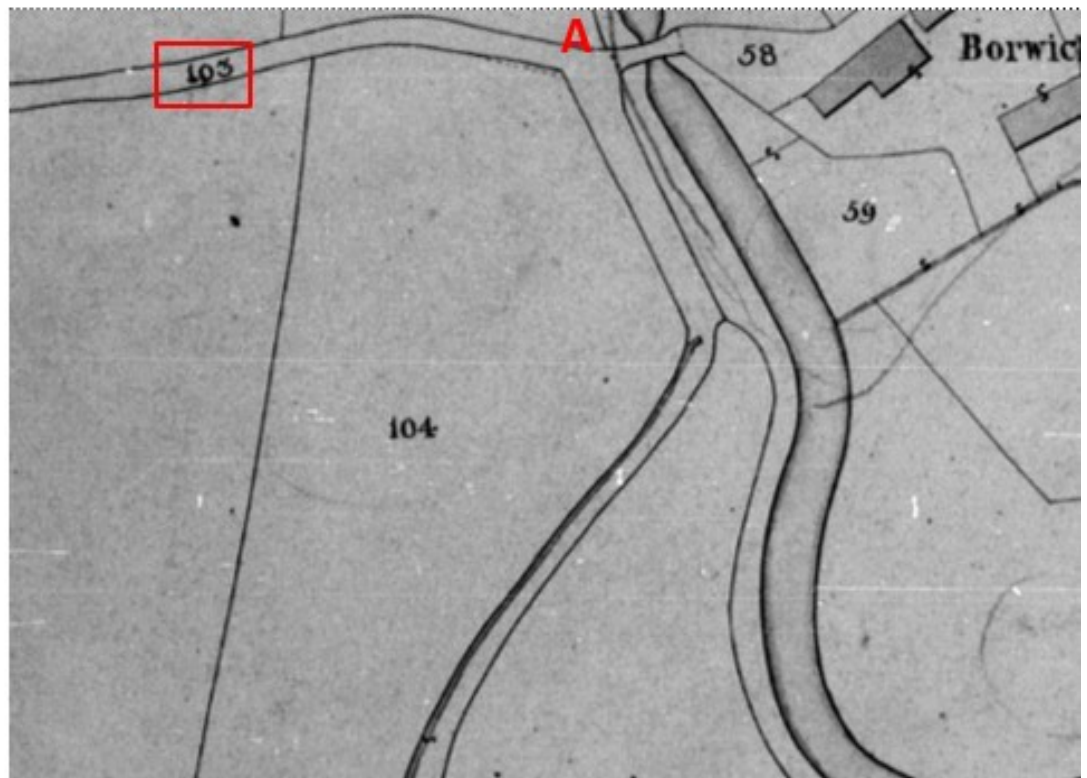


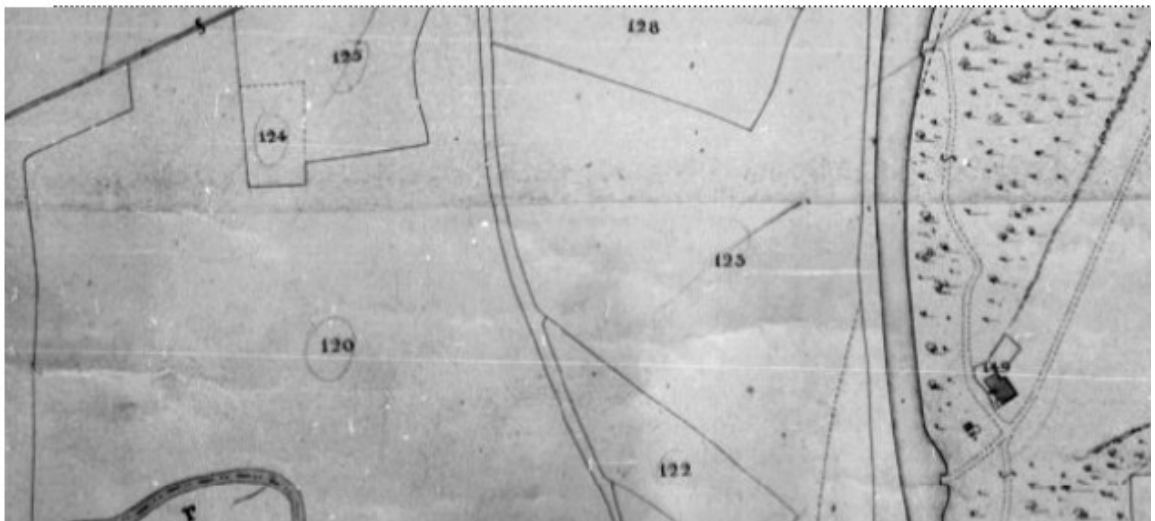
Observations		The canal is shown and the route from Capernwray Road north to point E (UCR 50230) is shown leading to the river at point E but the application route itself is not shown.
Investigating Officer's Comments		The route – or at least part of the route – may have existed in 1818 (as shown on Yate's Map and the canal plan) but was not considered by Greenwood to be a route of sufficient significance to be included on his map. The fact that the route is not shown on such a small scale map is not inconsistent with the existence of public bridleway rights at that time.
Hennet's Map of Lancashire	1830	Small scale commercial map. In 1830 Henry Teesdale of London published George Hennet's Map of Lancashire surveyed in 1828-1829 at a scale of 7 1/2 inches to 1 mile. Hennet's finer

		hachuring was no more successful than Greenwood's in portraying Lancashire's hills and valleys but his mapping of the county's communications network was generally considered to be the clearest and most helpful that had yet been achieved.
--	--	--

		
		
Observations		Only part of the application route is shown. The


		<p>route from point A through to point D is not shown. A route is shown consistent with the earlier canal plan (Rennie's Map) extending from Capernwray Road north along UCR 50230 to cross the river at point E and continue north towards point D. The route then ends and is not shown as a through route or a route providing access to a named or marked property.</p>
Investigating Officer's Comments		<p>At least part of the route existed in 1830 but it is not shown as a through route. The route, if it did exist in its entirety did not appear to have been considered by Hennet as a significant public vehicular route at that time. It may however have existed as a private access route or as a public footpath or bridleway but such routes were not normally shown due to the scale and purpose for which the maps were published.</p>
Borwick Tithe Map and Tithe Award or Apportionment	1846	<p>Maps and other documents were produced under the Tithe Commutation Act of 1836 to record land capable of producing a crop and what each landowner should pay in lieu of tithes to the church. The maps are usually detailed large scale maps of a parish and while they were not produced specifically to show roads or public rights of way, the maps do show roads quite accurately and can provide useful supporting evidence (in conjunction with the written tithe award) and additional information from which the status of ways may be inferred.</p>





Townson Agnes	William Mops	6	Little Oldfield	Arable
Watson Jane	James Heslam	9	Slack	Arable
Public Roads Wastes &		7	Public Road & Old	
			Turnpike	
		48	Pinfold	
		58	Public Road	
		64	Public Road & Green	
		72	Public Road	
		103	Public Road	
		131	Public Road	
		248	Road	
		259	Road	

Observations	<p>The Tithe Map shows the full length of the application route as a bounded through route. The route is numbered 105 close to point B and 131 close to point D.</p> <p>There are no lines drawn across the application route and it is shown as a wide enclosed road consistent with how it is shown on the first edition 6 and 25 inch Ordnance Survey maps detailed below.</p> <p>In the written Award (schedule) that accompanies the map, the application route is listed under the section titled Public Roads and Waste located at the end of the Award. Both award numbers 103 and 131 are included in the list and are specifically referenced as 'Public Road' with no land owner or occupier listed and no tithes payable.</p> <p>From point E the route is shown to continue into the adjacent parish (Over Kellet) A bridge is shown consistent with the location of the</p>
--------------	---

		<p>packhorse bridge at point E but it also appears that it would have been possible to pass through the river adjacent to the bridge at this point</p>
Investigating Officer's Comments		<p>It appears that a substantial bounded route physically existed that would probably be wide enough for vehicles (carts) in the 1840s and appears to have been regarded as a public road in 1846.</p> <p>It is shown as being not gated suggesting that access was freely available along the full length.</p> <p>A clearly defined list of roads is grouped together and provided in the Tithe Award. Roads are numbered separately but no landowner or occupier is listed. The other roads listed correspond to ways that are still recorded as public vehicular highways today providing further evidence that in 1842 the application route was considered to be part of the public highway network.</p> <p>No tithes are payable for the route but it is accepted that this does not necessarily mean that it was because the road was public.</p>
Over Kellet Tithe Map	1840	Tithe Map and Award for the adjacent parish.
<p>isn't relevant (looks like it's the river)</p> 		
Observations		<p>The Tithe Map shows the continuation of the application route from point E south along the route now recorded as an unclassified county road. The route is not numbered but appears to be shown consistent with other public vehicular roads in the parish. A bridge consistent with the location of the packhorse bridge is shown on the map at point E of set in such a way as to indicate the existing of a ford crossing point adjacent to it.</p>
Investigating Officer's Comments		<p>Inspection of the Tithe Map for the adjacent parish confirms the existence of the continuation of the</p>

		route through to Capernwray Road.
6 Inch Ordnance Survey (OS) Map Map Sheets 19 and 25	1847	The earliest Ordnance Survey 6 inch maps for this area surveyed in 1844-45 and published in 1847. ¹



¹ The Ordnance Survey (OS) has produced topographic maps at different scales (historically one inch to one mile, six inches to one mile and 1:2500 scale which is approximately 25 inches to one mile). Ordnance Survey mapping began in Lancashire in the late 1830s with the 6-inch maps being published in the 1840s. The large scale 25-inch maps which were first published in the 1890s provide good evidence of the position of routes at the time of survey and of the position of buildings and other structures. They generally do not provide evidence of the legal status of routes, and carry a disclaimer that the depiction of a path or track is no evidence of the existence of a public right of way.



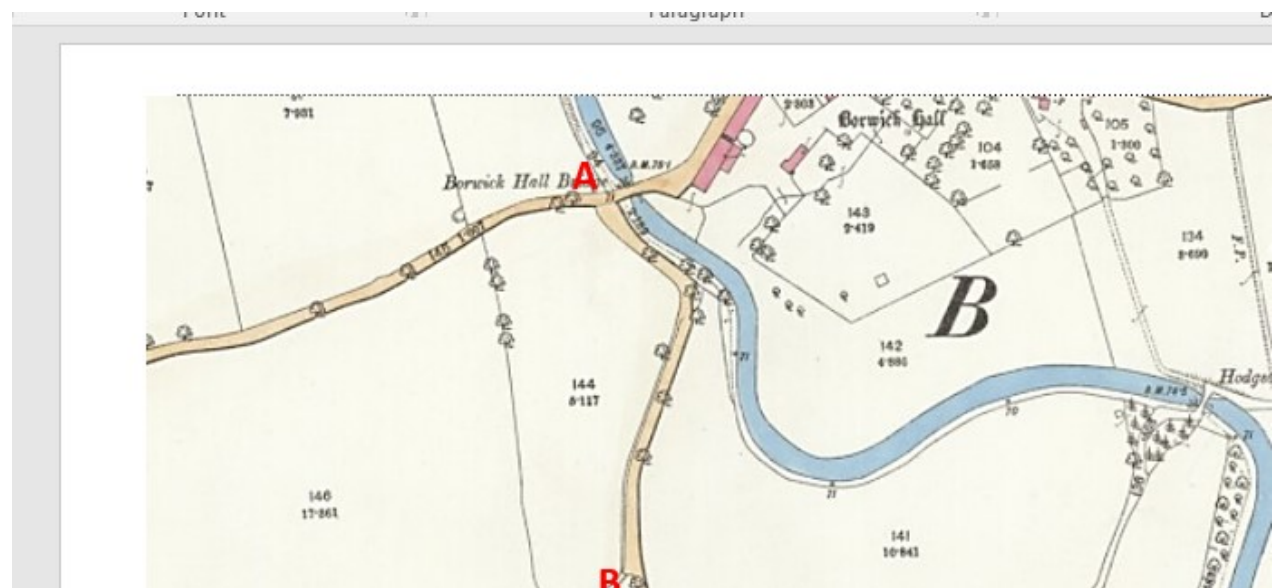
Observations	The whole length of the application route is shown
--------------	--

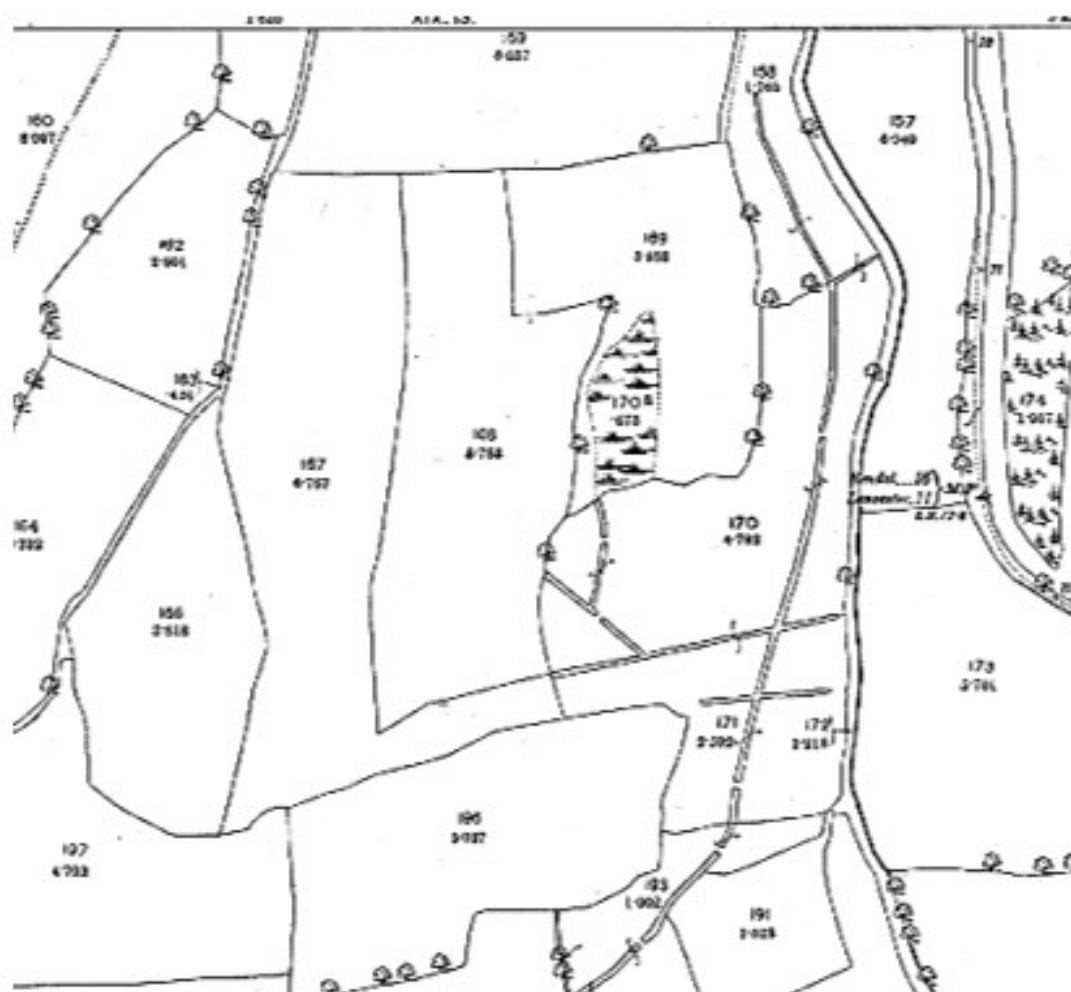
		<p>as a through route. No barriers are shown across the route suggesting that it was ungated and access unrestricted.</p> <p>The full length of the route is shown bounded on either side by solid lines indicating that it was physically separated from the adjacent farmland. It appears to be of a substantial width consistent with how other routes now recorded as public vehicular highways are shown.</p> <p>A bridge is shown offset from the route across the river at point E suggesting the existence of a ford crossing point and pedestrian access via a bridge.</p>
Investigating Officer's Comments		<p>The full length of the application route existed and appeared to be capable of being used in 1844-45. It is considered that a substantial bounded through route connecting to two other public highways would have been at least a public bridleway and may have carried public vehicular rights.</p>
Cassini Map Series Kendal and Morecambe	Old and 1852-1865	<p>The Cassini publishing company produced maps based on Ordnance Survey mapping. These maps have been enlarged and reproduced to match the modern day 1:50, 000 OS Landranger Maps and are readily available to purchase.</p>



Observations		The full length of the application route is shown
--------------	--	---

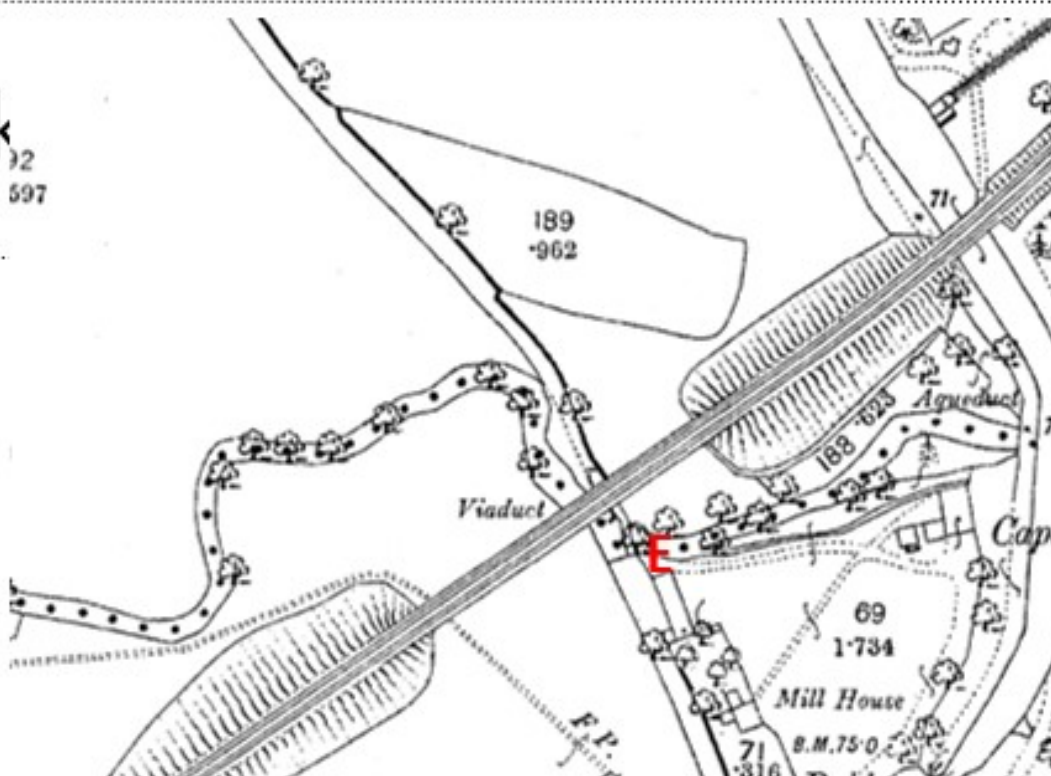
		connecting to public vehicular highways at either end.
Investigating Officer's Comments		The original scale of the map (1 inch to the mile) means that only the more significant routes are generally shown. The purpose of the map in the late 1800s would probably have been to assist the travelling public on horseback or vehicle suggesting that the through roads shown had public rights for those travellers.
Furness and Midland Joint Railway Carnforth and Wennington Branch	1860-1870	Construction of railway with viaduct crossing the application route at point E.
Observations		The construction of the Carnforth to Wennington branch of the Furness and Midland Joint Railway was agreed in 1862 with The Furness and Midland Railway Act receiving royal assent the following year. The line consists of 9.5 miles of track running from Carnforth to Wennington and was opened in 1867. It is still in operation today. A viaduct was constructed to carry the railway over the top of the River Keer and application route at point E. However no records relating to the construction of the viaduct have been found.
Investigating Officer's Comments		No inference regarding the existence of public rights can be made.
25 Inch OS Map Sheets XIX.3 and XXV.1	1891	The earliest OS map at a scale of 25 inch to the mile. Surveyed in 1889 to 1890 and published in 1891.



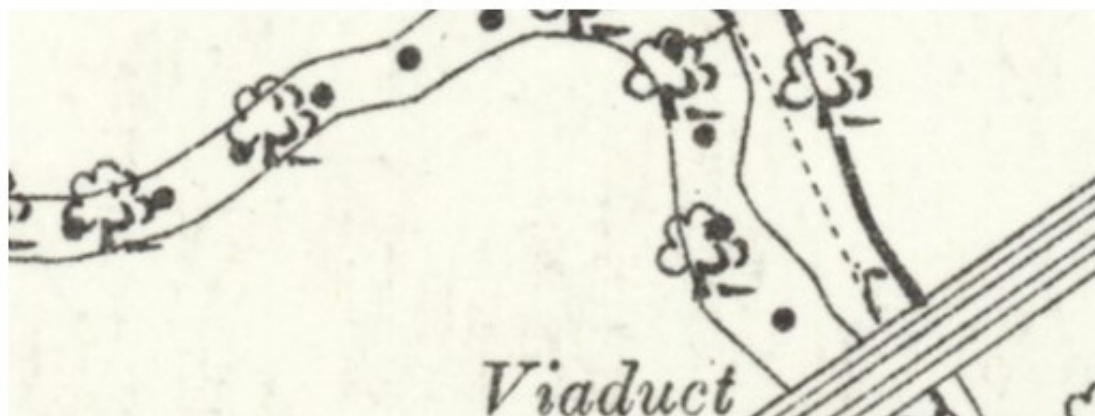


Click

92
597



CLICK TO ADD TITLE



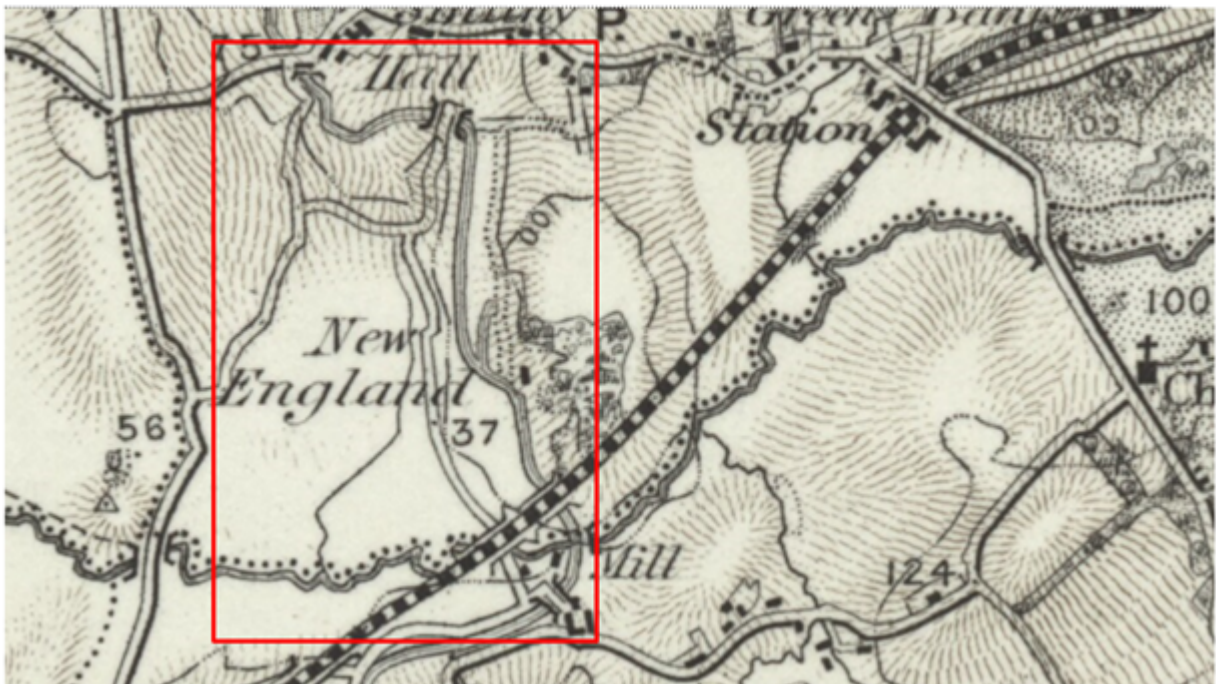
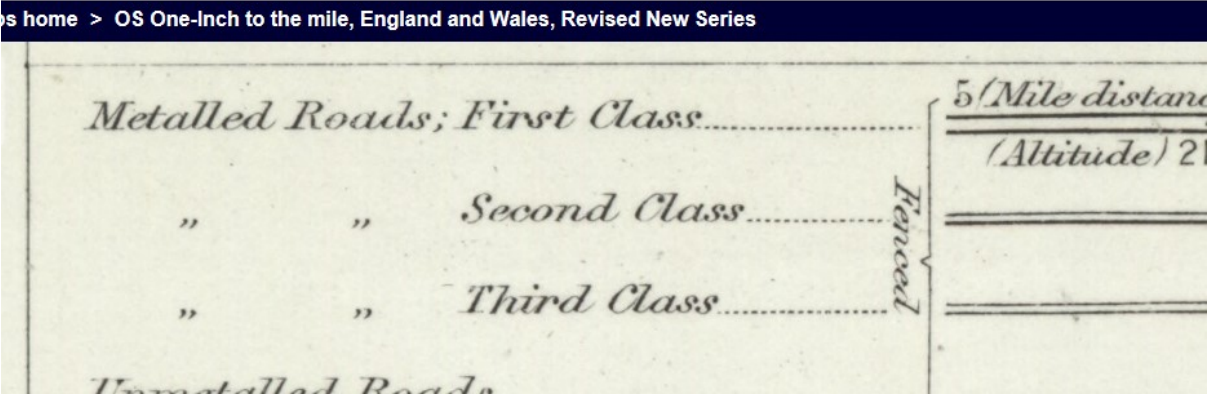
Observations


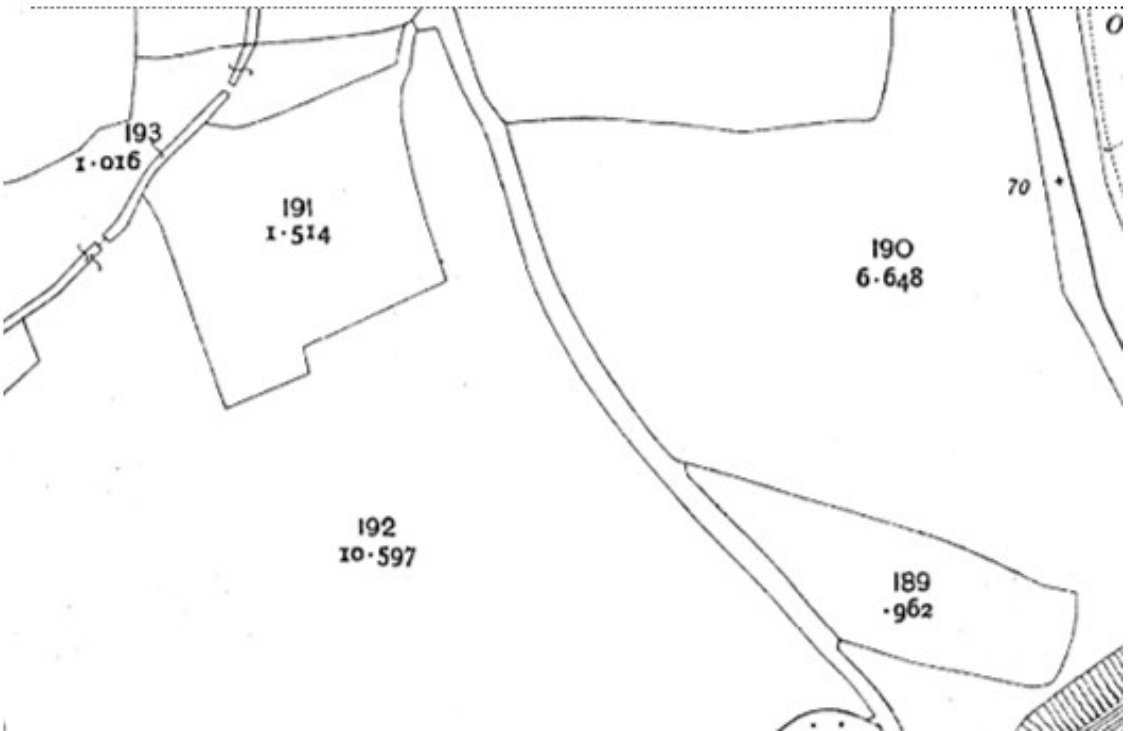
The full length of the application route is shown.

The copy of the OS map sheet for the northern end (showing the route between point A and point D) is coloured as was consistent with the way that routes considered to be public roads at that time were shown. In addition, on both map sheets the route is shown with a thickened line along the south and east side.

No gates or barriers are shown across the

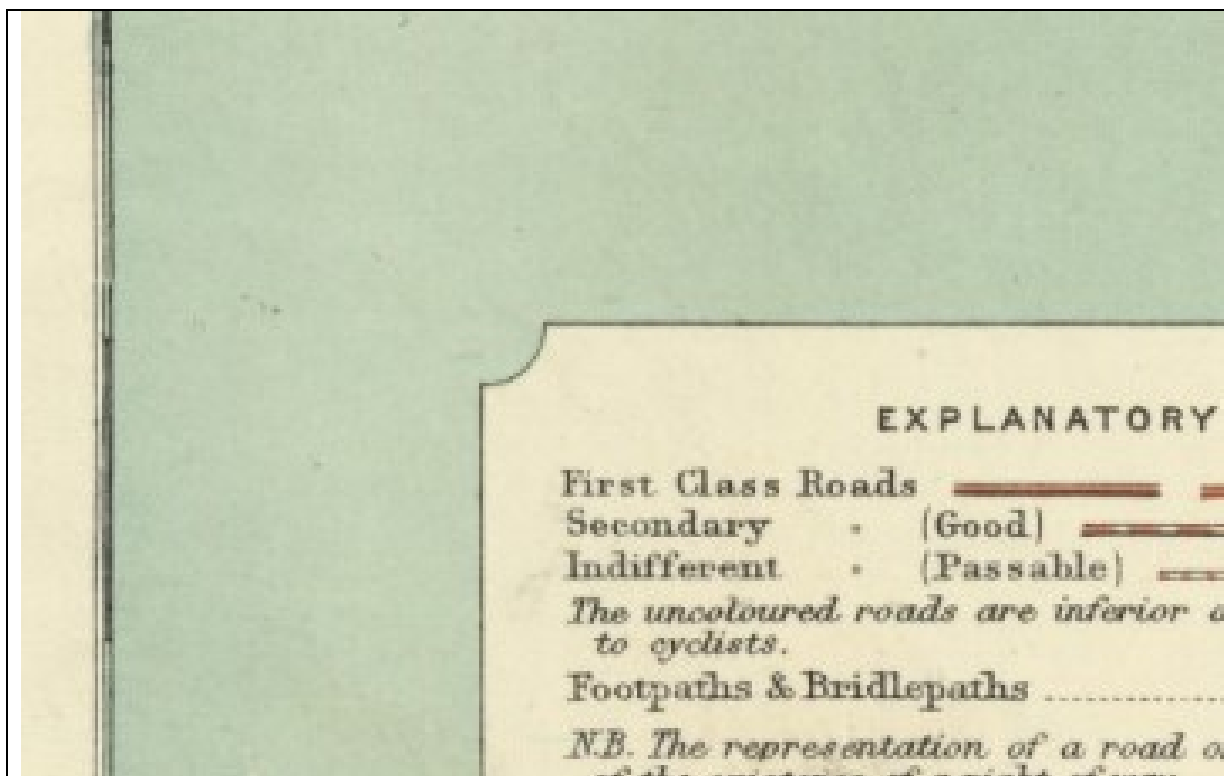
		<p>application route suggesting that it was freely accessible along the full length. However, since the publication of the earlier 6 inch OS map the railway has been built and is shown passing over the top of the application route and River Keer on a viaduct in the proximity of point E. At point E – where the route leaves the river via the unmarked ford crossing a line has been drawn across the route and it is not clear whether this indicates the river bank or the existence of a gate at this point.</p> <p>A number of routes are shown connecting to the application route all of which are now recorded as public rights of way - Footpath 9 (point B), Bridleway 13 (point C), Footpath 8 (point D). None are shown coloured or shaded suggesting that the application route was considered to have higher public rights of access (i.e. carriageway).</p> <p>Two OS parcel numbers (and acreage) can be seen along the route – numbers 139 and 172 – both extending as far as the OS sheet boundary.</p>
Investigating Officer's Comments		<p>The full length of the application route existed in 1890 as a significant through route to which other routes – now recorded as public rights of way – joined.</p> <p>Shading and colouring were often used to show the administrative status of roads on 25 inch maps prepared between 1884 and 1912. The Ordnance Survey specified that all metalled public roads for wheeled traffic kept in good repair by the highway authority were to be shaded and shown with thickened lines on the south and east sides of the road. 'Good repair' meant that it should be possible to drive carriages and light carts over them at a trot so the fact that the route was shown in this way is consistent with how it was recorded on the Tithe Map and Award and how it was shown on earlier small scale maps and indicated that the route was probably capable of being used by horses and is consistent with use of the route by the public at least on horseback at that time.</p> <p>The route is given separate parcel numbers and acreages on each sheet; the Planning Inspectorate Consistency Guide states "Public roads depicted on 1:2500 maps will invariably have a dedicated parcel number and acreage." However, it goes on to say that this is far from conclusive evidence of highway status.</p>
1 inch OS Map	1898	1 inch OS map Sheet 49 – Kirby Lonsdale surveyed 1843-57, revised 1890 and published

		1890.
		
		
Observations		The full length of the application road is shown as a third class road connecting to public vehicular routes at both ends.
Investigating Officer's Comments		The small scale one inch OS map was predominantly published with the main market being the travelling public so the inclusion of the application route on this map is suggestive of a route that was capable of being used at least on horseback and possibly horse and carts.
25 inch OS Map XIX.3 and XXV.1	1913	Further edition of the 25 inch map surveyed in 1890, revised in 1910 and published in 1930.

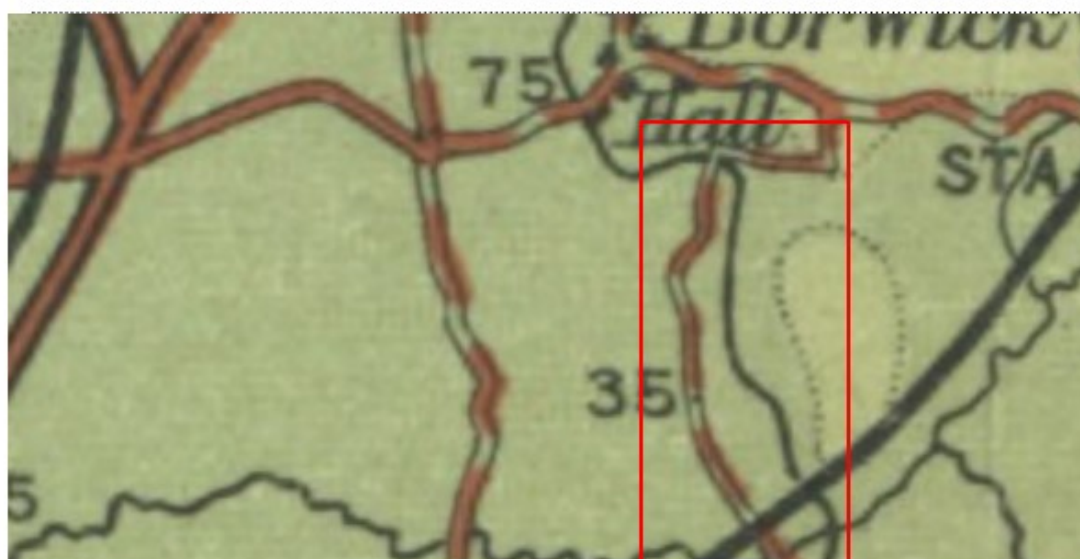
Font	Paragraph	
		
		
<p>Observations</p>		<p>The full length of the application route is shown with no lines across it which would have suggested the existence of gates. A change of surface is indicated at point A by a dashed line across the start of the route and the existence of a ford crossing point and pedestrian bridge are</p>

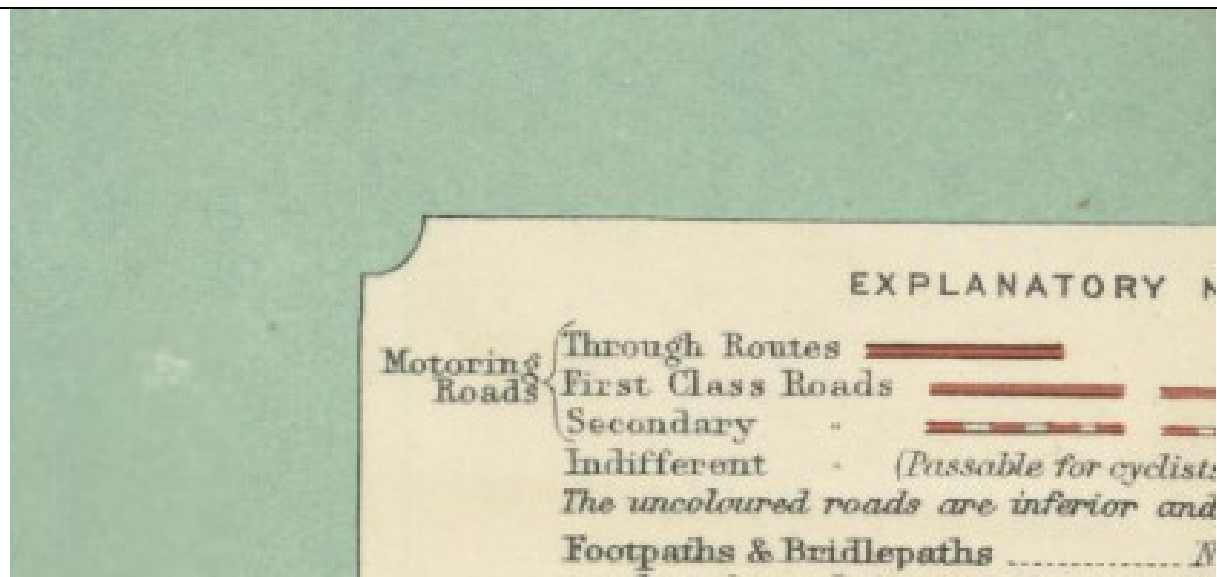
		marked at point E.
Investigating Officer's Comments		The full length of the application route existed in 1910 as a significant through route to which other routes – now recorded as public rights of way – joined.
Bartholomew half inch Mapping	1902-1906	The publication of Bartholomew's half inch maps for England and Wales began in 1897 and continued with periodic revisions until 1975. The maps were very popular with the public and sold in their millions, due largely to their accurate road classification and the use of layer colouring to depict contours. The maps were produced primarily for the purpose of driving and cycling and the firm was in competition with the Ordnance Survey, from whose maps Bartholomew's were reduced. An unpublished Ordnance Survey report dated 1914 acknowledged that the road classification on the OS small scale map was inferior to Bartholomew at that time for the use of motorists.



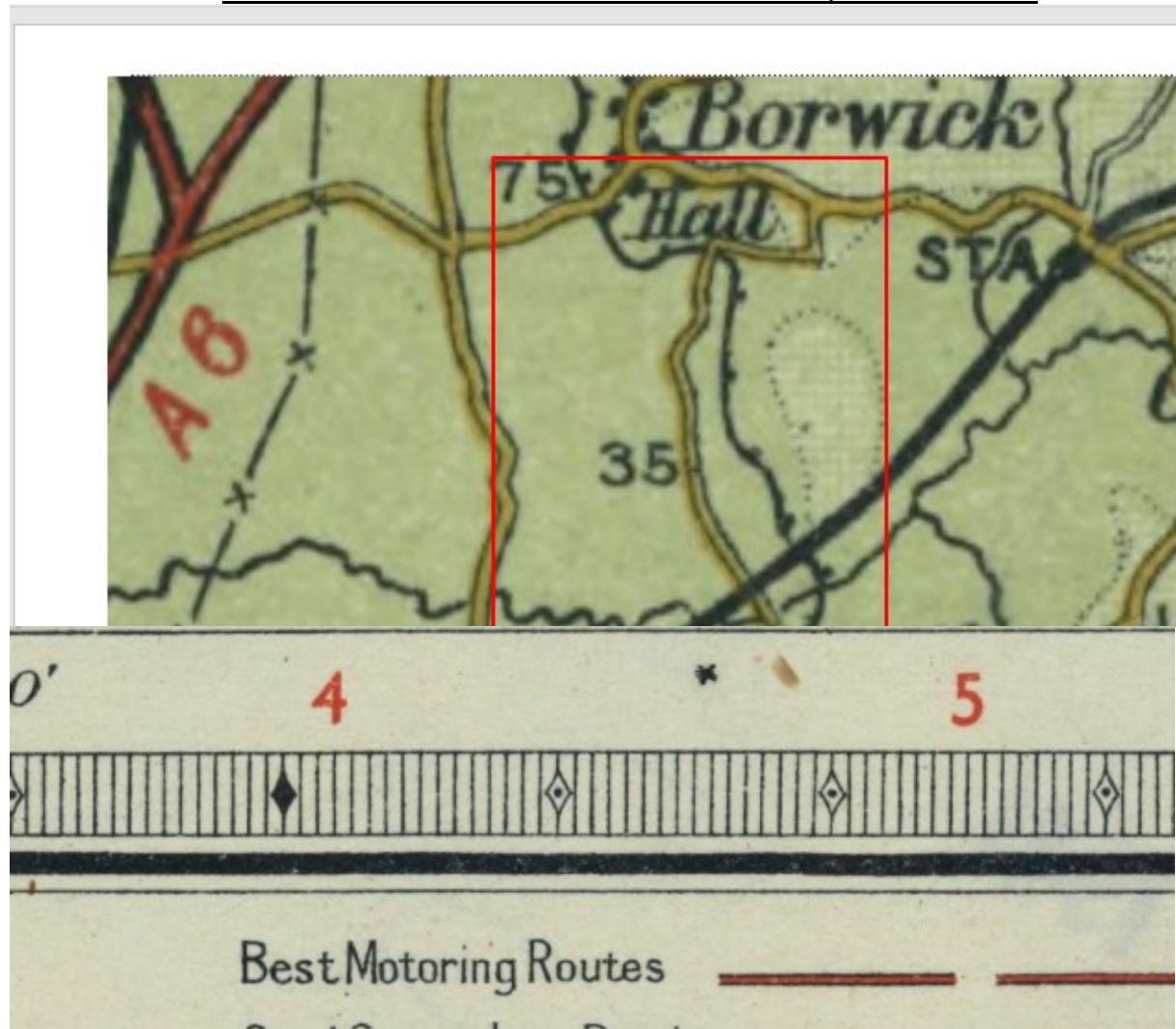


Sheet 5 – North Lancashire and the Isle of Man published 1905





Sheet 5 – North Lancashire and Isle of Man published 1920



Sheet 31 – North Lancashire published 1941

Observations	All three map editions show part of the application route. None of the maps show the start of the application route from point A through to point D.
--------------	--

		<p>They all show a route commencing east of Borwick village which crosses the Lancaster canal via Hodgson's bridge and then links to the application route via the route now recorded as Footpath 8 at point D. From point D south to point E – and continuing through to Capernwray Road the application route is shown as a 'secondary road'.</p>
Investigating Officer's Comments		<p>Despite not being shown on these maps, OS maps pre and post-dating Bartholomew's maps confirm the existence throughout this time of the application route between point A and point D. There is no other map evidence supporting the existence of an equally substantial alternative route to Borwick route via Hodgson's Bridge, east and then north to exit onto Borwick Road as shown on Bartholomew's maps although the canal bridge and a partially unenclosed route are shown. From point A to point D the application route is not shown suggesting either an error in depicting the northern section of the application route (presumably the later maps copied it from the earlier one) or a deterioration in the surface condition for use by cyclists and motorists – we do not know which. The application route from point D to point E was however shown to exist and it is possible that whilst the exact route shown by Bartholomew was different north of point D that there was an understanding that a public carriageway existed between Capernwray Road and Borwick Road.</p>
Finance Act 1910 Map	1910	<p>The comprehensive survey carried out for the Finance Act 1910, later repealed, was for the purposes of land valuation not recording public rights of way but can often provide very good evidence. Making a false claim for a deduction was an offence although a deduction did not have to be claimed so although there was a financial incentive a public right of way did not have to be admitted.</p> <p>Maps, valuation books and field books produced under the requirements of the 1910 Finance Act have been examined. The Act required all land in private ownership to be recorded so that it could be valued and the owner taxed on any incremental value if the land was subsequently sold. The maps show land divided into parcels on which tax was levied, and accompanying valuation books provide details of the value of each parcel of land, along with the name of the owner and</p>

		<p>tenant (where applicable).</p> <p>An owner of land could claim a reduction in tax if his land was crossed by a public right of way and this can be found in the relevant valuation book. However, the exact route of the right of way was not recorded in the book or on the accompanying map. Where only one path was shown by the Ordnance Survey through the landholding, it is likely that the path shown is the one referred to, but we cannot be certain. In the case where many paths are shown, it is not possible to know which path or paths the valuation book entry refers to. It should also be noted that if no reduction was claimed this does not necessarily mean that no right of way existed.</p>
--	--	---





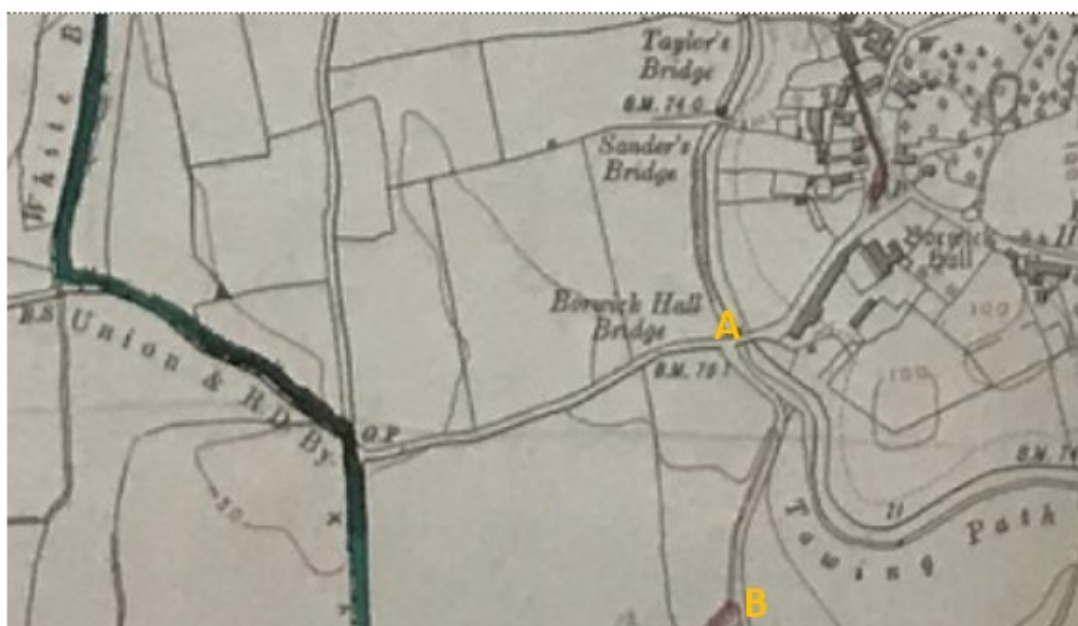
Observations

The full length of the application route is shown as being exempt from the numbered hereditaments with a number of adjacent plots braced on either side of the application route.

Investigating Officer's Comments

The map prepared under the provisions of the 1910 Finance Act obtained from The National Archives shows the whole route excluded from adjacent land in private ownership. The Act required all land in private ownership to be recorded so that it could be valued and the owner taxed on any incremental value if the land was subsequently sold. The maps show land divided into parcels on which tax was levied, and the accompanying valuation books provide details of the value of each parcel of land, along with the name of the owner and tenant (where applicable). The instruction No. 560 to the surveyors said that the parcels 'should continue to be exclusive of the site of external roadways'. It is advised that roadways were said to be routes 'subject to the rights of the public' and therefore exclusion of a

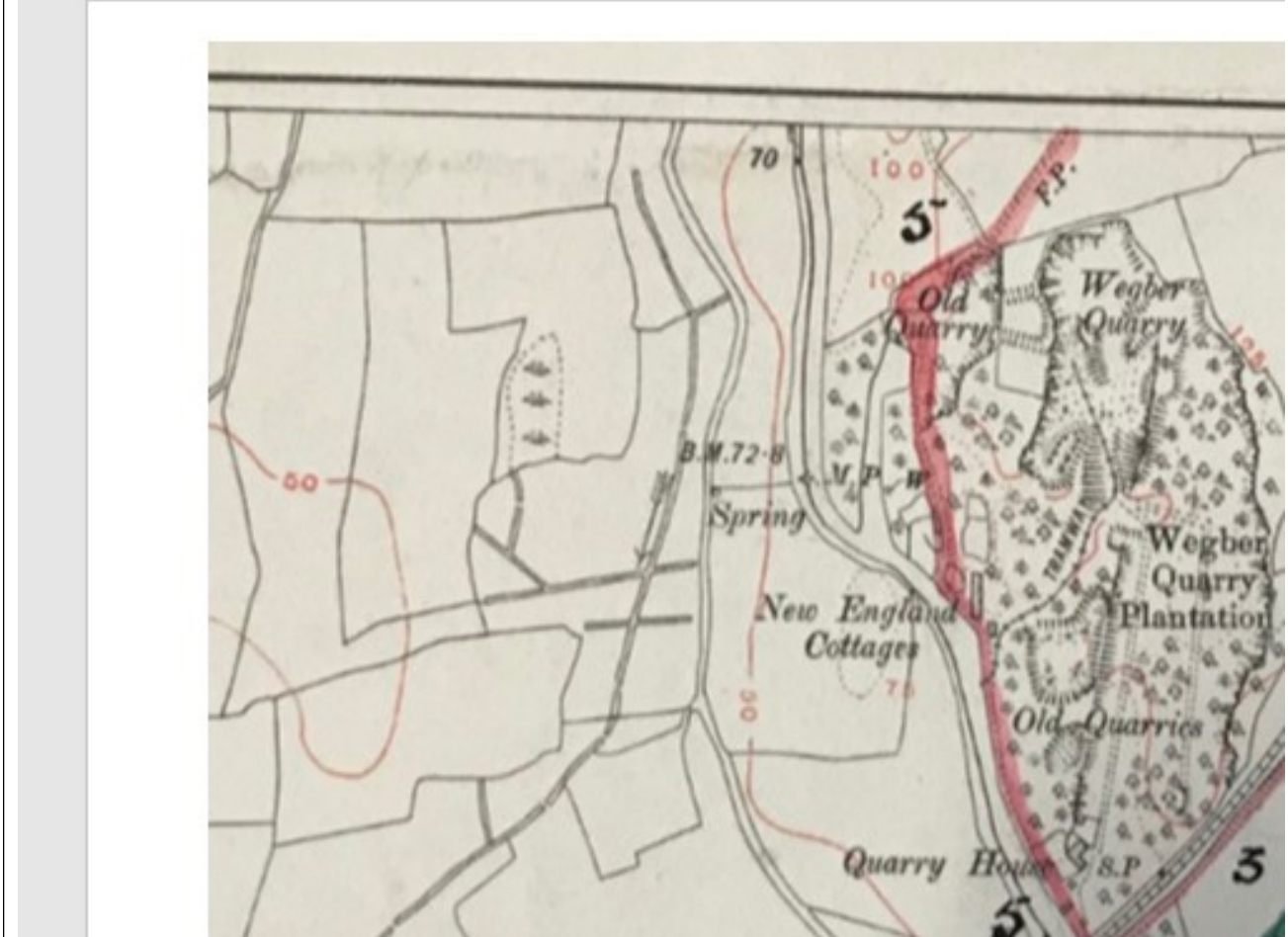
		<p>route indicates that public use was known but not necessarily vehicular status. In this instance all of the application route is shown outside privately owned land, indicating that the application routes status was believed to be public.</p> <p>Numbered plots split by the route give further weight to the belief that the route was considered to have public vehicular rights (as public footpaths and public bridleways were normally included within the numbered plots).</p>
1932 Rights of Way Map		<p>The Rights of Way Act 1932 set out the mechanism by which public rights of way could be established by user and under which landowners could deposit maps to show highways already in existence and to indicate that they didn't intend to dedicate further rights of way. The Commons, Open Spaces and Footpath Preservation Society (which became the Open Spaces Society) who were the prime instigators of this Act and the later 1949 Act, called for local authorities to draw up maps of the public rights of way in existence (a quasi pre-cursor of the Definitive Map). This is set out in 'The Rights of Way Act, 1932. Its History and meaning' by Sir Lawrence Chubb [M]. The process for consultation and scrutiny followed in Lancashire is not recorded but some of the maps exist including maps for the following areas are available at County Hall: Lunesdale Rural District (RD), Lancaster RD, Burnley RD, Garstang RD and West Lancashire RD.</p>



Lunezdele Rural District Council.
Parish of Borwick. Footpaths as marked
by the Parish Meeting in 1934.

No. 1. Borwick Village to Kirkgate Lane.
No. 2. St Mary's Church to Hornby Road near Mar
No. 3. From Priest Hutton near Beech House across
and the L.M.S. Ry, along the side of the r

Font	Paragraph



Observations

	A map and list of public rights of way in the Parish of Borwick was inspected. Both appear to have been compiled at a parish meeting in 1934. The application route is not shown marked on the map and is not listed as a Footpath. One route is shown connecting to the application route at point
--	---

		B. This route is numbered on the map as route 4 and is described as a footpath from Over Kellet to Borwick Road across the fields to a 'lane' from Borwick Hall to Capernwray. The 'lane' referred to is the application route.
Investigating Officer's Comments		The application route was not considered to be a footpath in 1934 but appeared to be a more significant public route described as a 'lane'. The fact that the footpath numbered 4 was shown to stop at the junction with the application route (at point B) suggests that the parish council at that time considered that the application route was a public route – most probably a public carriageway that did not require to be recorded on the rights of way map which is consistent with how the application route is shown on the 1929 Handover Map detailed later in this report.
Aerial Photograph²	1940s	The earliest set of aerial photographs available was taken just after the Second World War in the 1940s and can be viewed on GIS. The clarity is generally very variable.
Observations		There is no aerial photograph available to view in the county council's records for the land crossed by the application route.
Investigating Officer's Comments		No inference can be drawn.
6 Inch OS Map 57SW	1956	The OS base map for the Definitive Map, First Review, was published in 1956 at a scale of 6 inches to 1 mile (1:10,560). This map was revised before 1930 and is probably based on the same survey as the 1930s 25-inch map.

² Aerial photographs can show the existence of paths and tracks, especially across open areas, and changes to buildings and field boundaries for example. Sometimes it is not possible to enlarge the photos and retain their clarity, and there can also be problems with trees and shadows obscuring relevant features.



Observations

The full length of the application route is shown as a significant bounded through route consistent with how it was shown on earlier OS maps.

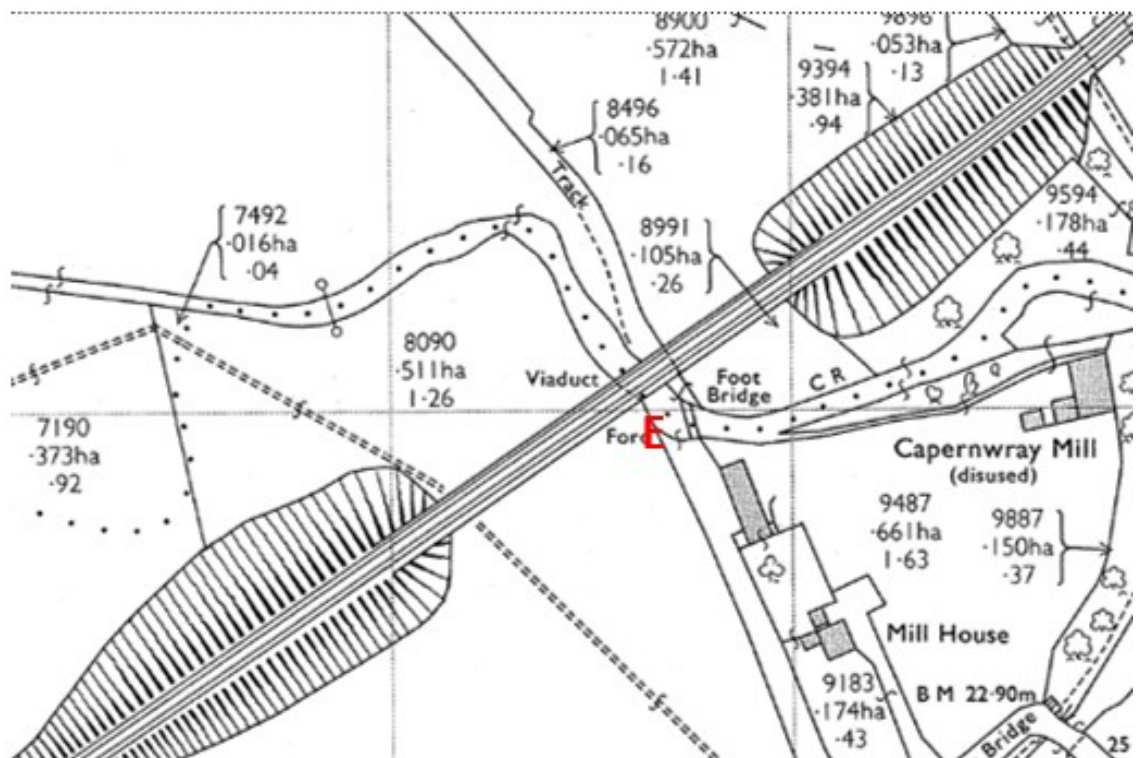
Investigating Officer's
Comments

The application route existed and appeared to be capable of being used at least on horseback and most probably by vehicles at that time.

**1:2500 OS Map
SD 5272-5372 and SD
5271-5371**

1970

Further edition of 25 inch map reconstituted from former county series and revised in 1969 and published 1970 as national grid series.



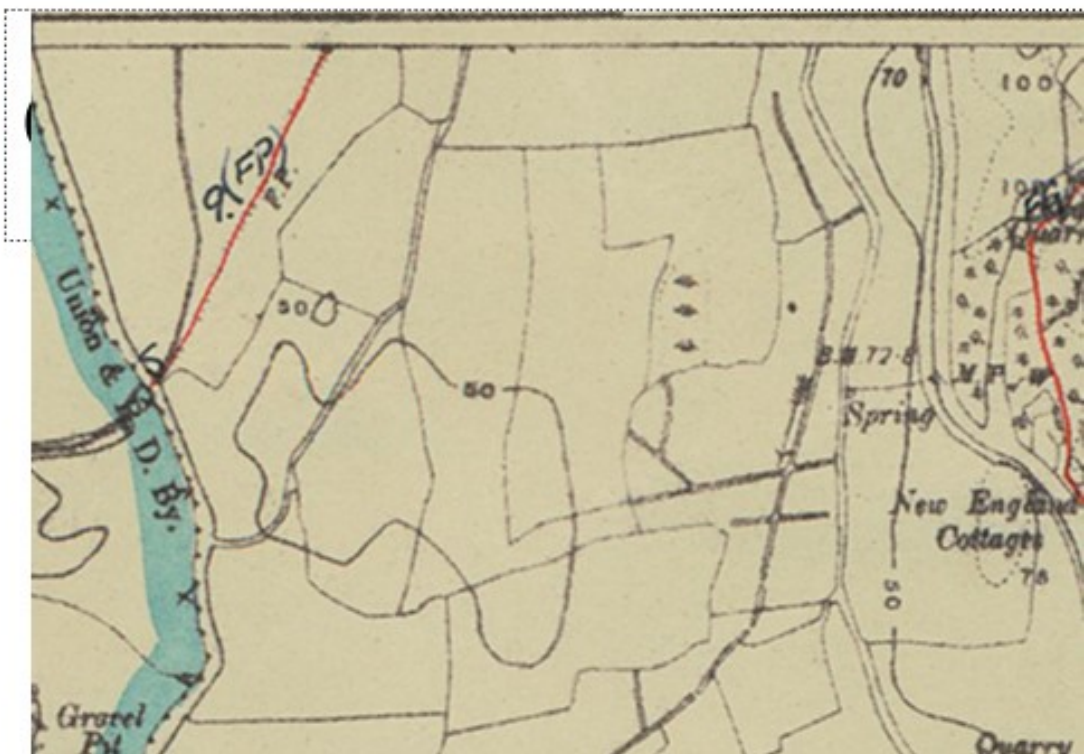
Observations

The application route remained unchanged from earlier editions of OS mapping. The whole route is

		shown as a substantial bounded through route although the inclusion of the word 'track' just north of point E suggests that use by vehicles of the full length of the route may have started to diminish.
Investigating Officer's Comments		The application route still existed in the 1960s although its use as a through route by vehicles may have declined.
Aerial photograph	1960s	The black and white aerial photograph taken in the 1960s and available to view on GIS.

<div data-bbox="177 555 1498 1841" data-label="Complex-Block"> <div data-bbox="177 555 1498 683"> <div data-bbox="177 555 462 683"></div> <div data-bbox="462 555 1498 683">Paragraph</div> </div> <div data-bbox="177 683 1498 1841"> <div data-bbox="177 683 526 1841"> <div data-bbox="177 683 526 1093">ck to a</div> </div> <div data-bbox="526 683 1498 1841">  </div> </div> </div>		
Observations		The application route is visible on the photograph although there is a distinct difference in how visible the northern section is to how faintly the southern section leading to point E can be seen.

Investigating Officer's Comments		The application route existed in the 1960s but – as appeared to be the case on the 1960 edition of the OS map detailed above – the southern section of the route leading to point E appears to be far less visible consistent with the fact that it was no longer being used, or was infrequently used, by vehicles. The northern end of the route from point A is far more prominent on the photograph consistent with vehicular use – possibly providing access to fields.
Definitive Map Records		<p>The National Parks and Access to the Countryside Act 1949 required the County Council to prepare a Definitive Map and Statement of Public Rights of Way.</p> <p>Records were searched in the Lancashire Records Office to find any correspondence concerning the preparation of the Definitive Map in the early 1950s.</p>
Parish Survey Map	1950-1952	The initial survey of public rights of way was carried out by the parish council in those areas formerly comprising a rural district council area and by an urban district or municipal borough council in their respective areas. Following completion of the survey the maps and schedules were submitted to the County Council. In the case of municipal boroughs and urban districts the map and schedule produced, was used, without alteration, as the Draft Map and Statement. In the case of parish council survey maps, the information contained therein was reproduced by the County Council on maps covering the whole of a rural district council area. Survey cards, often containing considerable detail exist for most parishes but not for unparished areas.



DISTRICT Lunesdale Rural PARISH BORWICK

MAP SHEET No. I 4 II LENGTH (to t

BRIEF DESCRIPTION (Field F.P. or otherwise)

Field footpath.

DETAILED DESCRIPTION (giving starting point, means of passage and general condition).

Starts on cartroad from Borwick Hall Canal Br packhorse bridge over River Lees where stream enters via stone stile. Then along hedge side diagonally across field to wooden stile on Borwick to Over Kellet.

Stiles in fair condition - path undefined.

SURVEYED BY: Name Theresa Harris

DISTRICT Lunesdale Rural PARISH BORWICK

MAP SHEET No. I LENGTH (to t

BRIEF DESCRIPTION (Field F.P. or otherwise)

Field footpath.

DETAILED DESCRIPTION (giving starting point, means of passage and general condition).

Starts near Croftlands over wooden stile & goes garden hedge & field fence to wooden stile. field by wall side & via stone stile to bank & cartroad over canal bridge (Hodgson


Stiles in good condition & path fairly well

Observations

The application route is not recorded on the parish survey map with the exception of a very short stretch from point D extending for a few metres in a south easterly direction to the bottom of the map sheet and drawn in a different colour to the footpaths, apparently as a later amendment. The description of Footpath 8 on the survey card does not reflect that amendment and only describes the footpath as far as Hodgson Bridge (i.e. not as far as point D and not along part of the application route).

A footpath numbered '9' on the parish survey map is shown starting on the application route at point

		B. It is described in the parish survey card as starting on the 'cart road' from Borwick Hall Canal Bridge to the packhorse bridge (i.e. the application route).
Draft Map		<p>The parish survey map and cards for Borwick were handed to Lancashire County Council who then considered the information and prepared the Draft Map and Statement.</p> <p>The Draft Maps were given a “relevant date” (1st January 1953) and notice was published that the draft map for Lancashire had been prepared. The draft map was placed on deposit for a minimum period of 4 months on 1st January 1955 for the public, including landowners, to inspect them and report any omissions or other mistakes. Hearings were held into these objections, and recommendations made to accept or reject them on the evidence presented.</p>

Font		Paragraph
		<p>The application route is not shown on the Draft Map but two routes marked as public footpaths are shown to connect to it at point B and point D. Both are listed in the Draft Statement as meeting the application route which is described as Unclassified County Road 2/29. There were no objections to the fact that the application route</p>
Observations		

Map and Statement

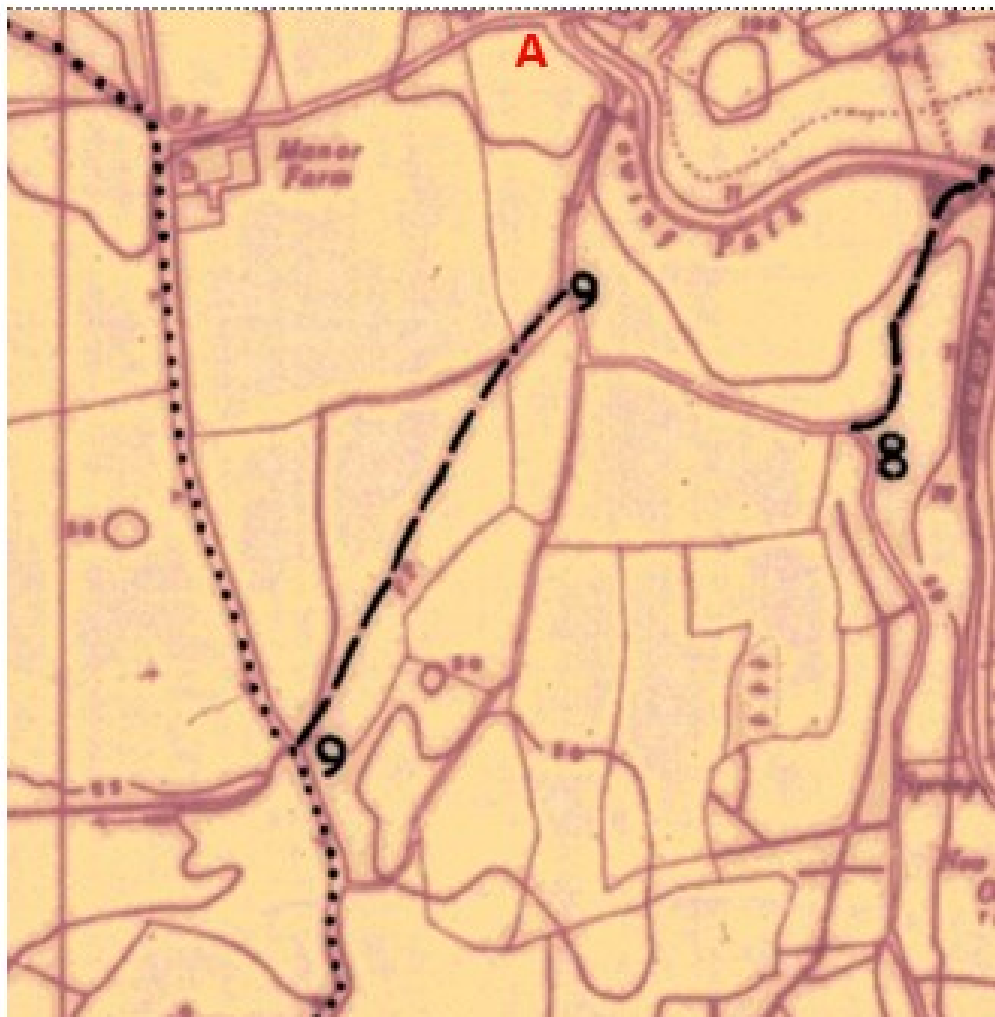
as the Definitive Map in 1962.

**Observations**

The application route was not recorded on the First Definitive Map.

Revised Definitive Map of Public Rights of Way (First Review)

Legislation required that the Definitive Map be reviewed, and legal changes such as diversion orders, extinguishment orders and creation orders be incorporated into a Definitive Map First Review. On 25th April 1975 (except in small areas of the County) the Revised Definitive Map of Public Rights of Way (First Review) was published with a relevant date of 1st September 1966. No further reviews of the Definitive Map have been carried out. However, since the coming into operation of the Wildlife and Countryside Act 1981, the Definitive Map has been subject to a continuous review process.



5

"

From Class III Road 207, west of Green Bank via New England Cottages to junction with footpaths 4 and 5.

0.68

6

"

From junction with footpaths 4 and 5, to Parish Boundary near Capernwray Mill.

0.04

7

"

From Class III Road 207 at Mansergh's Charity Farm to Class III Road Bowditch Lane.

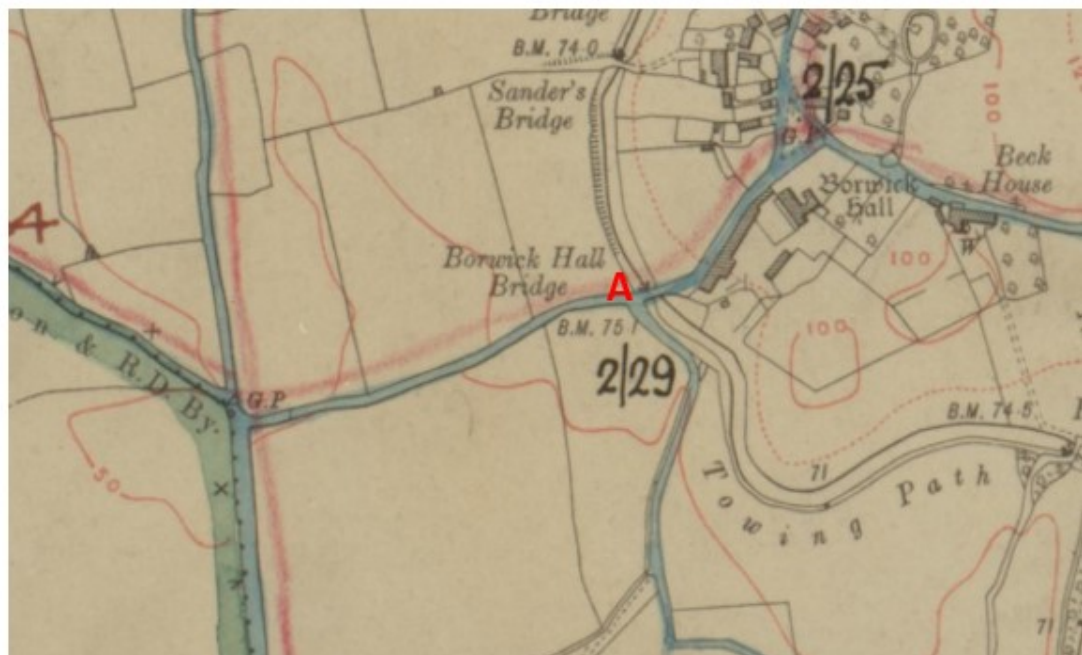
Observations

The application route is not shown on the Revised Definitive Map (First Review). Footpaths 8 and 9 are shown on the Map and the Statement accompanying the map describes both as meeting the application route which is described as being Unclassified County Road 2/29.

Since the publication of the Revised Definitive Map and Statement it has been under continuous review with a process whereby amendments to the map could be made as a result of applications made under the provisions of the Wildlife and

		<p>Countryside Act 1981.</p> <p>Two such applications were made by Over Kellet Parish Council on 15th July 1983 (File No. 804-45). The first route considered as part of that application was the route now the subject of this application. The original application sought to record the route as a Byway Open to All Traffic but was rejected by the County Council's Public Rights of Way Sub Committee 'on the grounds that it is already a highway of higher status' as it was already shown in the County Surveyor's records as an unclassified county road 2/29.</p> <p>A second part of the application related to a route extending south south west from point C on the application route to Kellet Lane as a byway open to all traffic. This application was accepted by the Public Rights of Way Sub Committee and an Order subsequently made.</p> <p>A Definitive Map Modification Order was made on 18 November 1986 and sought to record the route as a Byway Open to All Traffic. The Order received objections and was subsequently referred to the Planning Inspectorate for determination. The Order was confirmed on 22 December 1995 but amended to record the route as a bridleway.</p> <p>The description of the route to be added to the Definitive Map and Statement and included in Part II of the Order reads as follows:</p> <p style="text-align: center;">Lane, Borwick, Lancaster District, a distance of approximate between approximately ¹ - 8 metres wide, shown marked A-B on the map annexed hereto. ²</p> <p style="text-align: center;">● <u>PART II</u> <u>MODIFICATION OF THE DEFINITIVE STATEMENT</u> <i>Bridleway</i> Byway open to all traffic extending from unclassified road r Lane, Borwick, Lancaster District, a distance of approximate</p> <p>With the application route now being considered is clearly described in the Order as Unclassified Road 2/29.</p>
Investigating Officer's Comments		<p>The application route was not considered to be a public right of way which should be recorded on the Definitive Map during the preparation of the First Definitive Map in the 1950s through to the 1960s.</p> <p>Further consideration was given to the matter in 1985 following receipt of an application to record the route as a byway open to all traffic. At that time it was determined to reject the application based on the fact that the route was recorded in</p>

		the county council's records as an unclassified county road.
Highway Adoption Records including maps derived from the '1929 Handover Maps'	1929 to present day	<p>In 1929 the responsibility for district highways passed from district and borough councils to the County Council. For the purposes of the transfer, public highway 'handover' maps were drawn up to identify all of the public highways within the county. These were based on existing Ordnance Survey maps and edited to mark those routes that were public. However, they suffered from several flaws – most particularly, if a right of way was not surfaced it was often not recorded.</p> <p>A right of way marked on the map is good evidence but many public highways that existed both before and after the handover are not marked. In addition, the handover maps did not have the benefit of any sort of public consultation or scrutiny which may have picked up mistakes or omissions.</p> <p>The County Council is now required to maintain, under section 31 of the Highways Act 1980, an up to date List of Streets showing which 'streets' are maintained at the public's expense. Whether a road is maintainable at public expense or not does not determine whether it is a highway or not.</p>



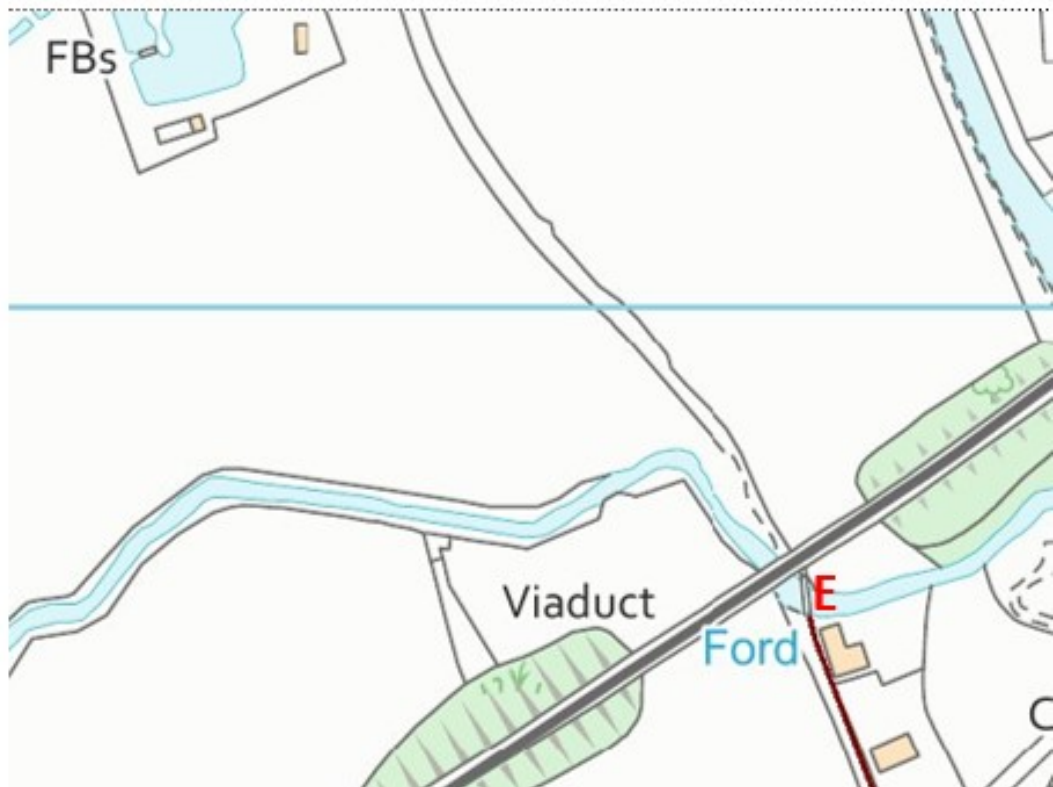
Click



1929 Handover Map



LCC Highway 'adoption plans'



LCC Highways digitised road classification record

ADOPTED UNCLASSIFIED COUNTY ROAD				
Name <i>Un-named Rd.</i>		Parish		
Road Ref. No.	Description of Adopted Length	Date Adopted	Total Yards	Total Mile
<i>2/29</i>	<i>Junct. C507 at Bowick - Junct. 2/30 at Capetnurray.</i>	<i>1949</i>		<i>.90</i>

☐ Highway Planning Applications
 ☐ Highway Schemes
 ☐ Highway Sponsorship
 ☐ Highway Surfacing
 ☐ Major Schemes
 ☐ Major Schemes Buffer
 ☐ Monitored Car Parks (Preston/Chorley)
 ☐ National Street Gazetteer
 ☐ Pedestrian Crossings
 ☐ Public Enquiry Manager
 ☐ Precautionary Salt Routes
 ☐ High Risk Routes
 ☐ RMMS Nodes
 ☐ Road Chainage
 ☒ Road Classification

Disclaimer: Whilst Lancashire County Council makes every attempt to ensure the accuracy and reliability of the information contained in the Road Classification layer, this information should not be relied upon as the sole substitute for official records.

Road Classification

Road Classification

Road Information	
Road Number	U50230
Road Name	Track From : Capernway Road To Via
Responsibility for Maintaining Road	Area North - Lancaster
Maintenance Agency	Lancaster, Non-Trunk
Maintenance Category	Local Access Road
Road Type	Rural, Cul-de-sac
Footway Type	Local Access Footway
Number of Lanes	2
Speed Limit	60 mph
Length	Calculated Length 1592 metres
Section Number	00002
Link Code	502300
Start Node	161350
End Node	161330
Safety Inspection Frequency	Once a year
Last Safety Inspection	30-Nov-2016
PEM Road ID	1001502300/00002

Observations

The application route is shown on the 1929 Handover Map labelled as route 2/29. This is consistent with the fact that the route is not then recorded on the 1932 Rights of Way Map but that the map showed a footpath (Footpath Borwick 9) leading to the 'lane'. It is also consistent with the information provided in the Parish Survey cards drawn up in the 1950s which refer to Footpaths starting/terminating at their junctions with unclassified county road 2/29.

The set of county council highway maintenance maps for this area (based on 1956 National Grid Series maps) is incomplete and the sheet SD5272, covering most of the application route, has not been located and is presumed lost. However, sheet SD5271 shows the route up to the boundary with the missing sheet coloured brown, which was the colour used for the unclassified vehicular roads maintainable by the county council.

The county council's digital highway records are based on these sheets and reflect the 'missing' part of the road.

A handwritten card was located in the archived file relating to the public inquiry into the confirmation

		<p>of the Order to record Bridleway Borwick 13 refers to the application route as being an adopted unclassified county road.</p> <p>South of point E the route continuing from the ford crossing to the junction with Capernwray Road is currently recorded by the Highways team as a publicly maintainable highway referenced U56230 described as being from Capernwray Road to 'dead end'.</p>
Investigating Officer's Comments		<p>Inquiries have been made with the Highways Section and searches made of records deposited at the County Records Office and London Gazette to determine why the application route was previously recorded as being maintainable at public expense but is no longer recorded as such but no information found.</p> <p>It appears that a map sheet onto which adopted public highways were drawn is missing which may account for its apparent removal from the records.</p> <p>It appears that the apparent removal of the application route from the digital record post-dated the application to record the route as a byway open to all traffic in 1983 otherwise the Public Rights of Way Committee would not have rejected the application to record the route as a byway on the grounds that it was an unclassified county road.</p> <p>It is now accepted that being recorded on the list of publicly maintainable streets is not conclusive of vehicular status <i>per se</i> but this was recorded as a class 4 road not a footpath/footway and an inference can be drawn, together with other factors, of vehicular status.</p>
Highway Stopping Up Orders	1835 - 2014	<p>Details of diversion and stopping up orders made by the Justices of the Peace and later by the Magistrates Court are held at the County Records Office from 1835 through to the 1960s. Further records held at the County Records Office contain highway orders made by Districts and the County Council since that date.</p>
Observations		<p>No records relating to the stopping up, diverting or creation of public rights along the route were found.</p>
Investigating Officer's Comments		<p>If any unrecorded public rights exist along the route they do not appear to have been stopped up</p>

		or diverted.
Statutory deposit and declaration made under section 31(6) Highways Act 1980		<p>The owner of land may at any time deposit with the County Council a map and statement indicating what (if any) ways over the land he admits to having been dedicated as highways. A statutory declaration may then be made by that landowner or by his successors in title within ten years from the date of the deposit (or within ten years from the date on which any previous declaration was last lodged) affording protection to a landowner against a claim being made for a public right of way on the basis of future use (always provided that there is no other evidence of an intention to dedicate a public right of way).</p> <p>Depositing a map, statement and declaration does not take away any rights which have already been established through past use. However, depositing the documents will immediately fix a point at which any unacknowledged rights are brought into question. The onus will then be on anyone claiming that a right of way exists to demonstrate that it has already been established. Under deemed statutory dedication the 20 year period would thus be counted back from the date of the declaration (or from any earlier act that effectively brought the status of the route into question).</p>
Observations		No Highways Act 1980 Section 31(6) deposits have been lodged with the county council for the area over which the application route runs.
Investigating Officer's Comments		There is no indication by the landowners under this provision of non-intention to dedicate public rights of way over this land.
Landownership		Current records of landownership obtained from the Land Registry.
Observations		With the exception of the first 100 metres (approximate) from point A the rest of the application route has no registered landowner and no information has been provided regarding any unregistered landownership. This is consistent with earlier historical records – namely the Finance Act 1910 records and Tithe Map and Award records dated 1846 neither of which listed the land crossed by the application route under private ownership.
Investigating Officer's Comments		The fact that the majority of the route – with the exception of a short section immediately adjacent

		to the Lancaster Canal – has no known landowner is consistent with the large body of map and documentary evidence suggesting that the application route was a historical public carriageway.
--	--	--

The affected land is not designated as access land under the Countryside and Rights of Way Act 2000 and is not registered common land.

Landownership

The Natural Environment and Rural Communities Act 2006

This Act effected a blanket extinguishment of unrecorded public rights for mechanically propelled vehicles (MPVs) with certain exceptions. Prior to this carriageway rights did not discriminate between vehicles which were mechanically propelled, such as cars and motorbikes, and those which were not, such as bicycles, wheelbarrows, horse-drawn carriages, donkey carts, etc. If Committee concludes that the evidence shows that, on the balance of probability, public carriageway rights exist on the application route between point A and point E it is then necessary to consider whether the Natural Environment and Rural Communities Act 2006 has extinguished public rights for MPVs.

The route was recorded as an unclassified county road from 1929 and was still recorded as such in 1986 but it is not recorded on the digital record which dates from circa 1990 and later. It is therefore not known whether it was still recorded as such in 2006. The effect of the Natural Environment and Rural Communities Act 2006 is to extinguish public rights for mechanically propelled vehicles (MPV) from carriageways which were not recorded on the List of Streets (subject to other conditions which are not relevant here) at that time. The fact that the route apparently should have been so recorded in 2006 and the fact that we can find no legal authority for its removal does not exempt the way from the extinguishment of these rights. Furthermore the legislation requires evidence that a carriageway was exempt from the extinguishment rather than the other way round so in the absence of a record of it being on the List of Streets in 2006 the MPV rights are extinguished.

Summary

The application route has existed – probably as a through route since at least the late 18th Century and was considered to be a public road when the Tithe Map was prepared in the 1840s. By the 1840s the full length of the route existed on the alignment now claimed and appears to have remained unaltered since that time.

The route appears to have been wide enough to be used by horses and vehicles since it was shown on the early commercial maps, the Tithe Map and first edition OS maps.

Finance Act records from the early 20th Century suggest that it was considered to be public carriageway at that time.

The 1929 handover records show it as part of a longer route for which the County Council were responsible for the maintenance. Its status as an unclassified county road was confirmed as part of the preparation of the Definitive Map in the 1950s and again in the late 1980s when an application was first made to record it as a byway open to all traffic. The status of unclassified road is not in itself conclusive of vehicular rights but taken in this context is suggestive of carriageway status.

The map and aerial photograph examined all suggests that the route may have been available to be used since the 18th Century.

Head of Service – Legal and Democratic Services Observations

Information from the Applicant

The applicant submitted a number of historical maps and documents in support of their application. These have been considered by the Investigating Officer and comments on most are included above.

The documents submitted are as follows:

Yates's Map of Lancashire 1786

Hennet's Map of Lancashire 1830

6 inch Ordnance Survey (OS) maps published in 1847 and 1916-1919

25 inch OS map published 1891

1 inch OS maps published 1898, 1947 and 1955

1:25,000 OS maps published 1947 and 1961

Bartholomew's ½ inch maps published 1905, 1920 and 1941

Tithe Map and Award for Borwick 1846

1910 Finance Act Map

Landownership plans obtained from the Land Registry

Information from Others

The local Cycling UK Right to Ride representative responded to consultation to state that they had no objection.

An adjoining landowner responded to consultation to clarify the purpose of the application and the effect on private rights of access but did not provide any further information regarding whether or not public rights exist.

Atkins Global responded to consultation to state that they have no objection to the application.

Information from the Landowner

The landowner provided no response to consultation.

Assessment of the Evidence

The Law - See Annex 'A'

In Support of Making an Order(s)

Map and other documentary evidence.

Against Making an Order(s)

No particular evidence against.

Conclusion

It is advised that there is no express dedication in this matter, Committee should therefore consider, on balance, whether there is sufficient evidence from which to have dedication inferred at Common Law from all the circumstances or for the criteria in S31 Highways Act 1980 for a deemed dedication to be satisfied.

In this matter there is no modern user evidence from which to deem a dedication under S31 Highways Act and so Committee is invited to consider whether there is sufficient evidence from which to infer dedication at Common Law.

Looking at whether dedication can be inferred on balance at Common Law, Committee is advised to consider whether the evidence presented within this report of the various map and documentary evidence does, on balance, indicate that the route was dedicated to public use and used by the public.

From the information above in the report it is suggested that Committee has sufficient evidence on balance that the route was a historical public route available as a vehicular highway which at present is unrecorded in respect of points A-E on the Definitive Map and Statement.

The fact that the application route is not presently recorded as any does not mean that it does not carry public rights of way.

There is no evidence that a legal stopping up of any part of the route has ever taken place.

If Committee is content that there is sufficient evidence of an old vehicular highway between point A-E the Natural Environment and Rural Communities Act 2006 will have extinguished modern mechanically propelled rights leaving the route to be appropriately recorded as a restricted byway.

If Committee is satisfied the map and other documentary evidence is in itself considered sufficient that the route was a historical public highway, i.e. that an inference of dedication can on balance be made, then it is advised that the way should be recorded as restricted byway.

In conclusion, it is advised that there is sufficient evidence from which to infer a vehicular highway was already dedicated on this route over 200 years ago and Committee may consider it appropriate that an Order be made for the route marked

A-E to be added to the Definitive Map and Statement and that the evidence is sufficiently strong to decide that the Order be promoted to confirmation.

Risk management

Consideration has been given to the risk management implications associated with this claim. The Committee is advised that the decision taken must be based solely on the evidence contained within the report, and on the guidance contained both in the report and within Annex 'A' included in the Agenda Papers. Provided any decision is taken strictly in accordance with the above then there is no significant risks associated with the decision making process.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Tel
All documents on File Ref: 804-628		Simon Moore, 01772 531280, County Secretary and Solicitors Group

Reason for inclusion in Part II, if appropriate

N/A