

Regulatory Committee

Meeting to be held on 22nd June 2022

Part I

Electoral Division affected:
Moss Side and Farington

Wildlife and Countryside Act 1981

Definitive Map Modification Order Investigation

Addition of Bridleway and Upgrading of Footpath known as Sod Hall Lane, South Ribble

(Annex 'A' refers)

Contact for further information quoting file reference 804-727:

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Brief Summary

Application for the addition of bridleway and upgrading of 7-1-FP50 and 7-1-FP51 (Sod Hall Lane) to the Definitive Map and Statement of Public Rights of Way.

Recommendation

That the application for the addition to the Definitive Map and Statement of Public Rights of Way of a bridleway and upgrading to bridleway of 7-1-FP50 and 7-7-FP51, be not accepted.

Detail

An application under Schedule 14 of the Wildlife and Countryside Act 1981 has been received for the addition to the Definitive Map and Statement of Public Rights of Way of bridleway along the route known as Sod Hall Lane commencing at the junction with the western end of Jane Lane (Leyland) to the junction with Long Moss Lane (Longton).

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 upgrading or downgrading a way shown on the Definitive Map and Statement will only be made if the evidence shows that:

- "it ought to be there shown as a highway of a different description"

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

South Ribble Borough Council

South Ribble Borough Council provided no response to consultation.

Longton Parish Council

Longton Parish Council provided no response to consultation.

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	5141 2338	Junction of application route with the north west end of Jane Lane (U5419)
B	5130 2334	Junction of application route with route recorded as 7-1-FP 50 at Gate House Farm
C	5129 2337	Junction of application route with 7-1-FP 1a
D	5123 2360	Gate across application route on south side of railway crossing
E	5123 2962	Gate across application route at north side of railway crossing 5 metres south of a junction with 7-1-FP 37
F	5114 2395	Junction of application route with 7-1-FP 48
G	5109 2421	Junction of application route with 7-7-FP 45, just inside Longton parish boundary and adjacent to the remains of 'the round house'
H	5111 2481	Open junction of the application route with Long Moss Lane (U5422)

Description of Route

A site inspection was carried out in January 2022.

The application route commences at an unmarked point at the north west end of Jane Lane (U5419) – point A on the Committee plan.

Jane Lane starts at a point on Longmeanygate and extends north north west and then west south west for a distance of approximately 275 metres to point A. It is a tarmacked single carriageway public road. Midway along it a sign had been erected saying 'Access only Whitegate Farm Gate House Farm The Gate House No turning'.

Point A is located at the junction with the entrance to White Gate Farm and continues along a tarmac roadway past the property for a further 100 metres to the entrance of Gate House Farm (point B) where the route then turns through a 90-degree bend to continue in a dead straight line in a north north westerly direction for approximately 900 metres through to the junction with Footpath 7-7-FP45 (point G).

From the entrance of Gate House Farm the route continues along a tarmac roadway in good condition and is recorded as a public footpath (7-1-FP 50). After approximately 30 metres a field footpath (7-1-FP 1a) joins the route (point C).

The application route continues along the tarmac roadway to where it crosses a single railway line known as Sod Hall Crossing. The railway junction is gated at either side (point D and point E) with smaller metal pedestrian gates adjacent to vehicular gates. The tarmac surface comes to an end a few metres before reaching

the gates (point D) at the entrance to the driveway of the residential property known as 'The Gate House'.

A few metres north of the railway line (at point E) a further field footpath (7-1-FP 37) joins the application route.

From the crossing the application route continues north north west – still recorded as 7-1-FP 50 – along a compacted stone surfaced track separated from the adjacent fields by a mixture of hedges and fencing. From a junction with Footpath 7-1-FP 48 (point F) the application route continues as a substantial track past a track leading to Singletons Farm and then past Heath House Farm to a sharp corner and junction (point G).

Point G is located just north of the parish boundary between Leyland and Longton. A footpath (7-7-FP 45) coming from the west meets the application route at point G 15 metres north of the location of the former 'Round House'. The 'Round House' no longer exists but is referred to at length in the map and documentary evidence detailed later in the report.

The application route turns to continue east north east for 40 metres and then turns again to continue north in a dead straight line for a further 575 metres to Long Moss Lane (point H).

From the corner (point G), on the land immediately north of the route, there is an area of rough uncultivated land which was where Sod Hall was located (now no longer in existence).

The application route is still recorded as public footpath but because it is now within the parish of Longton this section is numbered 7-7-FP 51.

The route continues in a dead straight line unfenced from the adjacent fields but raised up on a constructed roadway above the level of the fields on either side. The surface of the roadway is a mix of compacted stone and tarmac with evidence of regular vehicular use to gain access to and from Heath House Farm and other properties accessed from the route on the approach to Long Moss Lane (point H).

The application route passes Willow Farm and approximately 40 metres from Long Moss Lane a speed hump has been placed across the route together with signage, facing anyone leaving Long Moss Lane, stating that the road is private and a no through route.

Where the application route meets Long Moss Lane (point H) adjacent to Adlington Gate Farm it is signed as a public footpath. In addition a street sign gives the name of the route as being Sod Hall Lane underneath which a separate sign with the same colour lettering but which looks to have been added at a later date states 'Privately owned road. No through route. No parking please'.

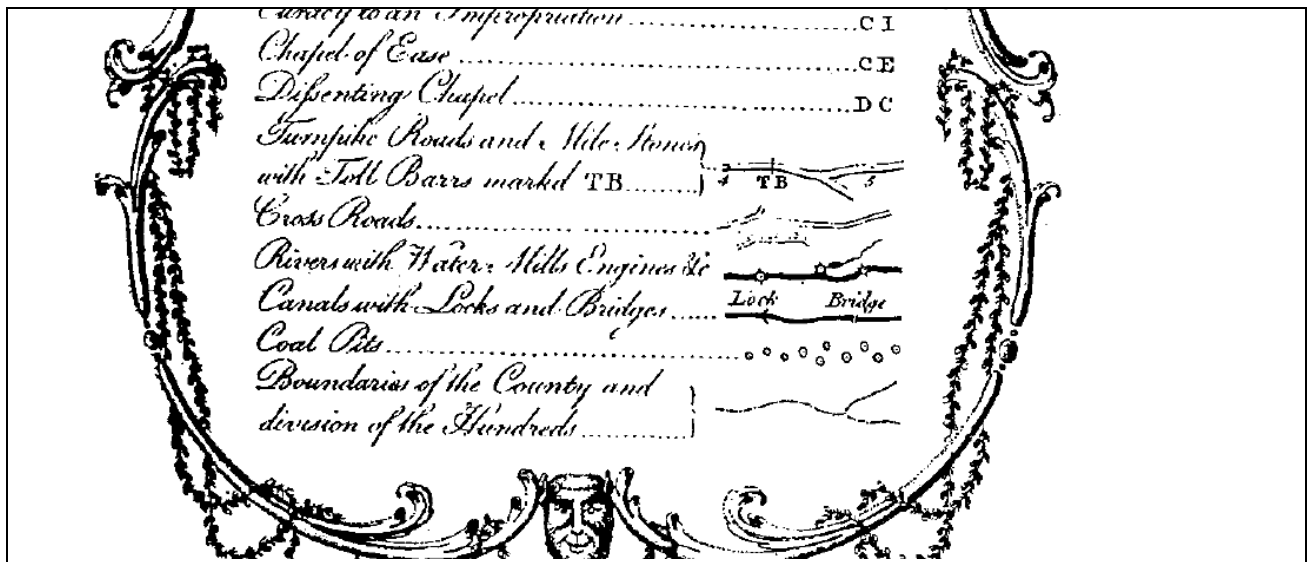
The total length of the route is 1.6 kilometres.

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.

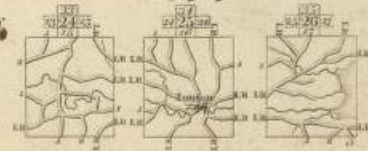




<p>Observations</p>		<p>The application route is not shown. Sod Hall – which was accessed by the application route is shown and Long Moss Lane is shown on the map with an unnamed building in the approximate location of Adlington Gate House which is adjacent to point H.</p> <p>The land crossed by the application route is shown as moss land and Jane Lane and Longmeanygate – to which the application route connects - are not shown.</p>
<p>Investigating Officer's Comments</p>		<p>The application route in whole or part may have existed in 1786 as access to Sod Hall (perhaps G-H) but if so was not considered by Yates to be a significant public route which should be included on the map.</p>
<p>Cary's Map of Lancashire</p>	<p>1787</p>	<p>John Cary was described as 'the most representative, able and prolific of English cartographers'. He was as busy a publisher as he was a cartographer and engraver, and until his death in 1835 published a constant flow of atlases, maps, road maps, canal plans, globes and geological surveys. He set new high standards of engraving and map design and in 1787 he published a 'New and Correct English Atlas' containing 46 maps which was re-issued ten times until 1831.</p> <p>In 1794 the Postmaster General commissioned Cary to survey the main roads of Great Britain and his information on roads may be viewed with above average confidence.</p>



The middle figure denotes the number of the plate, and the figures at the top and bottom, explain its connection North and South, and those at the sides, East and West.



Turnpike Roads, thro' enclosed countries

D.^o thro' unenclosed d.^o

Bye Roads are marked by closer lines, as

N.B. The turnpike Roads to and from London, are distinguished by the letters L.R. which will be a sufficient guide for uniting those Roads, and the junctions of all the other turnpike Roads are shewn by figures of reference.

Churches and Chapels

Observations		The application route is not shown and a large area crossed by the application route is not shown including roads shown by Yates on a map published around the same time.
Investigating Officer's Comments		The application route probably did not exist at that time. A route considered to be a public footpath or bridleway at that time would not normally be shown on a map of this scale but in this instance a large area crossed by the route is blank so no inference can be drawn.
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 within the key panel.

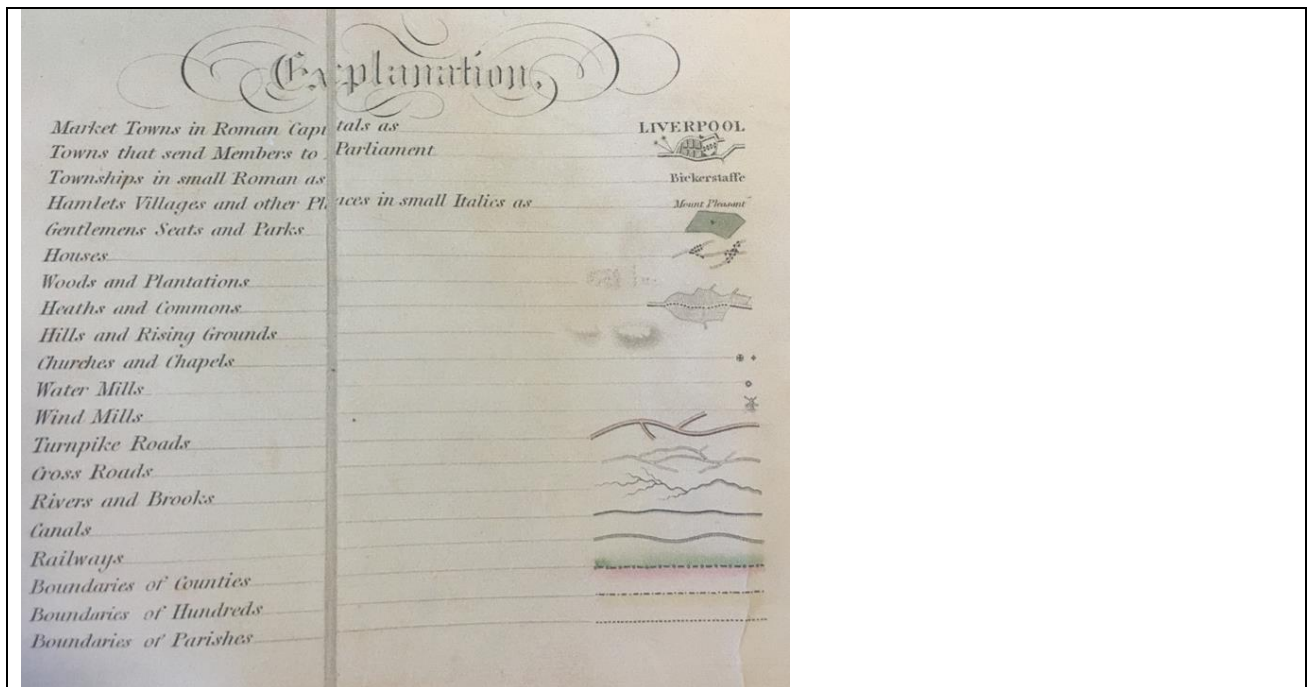


Turnpike Roads _____
 Cross Roads _____
 Towns & other Places - _____
 that send Members to Parliaments } _____
 Boundaries of Counties _____

<p>Observations</p>		<p>The map clearly shows the full length of the application route connecting to Longmeanygate and Jane Lane in the south and Long Moss Lane in the north. Properties are shown (and named) along the route with Gate House close to point A, Heath House and Sud Hall located along the route and Adlington Gate close to point H. The route appears to split an area of moss land and is shown as a cross road on the map.</p>
<p>Investigating Officer's Comments</p>		<p>The application route existed as a substantial through route in 1818 providing access to a number of properties along it. The inclusion of the route on a small scale commercially produced map of this kind is normally suggestive of the fact that the</p>

		<p>route is likely to have been considered to have been a public carriageway or at least a bridleway although it is accepted that not all of the routes shown by Greenwood were public. It is unlikely that a map of this scale would show footpaths.</p> <p>It is not known what Greenwood meant by the term 'cross road' but he only categorised roads as 'cross roads' and 'turnpike roads' according to the key in the map.</p>
<p>Hennet's Map of Lancashire</p>	<p>1830</p>	<p>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 7½ 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.</p>





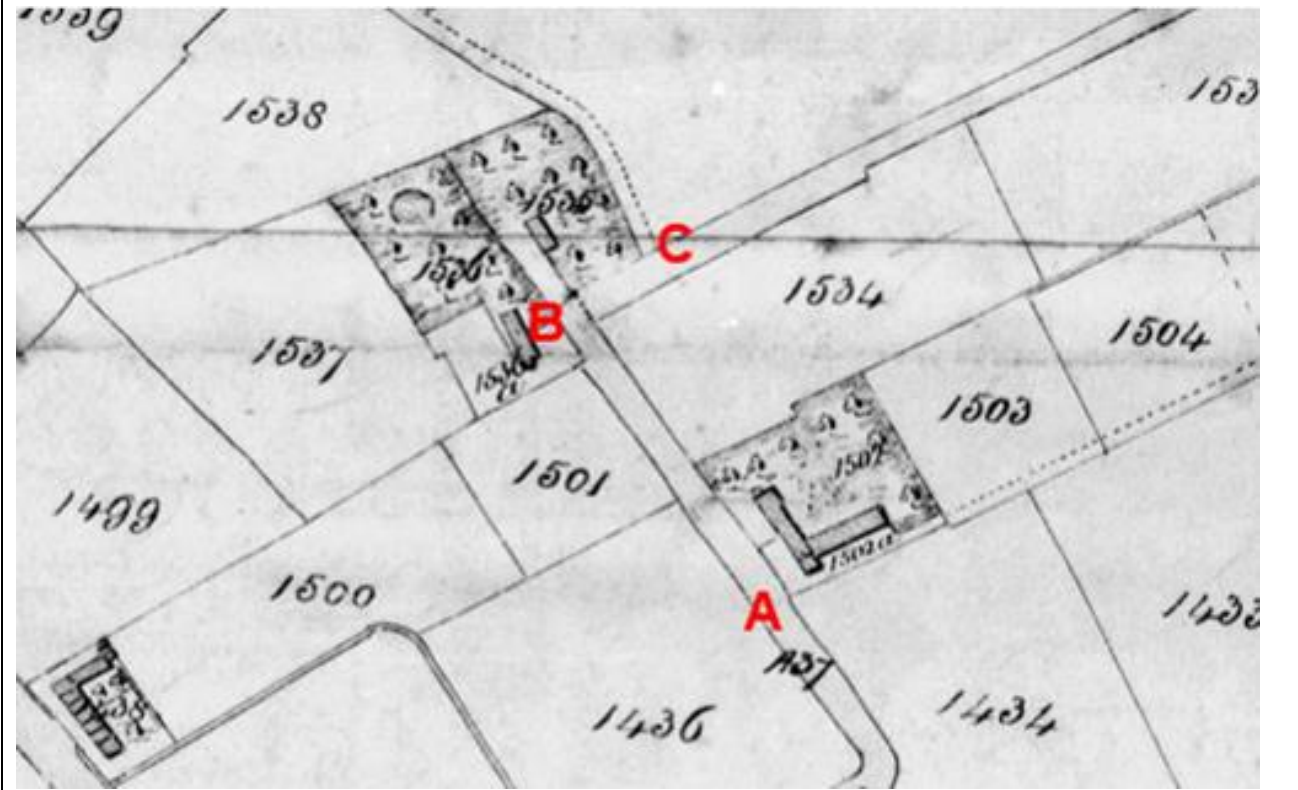
<p>Observations</p>		<p>The application route is clearly shown as a cross road in the same way that other routes with public vehicular rights of access are shown. However the alignment around Gate House and what is now Jane Lane is shown differently. The route is shown providing access to and past a number of unnamed properties and to Sod Hall which is named on the map. The route is shown passing between two areas of moss land named as Leyland Moss and Farrington Moss.</p>
<p>Investigating Officer's Comments</p>		<p>The application route, albeit with a different alignment at the southern end, existed in 1830 as a significant route and it is unlikely that a map of this scale would show footpaths.</p> <p>The route is shown as a cross road and it is not fully known what is meant by this term. As the only other category of 'road' shown on the map are turnpike roads, it is possible that a cross road was regarded as either a public minor cart road or a bridleway (as suggested by the judge in <i>Hollins v Oldham</i>).</p> <p><i>Hollins v Oldham Manchester High Court (1995) [C94/0205] Judge Howarth examined various maps from 1777-1830 including Greenwoods, Bryants and Burdetts. Maps of this type, which showed cross roads and turnpikes, were maps for</i></p>

		<p><i>the benefit of wealthy people and were very expensive. There was “no point showing a road to a purchaser if he did not have the right to use it.”</i></p> <p>The fact that the route is shown as a through route connecting at either end to public vehicular roads suggests that it was not just a private access road to Sod Hall and in fact other properties are shown (but not named) on the map. The route is clearly shown as crossing between two areas of moss land and the way that it is shown suggests that it would have been capable of being used on horseback and with horse drawn vehicles at that time.</p>
<p>Inclosure Act Award and Maps</p>		<p>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.</p>
<p>Observations</p>		<p>Early maps of the area crossed by the application route and the general topography of the land suggest that the application route – or at least part of it – was probably created as part of inclosure of Leyland Moss. Despite an extensive search the Investigating Officer has been unable to find any details about it other than a reference to a survey of Leyland Moss c. 1697.</p> <p>No plans showing land to be enclosed have been found but it appears from an examination of the early commercial maps detailed above that inclosure of much of the land crossed by the application route may have occurred between 1786 and 1818.</p> <p>Longton Moss was enclosed in 1761. No inclosure plan of the area crossed by the application route has been found but the Longton Inclosure Award describes a number of routes which were created as public highways and private roads which were located near to the application route, but which do not fit the description of the route itself. The earliest 1-inch Ordnance Survey map detailed below shows the route cutting through Longton Moss between</p>

		<p>point G and point H and the first edition 6-inch OS map (also detailed below) suggests that the application route passed through Leyland Moss between point A and point G and passed through Longton Moss between point G and point H.</p> <p>Sod Hall existed in 1786 (Yate's Map) but no further information about the origins of the hall has been found and the access road to and from the hall is not shown on that map.</p> <p>The inclosure of the various moss lands was probably undertaken in a series of private agreements. No plans of the land inclosed have been found so not possible to determine whether the route was created as a public or private route as part of an inclosure process. Whilst the route clearly linked to other routes recorded as public vehicular highways providing a direct through route as well as access to land and properties situated either side of it no further information about when the route first came into existence or why has been found.</p>
Investigating Officer's Comments		<p>Whilst it appears likely that some or all of the route originally came into being as part of the inclosure of the moss lands the County Council have been unable to find any evidence relating to whether the route was created in this way or exactly when and whether it was created as a public or private route so no inference can be drawn in this respect.</p>
Tithe Map and Tithe Award or Apportionment	1838	<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>



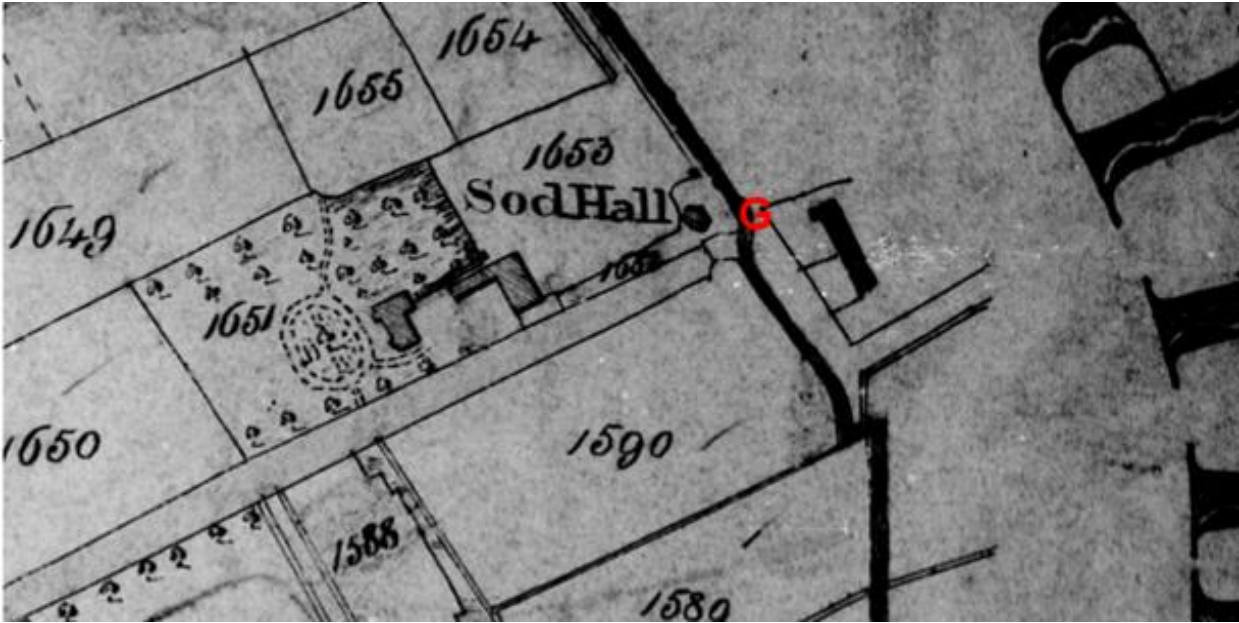
Extract from Tithe Map for Leyland



Extract of Tithe Map for Leyland



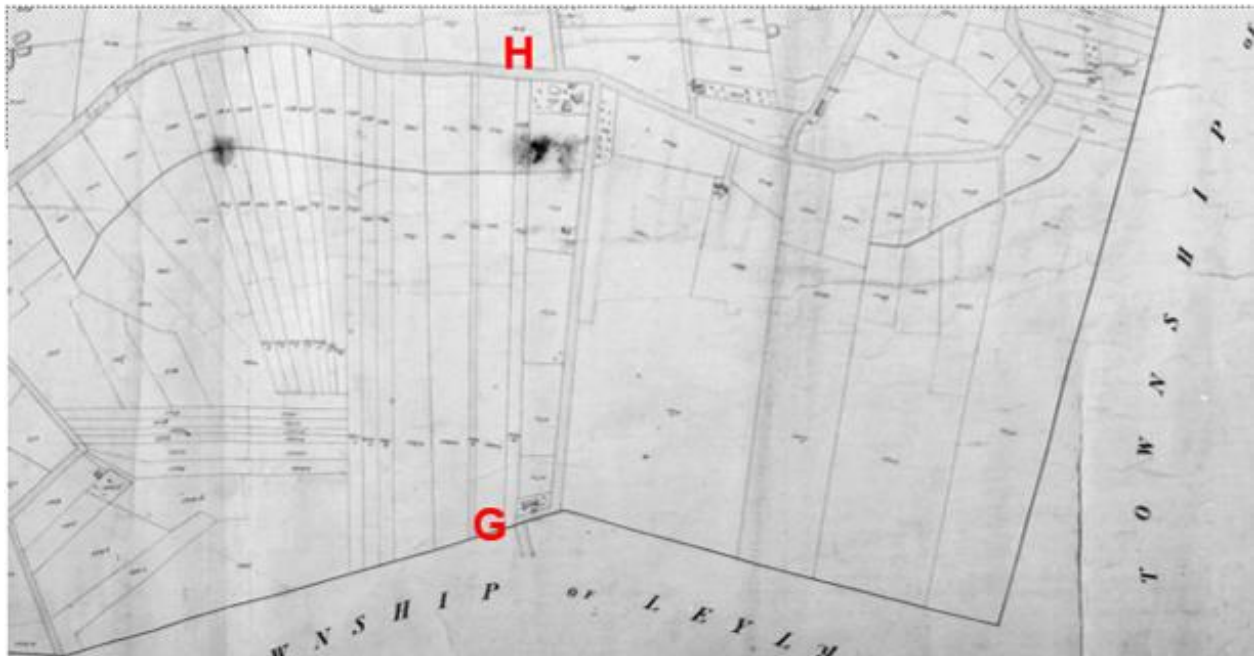
Extract from Tithe Map for Leyland



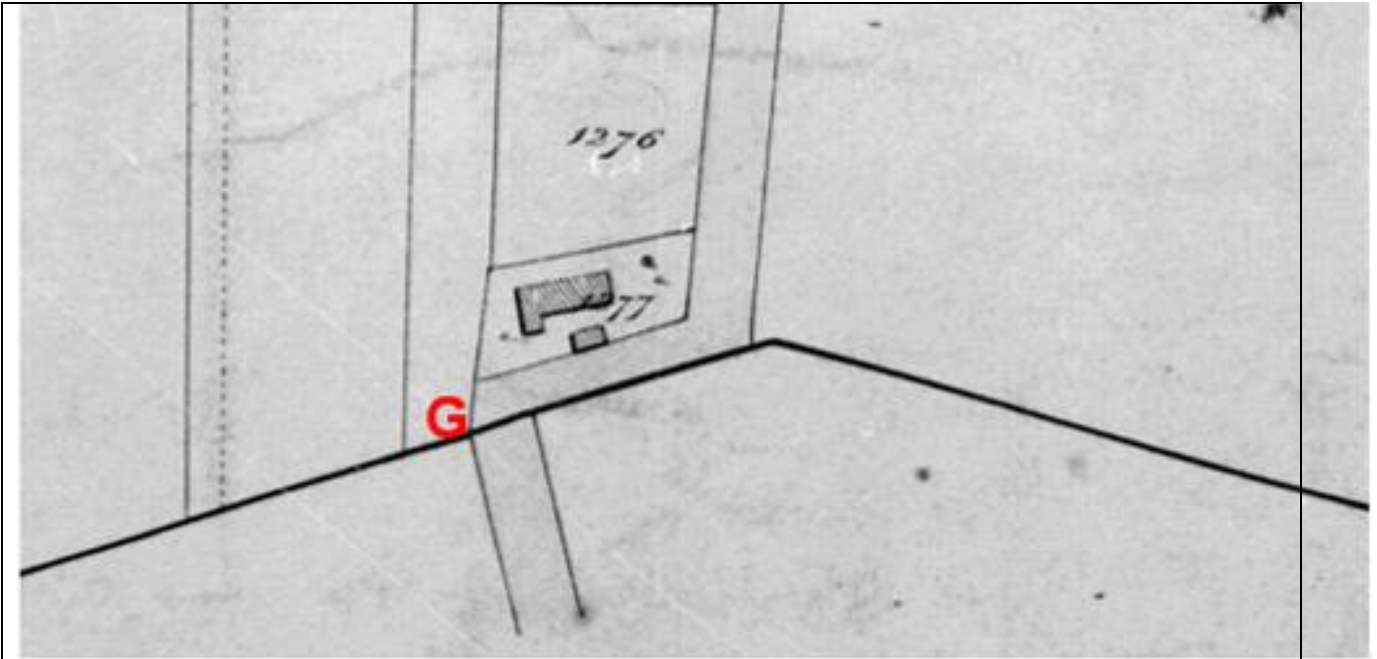
Extract from Tithe Map for Leyland

Plan.	LANDS AND PREMISES.	CULTIVATION.	STATUTE MEASURE.			PAYABLE TO VICA	
			A	R	P	A	S
	<i>Highways (Continued)</i>	<i>Brought forward</i>	80	2	13		
<i>A 35</i>	<i>Puttinton or Cocker Green Road</i>		1	-	3		
<i>A 37</i>	<i>Seat of Red Hall Lane</i>			2	38		
			82	1	114		
	<i>Public Roads within the Township</i>						
<i>A 10</i>	<i>Higher Fairfield Road</i>			2	25		
<i>A 19</i>	<i>Low Lane</i>			2	16		

Extract from Tithe Award for Leyland



Extract from the Tithe Map for Longton



Longton Tithe Map

<i>Highways and Public Roads within the Townships</i>	1359	9. 2. 20
	1360	9. 1. 36
		116. 1. 8
	1361	114. 4. 7

18-202

Extract from Tithe Award for Longton

<p>Observations</p>		<p>The application route crosses land in the Township of Leyland between point A and point G and land in the parish of Longton between point G and point H. The Tithe Maps and Awards for both Leyland and Longton were prepared in 1838.</p> <p>The Tithe Map and Award for Leyland was inspected and shows the route from point A</p>
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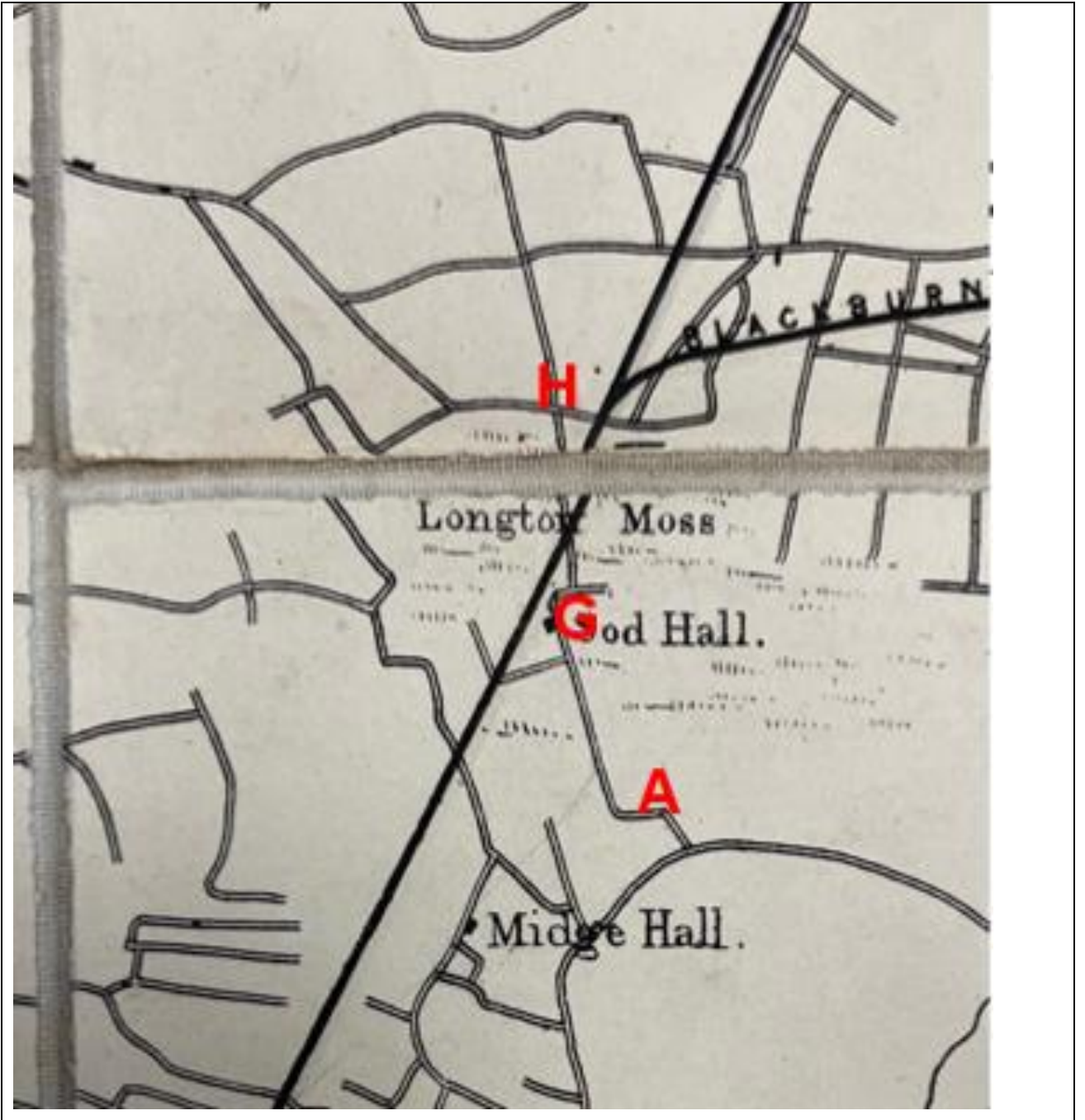
		<p>to point G.</p> <p>It shows the route now known as Jane Lane numbered as plot A37. There is no line across the route at point A but there is a dashed line across the route at point B. In the Tithe Award plot A37 is described as being 'Part of Sod Hall Lane' in a list of highways within the township. The area of the road is listed as being 2 rods/roods and 38 perches/poles which the Investigating Officer has estimated to be about 3000 metres squared which, if the route was approximately 7 metres wide throughout would suggest a length in the region of 430 metres which would include the full length of Jane Lane plus the application route through to at least point C – or a bit beyond.</p> <p>The list of highways included in the Tithe Award comprises of 29 routes most of which are specifically named. An examination of the routes listed, whether they still exist today and what their legally recorded public status is has been made; this shows that those routes, other than where areas had been substantially altered by redevelopment, still existed and were mostly still known by the same name and were recorded as publicly maintainable highways. A separate list of 8 other routes was also included in the Tithe Award titled as being a list of public roads (as opposed to public highways). Again, other than two routes which no longer existed due to substantial development, all except one of the other routes are recorded as publicly maintainable highways on the List of Streets.</p> <p>Beyond point C and point F another number is shown within the boundaries of the application route (1594a) which is listed in the Tithe Award as 'Sod Hall Road' and 'Road' and as being owned by John Green Heir and occupied by 'themselves'. It is not listed as public highway in the separate list found at the end of the Award but is included within the body of the award. No tithes were payable.</p>
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		<p>7-1-FP 1a is shown as a single pecked line joining the application route at point C. It is not numbered separately but crosses several fields which are each individually numbered.</p> <p>A bounded route consistent with the start of 7-1-FP 48 at point F is shown and is numbered as plot 1648a. It is described as a 'lane' which is privately owned by the Heirs of John Green and occupied by Thomas Singleton and is not included in the list of highways at the end of the Tithe Award.</p> <p>A further route leaving the application route to extend east just before reaching point F is numbered 1594b and described as a 'Road' owned and occupied by the Heirs of John Green and is not included in the list of highways at the end of the Tithe Award.</p> <p>A line is shown across the application route just before the parish boundary at point G.</p> <p>Sod Hall is named as being the buildings to the west of the application route where the farm now known as Heath House Farm is located and is numbered as plot 1651 owned by the Heirs of John Green and occupied by Peter Blackwell – described simply as 'House and garden' in the Tithe Award.</p> <p>To the right of the words 'Sod Hall' a small round building can be seen on a plot of land numbered as 1652. This is described in the Award as 'House and Garden' owned by the Heirs of John Green and occupied by John Bamber.</p> <p>Beyond point G the continuation of the application route is shown for a short distance beyond the parish/township boundary, but no ongoing destination is labelled.</p> <p>The remainder of the route (from point G to point H) is shown on the Longton Tithe Map. It is shown in such a way as to indicate that it continues beyond the parish boundary at point G (along the application route shown on the Leyland Tithe Map). A property is shown close to point G which is</p>
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		<p>not named but is numbered as plot 1277 which was described as 'House and Garden' owned by John Green and occupied by James Dobson.</p> <p>The application route from point G through to point H is shown with no lines across it and is not numbered which is consistent with how other roads now recorded as public roads are shown on the Longton Tithe Map.</p> <p>It was noted that there was only one location where a road appeared to have been numbered on the whole sheet and this was located in a fairly central point in the village of Longton close to the parish church where the number 1361 has been written on the public vehicular road now known as Liverpool Road. The Tithe Award simply stated that the number 1361 had been assigned to Highways and Public Roads within the township.</p>
Investigating Officer's Comments		<p>The Tithe Maps confirm the physical existence of a substantial route which existed in 1838. The route may have been gated just south of point G but appeared to be capable of being used by vehicles at that time.</p> <p>The start of the route appears to have been considered to be a public highway which was described as 'Part of Sod Hall Lane' but the numbering and description also appears to include Jane Lane – which was not numbered separately and may have only included the application route between point A and point B as a dashed line is shown across the route at point B. Beyond there – through to point G the route appears to have been considered to be a road which was privately owned and occupied. This part of the route was not included in the separate list of highways which was included at the end of the Tithe Award for which no landowners or occupiers were specified. Two properties situated at the northern end of this part of the route (close to point G) are listed as being in the same ownership as the road together with other routes described as roads and lanes which provided access to</p>

		<p>adjacent fields.</p> <p>In contrast, from point G through to point H the route is not numbered, and no landownership details are given. Vehicular roads passing through the parish were not individually numbered with the inference being that the application route from point H to point G, because it was not numbered, was considered to be a public highway when the Tithe Map and Award was prepared in 1838.</p>
<p>Canal and Railway Acts</p>	<p>1845-1849</p>	<p>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.</p>

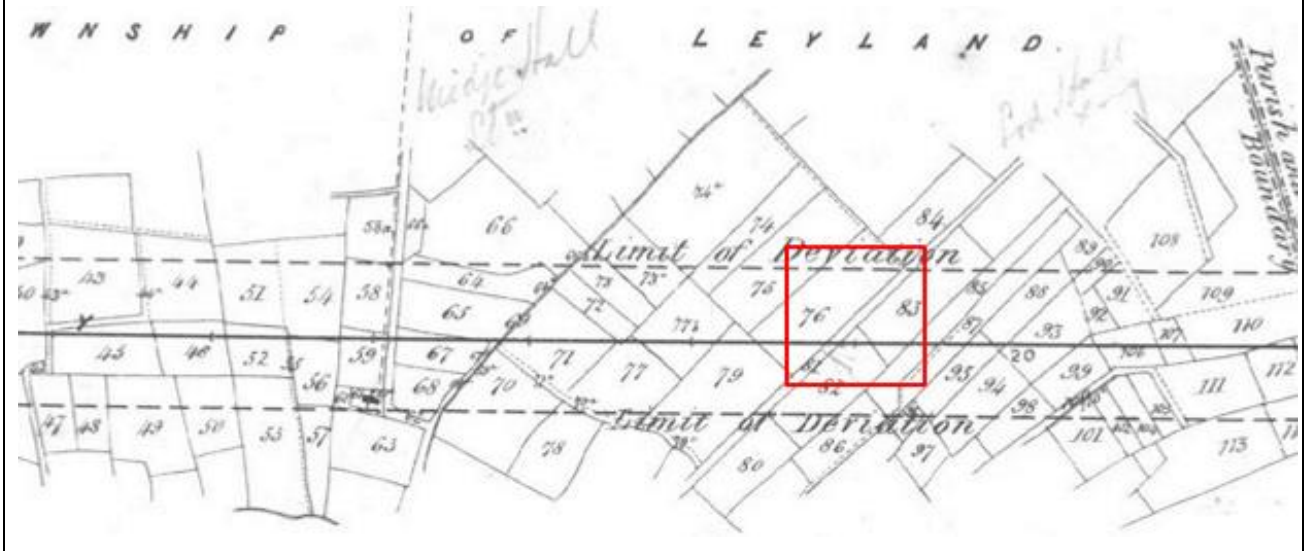




Liverpool, Ormskirk and Preston No 1840 072
9&10 Vict c381

PLANS & SECTIONS
OF THE PROPOSED
LIVERPOOL, ORMSKIRK & PRESTON RAILWAY,
WITH BRANCHES,
ALL IN THE COUNTY OF LANCASTER,
1845. (1846 Act.)

JOSEPH LOCKE, F. R. S., ENGINEER.



69	Occupation Road ...	James Nowell Farrington, Richard Knowles, James Knowles, Thomas Rainford, and Esther Rainford	John Green and Dorothy Green	Robert Moss, John Deacon, otherwise John Heaton, John Bennett, and Richard Bennett
70	Meadow Field ...	John Green and Dorothy Green	...	William Bennett
71	Arable Field ...	John Green and Dorothy Green	...	William Bennett
71A	Private Road and Foot-path ...	John Green and Dorothy Green	...	William Bennett
72	Arable Field ...	John Green and Dorothy Green	...	William Bennett
73	Arable Field ...	John Green and Dorothy Green	...	William Bennett
73A	Moss Land ...	John Green and Dorothy Green	...	John Deacon, otherwise John Heaton
74	Arable Field and Turbary ...	John Green and Dorothy Green	...	Thomas Singleton
74A	Arable Field and Private Road ...	John Green and Dorothy Green	...	John Deacon, otherwise John Heaton Thomas Parkin, Robert Moss, Samuel Norris, William Clithero,

XXXVII. And be it enacted, That it shall be lawful for the Company to construct the said Railways and Branch Railways across and on the Level of the following Turnpike Roads and public Carriage Roads; that is to say,
 In the Township of *Maghull* in the Parish of *Halsall*, the Road numbered 34:
 In the Township of *Rufford* in the Parish of *Rufford*, the Road numbered 51.

XXXVIII. And be it enacted, That, for the greater Convenience and Security of the Public, the said Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway shall cross on the Level any of the before-mentioned Roads.

XXXIX. And

Roads to be crossed on a Level.
 Station or Lodge to be erected at Points of crossing.

Extract from the Liverpool, Ormskirk and Preston Railway Act 1846

<p>Observations</p>	<p>The railway line between Preston and Walton was proposed by the Liverpool, Ormskirk and Preston Railway and authorised in 1846; later that year the railway company was amalgamated with the East Lancashire Railway (ELR), which opened the line in 1849.</p> <p>A search of the information in the County Records Office was made. A small scale plan was found showing the route of the proposed railway dated 1845 which showed the railway crossing the application route north of Sod Hall between point G and point H.</p> <p>When the railway was built several years later the route altered and the line was constructed across the application route south of Sod Hall between point D and point E.</p> <p>The Plans, Sections and Book of Reference relating to the construction of the railway are deposited in the Parliamentary Archives. Copies are also</p>
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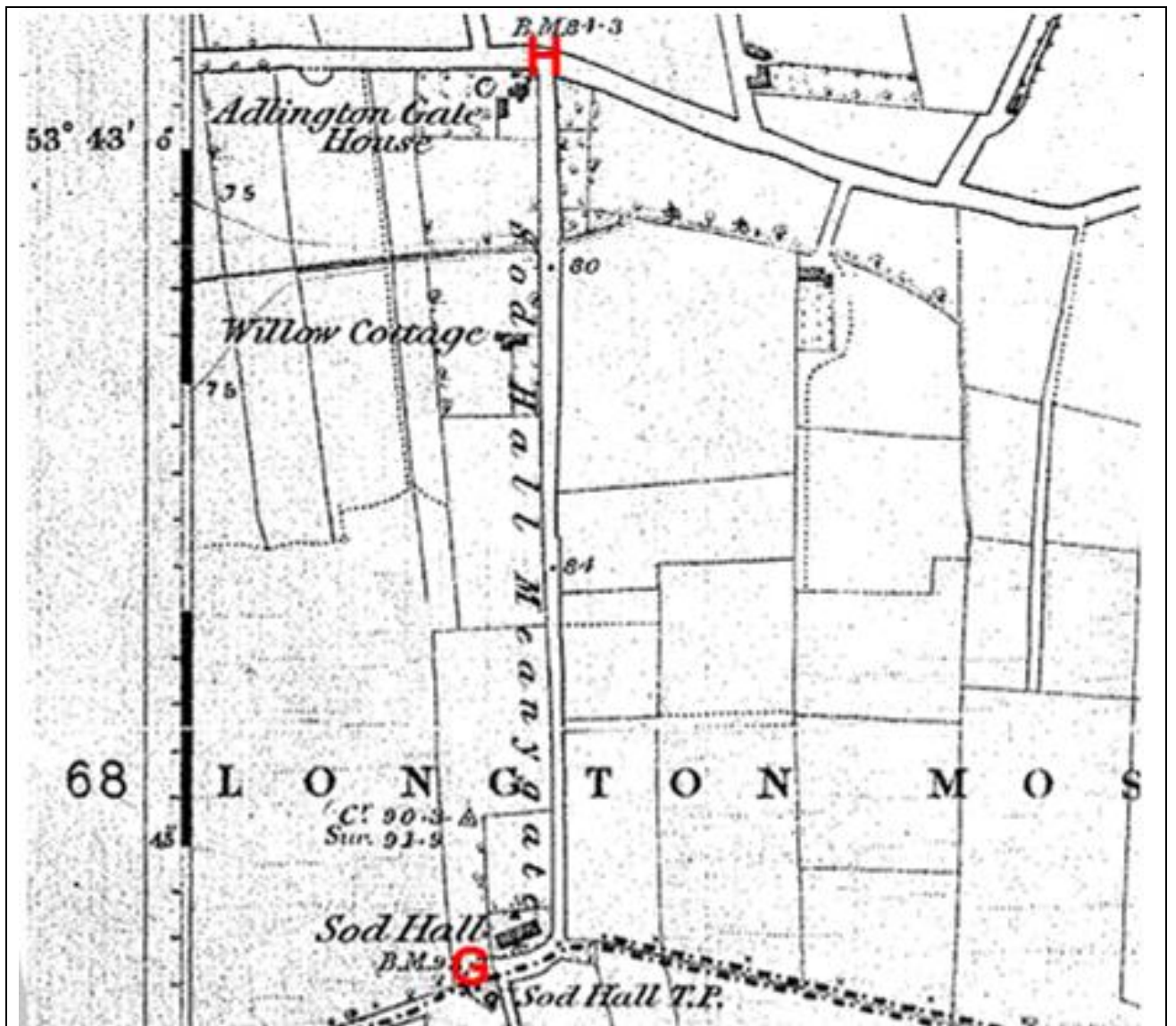
		<p>held by Network Rail.</p> <p>The plans and book of reference are dated 1845.</p> <p>The route of the railway is shown on the plans but has been altered from the original plan detailed above and is now shown crossing the railway between point D and point E.</p> <p>The strip plan shows the proposed railway crossing the application route which was numbered 81 on the plan. The application route is listed in the Book of Reference as being a 'Private or Occupation Road' and as being owned by John and Dorothy Green and as being occupied by six others – John Bamber, William Bennett, John Bennett, Peter Blackwell, Robert Sharpe and James Holden.</p> <p>The plan also shows the route now recorded as 7-1-FP 1a joining the application route at point C numbered as 71a which is described in the Book of Reference as a 'Private Road and Footpath' owned by John and Dorothy Green and occupied by William Bennet.</p> <p>It also shows the route now recorded as 7-1-FP 37 joining the application route at point E running along the edge of fields numbered 74a, 74, 75 and 76 which is described in the Book of Reference as a 'Private Road and Footpath' again crossing land owned by John and Dorothy Green and occupied by a number of named individuals.</p> <p>No details are given with regards to how the railway would cross the 'Private or Occupation Road' but as will become evident when looking at OS maps post-dating the construction of the railway a level crossing was provided and a 'gate House' constructed alongside.</p> <p>The enabling legislation for the construction of the railway was the 'Liverpool, Ormskirk and Preston Railway Act 1846' which is available to view in the County Records Office.</p> <p>The Act makes only one reference to roads</p>
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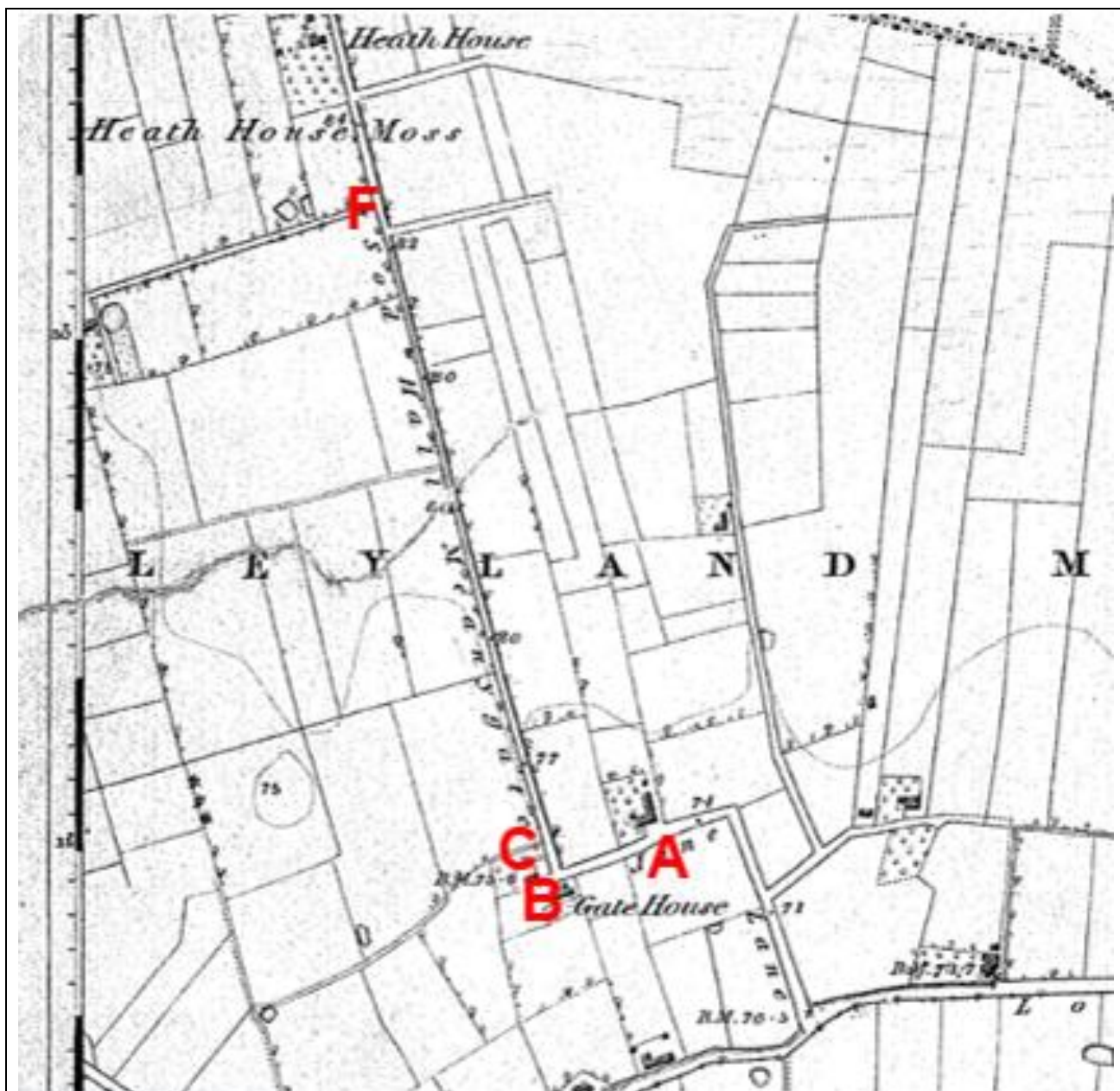
		<p>to be crossed on the level making specific reference to two public carriage roads/Turnpike Roads in Maghull and Rufford which it was stated could be crossed on the level but that stations or lodges should be erected at both for the safety of the public. No other routes are specifically mentioned in the Act.</p> <p>With regards to railway crossing generally Section 71 of the Highway Act 1835 stated that where a railroad crossed a highway for Carts or Carriages, the railway company was to provide good gates and employ someone to open and shut the gates so that users of the highway were not exposed to danger. Section 46 of the Railways Clauses Consolidation Act of 1845 enabled highways to be crossed on the level, with s47 providing that level crossings for carriageways had to be gated and manned.</p>
Investigating Officer's Comments		<p>One of the reasons that railway plans are held to be such strong evidence of what they show is the high level of public consultation required by the standing orders. The plans and books of reference had to be deposited with Parliament prior to the bill receiving its first reading. Notice of the application for a bill had to be published once in the London Gazette newspaper and for three successive weeks in the county newspaper. The railway company's solicitors had to write to everyone who owned land within the line of deviation (including the Surveyor of Highways). Copies of the plans, sections and books of reference in duplicate had to be sent to the clerk of the peace for each county so they could be made available for public inspection. Relevant extracts also had to be sent to the office of the Parish Clerk and office of the Board of Trade. Any alterations to the original plans required a repeat of the original advertising and consultation process. This high level of public consultation and advertisement means that railway plans were highly accurate. The statutory process required for the authorisation of railway schemes was exacting and the book of reference and deposited plans made in the course of the</p>

		<p>process needed to be of a high standard</p> <p>The application route is shown and referenced as a private or occupation road as opposed to just a private road.</p> <p>Standing Orders did not provide a standardised description to be attributed to each class of route. While 'public footpath' and 'private carriageway' provide clear and uncontentious descriptions, some are more ambiguous. 'Lane', 'Occupation Road' and 'Waste' are just three such examples. In this case the ownership of the application route and most of the adjacent land is listed as being John and Dorothy Green which is not inconsistent with the information provided in the Tithe Award several years earlier which detailed ownership as being the Heirs of John Green. Whilst the Tithe listed it as being owned and occupied by the Green family the Book of Reference lists 6 other individuals who occupied the route. This would make perfect sense given the fact that the purpose of the Railway Plan and Book of Reference was to list all those that would be affected by the construction of the railway across the route. The reference to a route being an 'occupation road' is ambiguous but in this context could refer to the fact that the route, whilst in private ownership, had private rights of access along it for named persons to gain access to land and/or properties. This would not be inconsistent with a route originally created as part of a private enclosure agreement.</p> <p>Network Rail offered the view that it was described as private because that was what it was and that the term 'occupation road' was included because it existed prior to the railway. This view however is not consistent as some routes shown on the plans to exist prior to the construction of the railway were simply described as private.</p> <p>Elsewhere on the map roads known to be public vehicular routes – and crossed by the proposed railway – were listed in the Book of Reference as public roads owned by the Surveyor of Highways for the particular Township. Private Roads were generally listed as being owned by listed</p>
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		<p>individuals who were also listed as occupiers whereas occupation roads generally listed the owners and then a different list of names as being occupiers of the route.</p> <p>In conclusion therefore, it appears that the railway records do not support the application route being a public vehicular route at that time. There was no reference to the route being considered more than an occupation route and no reference to any acknowledged public use at that time.</p> <p>The relevance of the construction of the railway crossing on the level with gates and what appears to be a gatehouse (lodge) will be discussed in relation to landownership later in this report.</p>
<p>6 inch Ordnance Survey Map Sheet 69</p>	<p>1848</p>	<p>The earliest 6 inch OS sheet for this area was surveyed in 1844-1846 and published in 1848.¹</p> <p>However it has recently become apparent that in many instances there was more than one 'print run' for OS first edition 6 inch maps. Up until c.1867 the 6-inch maps were updated to show newly constructed railways (of which there were many), which explains why more than one version may be found with apparently the same publication date (with one showing a railway, and one not).</p> <p>As part of the County Council's research the Investigating Officer looks at the OS 6 inch maps located within our own records and also those available on the National Library of Scotland website - https://maps.nls.uk/os/</p> <p>Copies of the maps held by the National Library of Scotland are usually 'final' printings which therefore include railways which in most instances post-dated the survey and first publication of the map.</p> <p>Where appropriate extracts of both copies of the map (if found) will be inserted into the report and clearly labelled.</p>

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.





(Above) Extracts from the 6 inch OS Sheet 69 surveyed 1844-1846 and published 1848
 Source: Lancashire County Council's own map collection

Observations

The full length of the application route is shown as a substantial bounded through route.

Jane Lane is named on the map with the word 'Jane' written through point A.

At point B a property known as the 'Gate House' is shown.

A footpath denoted by a single pecked line is shown joining the route at point C and between point C and point F the route is named as Sod Hall Meanygate with land on either side labelled as part of Leyland Moss.

A track is shown connecting to the

		<p>application route at point F (now recorded as 7-1-FP 48) with a property known as Heath House shown south of point G and accessed from the application route.</p> <p>Just south of the parish boundary near point G there is a small round building on the west side of the application route opposite a label 'Sod Hall T.P.' with what appears possibly to be a broken line or constriction across the application route at that point.</p> <p>Continuing from point G the route passes to the south of a large building labelled as Sod Hall which is not shown on earlier maps and then the application route turns directly north passing through an area labelled as Longton Moss. The route is named as 'Sod Hall Meanygate' and continues through to point H to exit onto Long Moss Lane adjacent to Adlington Gate House.</p> <p>The railway line is not shown.</p>
Investigating Officer's Comments		<p>The application route existed when the land crossed by the route was surveyed in 1844-46 and appeared to be capable of being used at least on horseback.</p> <p>It provided access to several properties and to enclosed fields but also acts as a direct link across the moss land from a public vehicular route in Leyland through to Long Moss Lane in Longton.</p> <p>The route is clearly named on the map as Sod Hall Meanygate both north and south of the buildings that collectively appear to be known as Sod Hall.</p> <p>The meaning of the word 'meanygate' is not known although several explanations have been found. The application route links to Longmeanygate via Jane Lane in the south which is now recorded as a public vehicular highway but which was not shown on Yates Map of 1786 and could, perhaps have been created at the same time as the application route.</p> <p>One explanation was that it was the name for a common pasture or walk for cattle, another that it was a reference to a main gateway. 'Gate' was the old Norse name for a road but the significance of 'meany' in that context is not known. One explanation</p>

		<p>put forward by Leyland Historical Society in an article detailed later in this report was that a road described as a 'Meanygate' was one which was originally built as a toll road but the Investigating Officer found nothing to indicate why the route was named as it was. The naming of the properties at either end of the route as Gate Houses may also be significant to its origins and relate to some sort of restrictions placed on access along the route. However it is not unusual for private estates to have had gatehouses. Of particular significance is the fact that 'Sod Hall T.P' is written opposite a small round building just south of point G. It is suggested that the letters 'T.P.' when found on an Ordnance Survey map were used either to mark the location of a telegraph pole or referred to the existence of a Turn Pike (see <i>Richard Oliver's book Ordnance Survey maps: a concise guide for historians. 3rd edition London: Charles Close Society, 2013</i>).</p> <p>In this instance, as the survey was undertaken in 1844-46 when the telegraph system was very much in its infancy and it is suggested that it is unlikely to be a telegraph pole, particularly a name one. It is more likely to have referred to a toll bar/gate suggesting that a toll was charged for use of the route at that time. In the early 1800s it was a relatively common practice for turnpikes to be set up and tolls charged with the intention of using the money to repair a road. Most of the turnpike roads that we are generally familiar with were regulated and eventually run through Turnpike Trusts but there appeared to be nothing to prevent a private landowner from allowing access along a route in his ownership and to charge for that use. Although the route was not a turnpike it appears that the OS at that time often used 'T.P.' for any toll gate rather than specifically a turnpike. Evidence for a toll road in 1844-46 would militate against it being a vehicular highway at that time but whether tolls were charged for pedestrians or horses is unknown.</p>
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6 inch OS Map Sheet 69 surveyed 1844-1846 and published 1848 available to view on National Library of Scotland website - <https://maps.nls.uk/view/102343970>

<p>Observations</p>		<p>The application route is shown in the same way as it is shown on the first edition map with the exception that this map shows the railway cutting across the route between points D-E with the word 'Gate House' written alongside it although on close inspection an actual 'house' or building does not appear to be shown. The toll gate is still labelled close to point G.</p>
<p>Cassini Historical Map Old Series Sheet 102 Preston & Blackpool</p>	<p>1842-1852</p>	<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>



Legend source - <http://www.cassinimaps.co.uk/shop/pagelegend.asp>

Turnpike or main roads



Other roads



Unfenced roads



Mileages; turnpike gates; toll gates

S T.P. T.G.

County boundaries



Parish or township boundaries (on some sheets only)



Church



Windmill



Lighthouse



Railways



Cuttings



Embankments



Tramways and freight-only railways



Woodland



Parkland



Foreshore: sand; boulders; rocks



Old Series sheets used to create this map:

Sheet 89, N.E. Quarter, pub. 20th February 1843

Sheet 89, N.W. Quarter, pub. 20th December 1842

Sheet 90, N.E. Quarter, pub. 1st October 1842

Sheet 91, N.E. Quarter, pub. 31st December 1852

Sheet 91, N.W. Quarter, pub. 31st December 1852

Sheet 91, S.E. Quarter, pub. 30th June 1852

Sheet 91, S.W. Quarter, pub. 31st December 1847.

Observations		<p>This map is based on the earliest 1 inch Ordnance Survey map of the area crossed by the application route which is available to view.</p> <p>The full length of the application route is shown as a substantial route identified on the map key as 'other roads'. It is shown in the same way as other routes now known to carry public vehicular rights are shown.</p> <p>The land was surveyed following the construction of the railway which was known to be post 1845 and the railway line is shown crossing the application route south of Sod Hall between point D and point E. Next to the crossing are the words 'Gate House'.</p> <p>The route is not named on the map. Sod Hall is shown (and named) but there is no reference to a toll road.</p>
Investigating Officer's Comments		<p>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 or possibly that they were at least substantial routes that could have been used at least on horseback.</p>
Census Records and Leyland Chronicles article written by Joan Langford (Attached to this report as	1851-71 Census Records. Undated Article	Census information is often looked at in relation to family history. Records go back every 10 years until 1841, which was the first year to ask for personal information. Census records can tell us the name,

Appendix 1)

Census material obtained from thegeneologist.co.uk which has copies of census material deposited in The National Archives

gender, age on the date of the census, occupation and birthplace of people living in a particular property. They will also show who they were living or staying with on the night of the census.

From 1851 the person's relationship to the head of the household and marital status are shown, as well as whether they have a disability and from 1891 the person's employment status is shown. This shows whether they were employed, an employer or neither – and from 1901, 'home worker' was added as a category.

Census records have been taken for many years to keep track of the country's population. They do not generally assist in the investigation of public rights of way but may, on occasion, help to piece together who may have used a route and why.

40	Syland	James Bell	Head	42	Ag. Lab.	Amsthorpe, Lincs
		Mary	Wife	38		Do
		John	Son	12		Do
		Harriet	Daughter	10		Do
41	Sod Hall	Robert Welch	Head	40	Rail. Gate Keeper	Amsthorpe, Lincs
		Mary	Wife	38		Do
		John	Son	12		Do
		Jane	Daughter	10		Do
42	Sod Hall	James Whigham	Head	47	Ag. Lab.	Amsthorpe, Lincs

Highlighted entry reads: "Rail. Gate Keeper"

(Above) Extract from the 1851 Census – Sod Hall

No. of Schedule	Road, Street, &c., and No. or Name of House	HOUSES		Name and Surname of each Person	Relation to Head of Family	Condition	Age of		Rank, Profession, or Occupation
		Inhabited	Uninhabited (Us. or Building (B.))				Male	Female	
				Sarah Wilson	Wife	Un	11		Widow's Daughter
				John W. G.	Son		10		Do
				William A. B. G.	Visitor		11		Scholar
140	Sod Hall Crossing 1			Robert Welch	Head	Mar	40		Railway Porter
				Mary	Wife	Mar	39		Porter's Wife
				Ellen	Daughter	Un	11		Do
				Jane	Daughter	Un	12		Do
				Mary	Daughter	Un	7		Scholar
				John	Son	Un	7		Do
141	Sod Hall Crossing 1			John Whigham	Head	Mar	45		Farmer 17/10 acres
				Mary	Wife	Mar	43		Farmer's Wife
				John	Son	Un	12		Do

Highlighted entry reads: "Railway Porter"

(Above) Extract from the 1861 Census – Sod Hall Crossing

Page 26									
The undermentioned Houses are situate within the boundaries of the									
Urban Sanitary District of	Urban Sanitary District of	Urban Sanitary District of	Urban Sanitary District of	Town of	Village, Hamlet, or Town	Local Board, or Improvement Commissioners, District of	Enumeration No.		
109	Sod Hall Lane	1	Refusal to attend	Wife	11	24	Railway Lab ^r	Concussion	11/10/1871
110	Sod Hall Lane	1	John Barnard	Wife	11	27	Foreman of 12 Men	Concussion	11/10/1871

Highlighted extract reads: "Railway Lab^r"

(Above) Extract from 1871 Census – Sod Hall Lane

CENSUS OF ENGLAND AND WALES, 1911.									
Before writing on this Schedule please read the Examples and the Instructions given on the other side of the paper, as well as the headings of the Columns. The entries should be written in ink.									
The contents of the Schedule will be treated as confidential. Strict care will be taken that no information is disclosed with regard to individual persons. The returns are not to be used for proof of age, or in connection with Old Age Pensions, or for any other purpose than the preparation of Statistical Tables.									
NAME AND SURNAME	RELATIONSHIP to Head of Family	AGE last Birthday	PARTICULARS as to MARRIAGE	PROFESSION or OCCUPATION of Person aged 15 years and upwards.		BIRTHPLACE of every person.	NATURALITY of every person born in the United Kingdom.	INFIRMITY.	
				Male	Female				
David Jiden	Head	41	Married	Railway	Platelayer	Lancashire	Widow	Widow	
Margaret Jiden	Wife	41	Married			Lancashire	Widow	Widow	
Jane Ann Jiden	Daughter	21	Single			Lancashire	Widow	Widow	
William Jiden	Son	19	Single			Lancashire	Widow	Widow	
Stella Jiden	Daughter	15				Lancashire	Widow	Widow	
Thomas Jiden	Son	3				Lancashire	Widow	Widow	
James Jiden	Son	5 months				Lancashire	Widow	Widow	

Head of household occupation reads: "Railway Platelayer"

(Above) Extract from 1911 Census – Sod Hall Crossing, Midge Hall, Leyland



Farington Roundhouse c1904



Sod Hall Meanygate c1904 looking north. Heath House on the left, the Roundhouse and Sod Hall in the distance

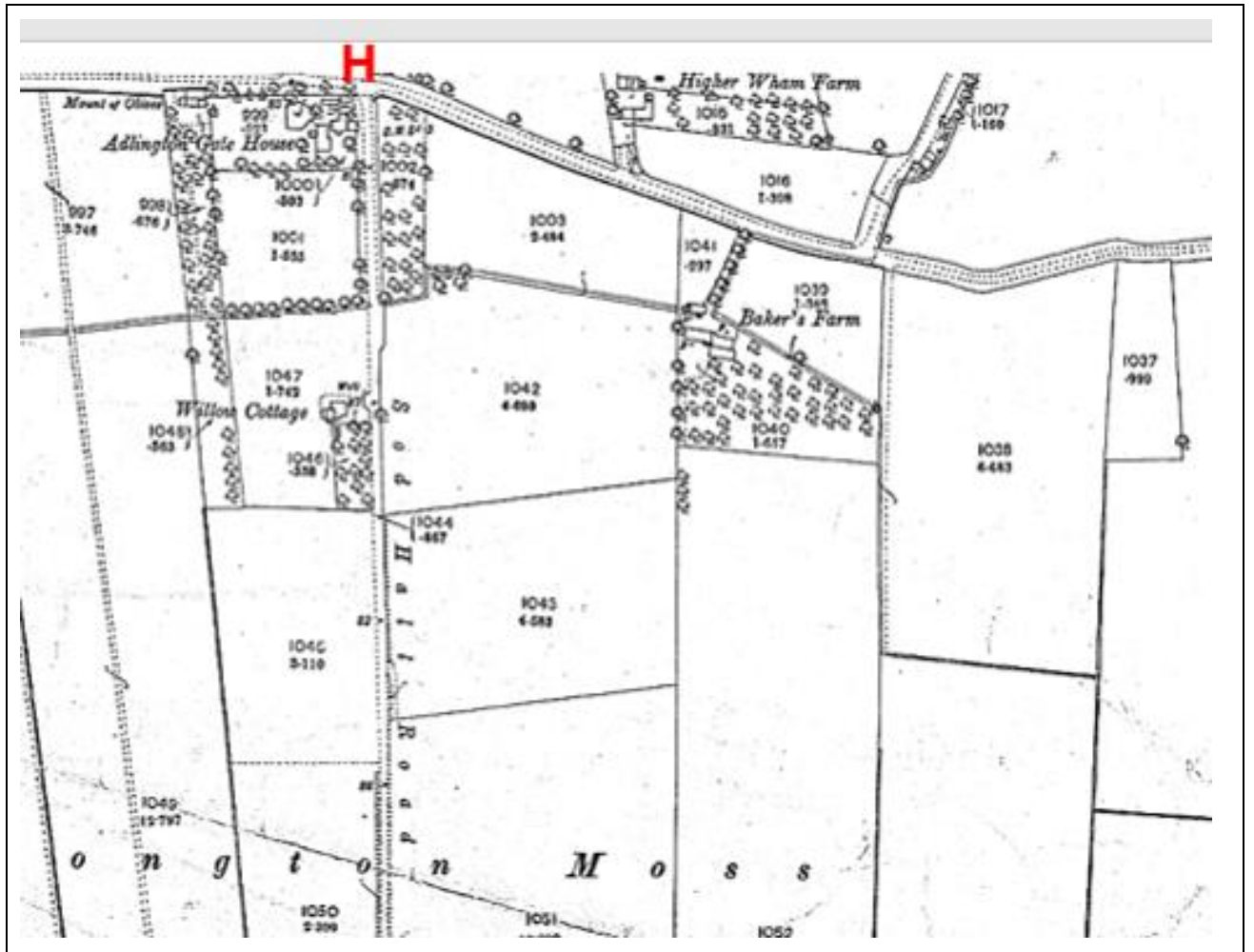
Observations

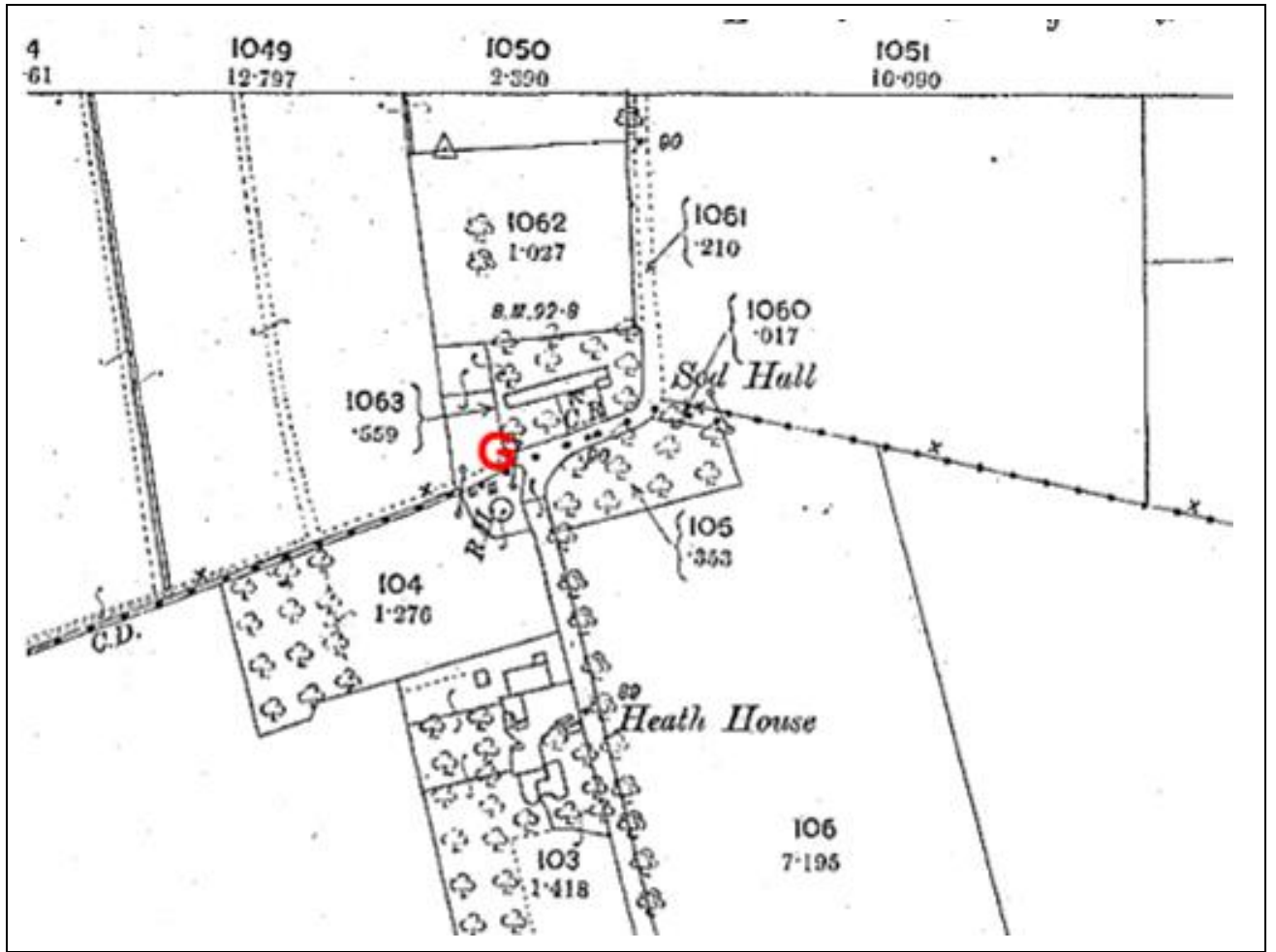
Census records were examined for 1861 following sight of an article published by Leyland Historical Society about the history of the 'Round House' located close to point G.

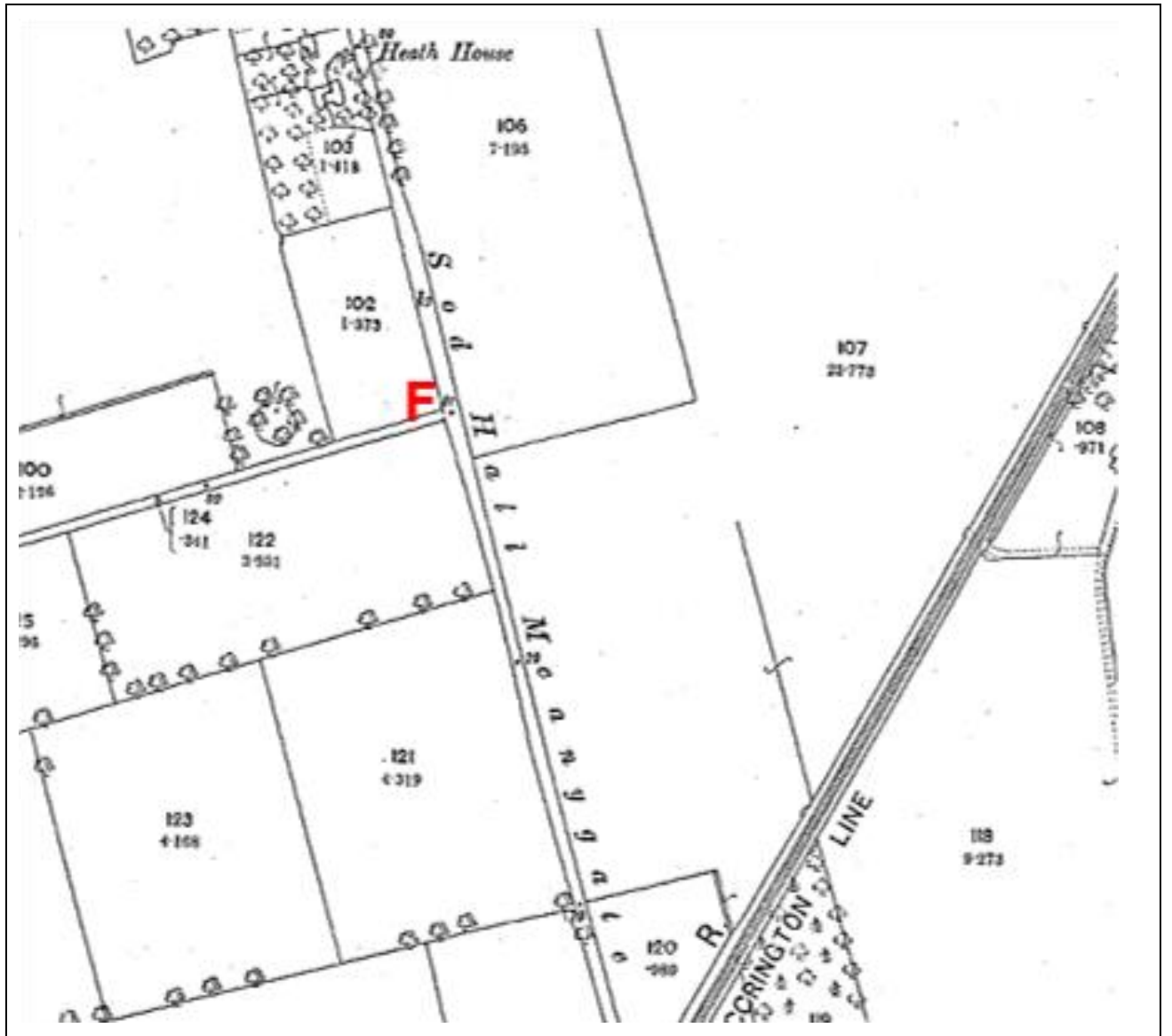
The author of the article (Joan Langford) explained that for some time it had been thought that the round house may originally have been a toll house and considered that this theory was backed up by the 1861 census which described the property as 'Moss Toll Bar' which was occupied at that time by Richard Taylor and his family. The author of the article explained that she had looked at further entries on the census records and for other evidence but had found no factual written evidence of tolls being collected there. She referred to some oral evidence – with recollections of people living on the moss in the early 1900s recalling that up until the 1930s the owner of the round house had at least attempted

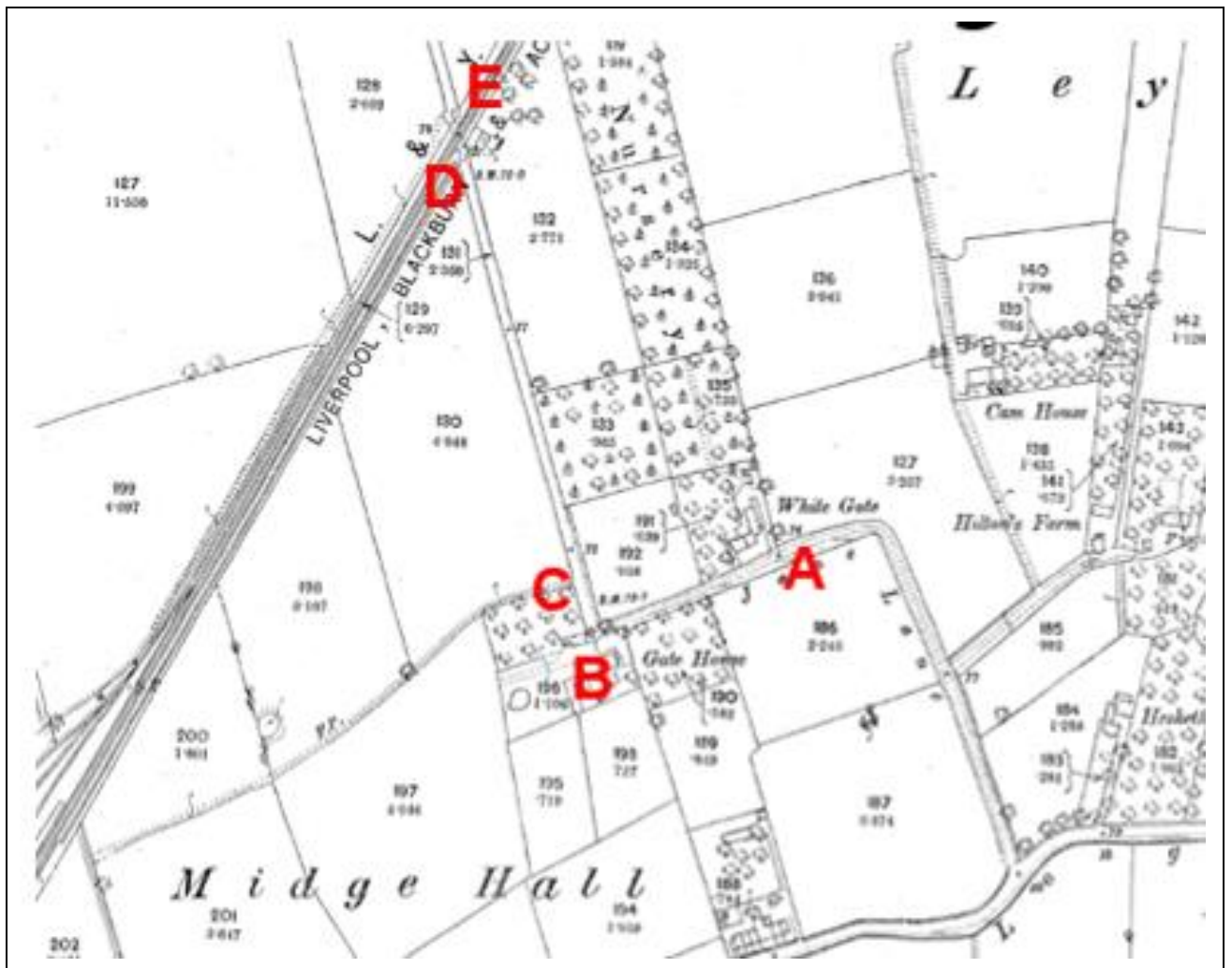
		<p>to collect tolls for the upkeep of the road but no further information on the matter had been found.</p> <p>A photograph included in the article shows the round house in 1904, with a gate across the application route and Heath House Farm in the distance.</p> <p>A further photograph also dated 1904 shows the substantial nature of the route past Heath House Farm at that time.</p> <p>Census records were also searched to see whether any information could be found relating to the 'The Gate House' adjacent to the railway crossing (D-E). The 1851 census includes an entry for 'Sod Hall' in Leyland with the occupiers being detailed as Robert Dobson who was 30 years old, his wife Alice and their two children – Ellen and Jane. Robert Dobson's occupation was listed as 'Railway Gate Keeper'.</p> <p>The 1861 census was examined to see whether this gave any further details. The property address was now described as 'Sod Hall Crossing' and it was still occupied by Robert and Alice Dobson who now had 4 children. Robert Dobson's occupation was now described as 'Railway Porter'.</p> <p>By 1871 the occupiers are listed as Robert Catterale who is described as being a 'Railway labourer' his wife and two children. Only one more census was found detailing the inhabitants of Sod Hall Crossing. The census was dated 1911 and details the property being inhabited by David Iddon - who's occupation was listed as being a Railway Platelayer - his wife and 5 children.</p>
Investigating Officer's Comments		<p>The census information relating to the building known locally as 'The Round House' is consistent with the description of the property as a toll house on the First Edition 6 inch OS maps detailed above and is certainly suggestive of some possible restriction or condition of access but like the author of the article published by Leyland Historical Society, the Investigating Officer was unable to find any other references to the early history of the route under investigation.</p> <p>The two photographs included in the article published by the historical society and</p>

		<p>reproduced above are useful in picturing the route over 100 years ago – particularly with reference to the maps to be examined later in this report - and confirming the existence of a gate across what was (and still is) a substantial route.</p> <p>If a toll was charged (lawfully) then it cannot have been a highway for whatever status of user a fee was payable.</p> <p>With regards to the railway crossing the records are interesting. They detail who occupied the property described as Sod Hall Crossing over a 60-year period soon after the railway was built. The records do not confirm ownership but as each of the occupiers worked for the railway in some capacity it appears likely that the Gate House was owned by the railway and rented out during that time. The first occupier listed in 1851 – soon after the railway was built – is described as being the Railway Gate Keeper suggesting that initially, at least, the level crossing was manned by a gatekeeper. Later occupants are all described as working for the railway but with no specific reference to the crossing so there is no clear inference that can be drawn about the nature of the use made of the application route at that time. The last occupant listed (in 1911) was described as a platelayer and it is possible that the property was simply used at that time to house a worker with responsibility for maintaining that section of the railway line.</p>
<p>25 Inch OS Map LXIX.5 and LXIX.9</p>	<p>1894</p>	<p>The earliest OS map at a scale of 25 inch to the mile. Surveyed in 1893 and published in 1894.</p>









Observations

The application route is shown – although it is unclear from the map where the route labelled as Jane Lane ended and Sod Hall Meanygate began.

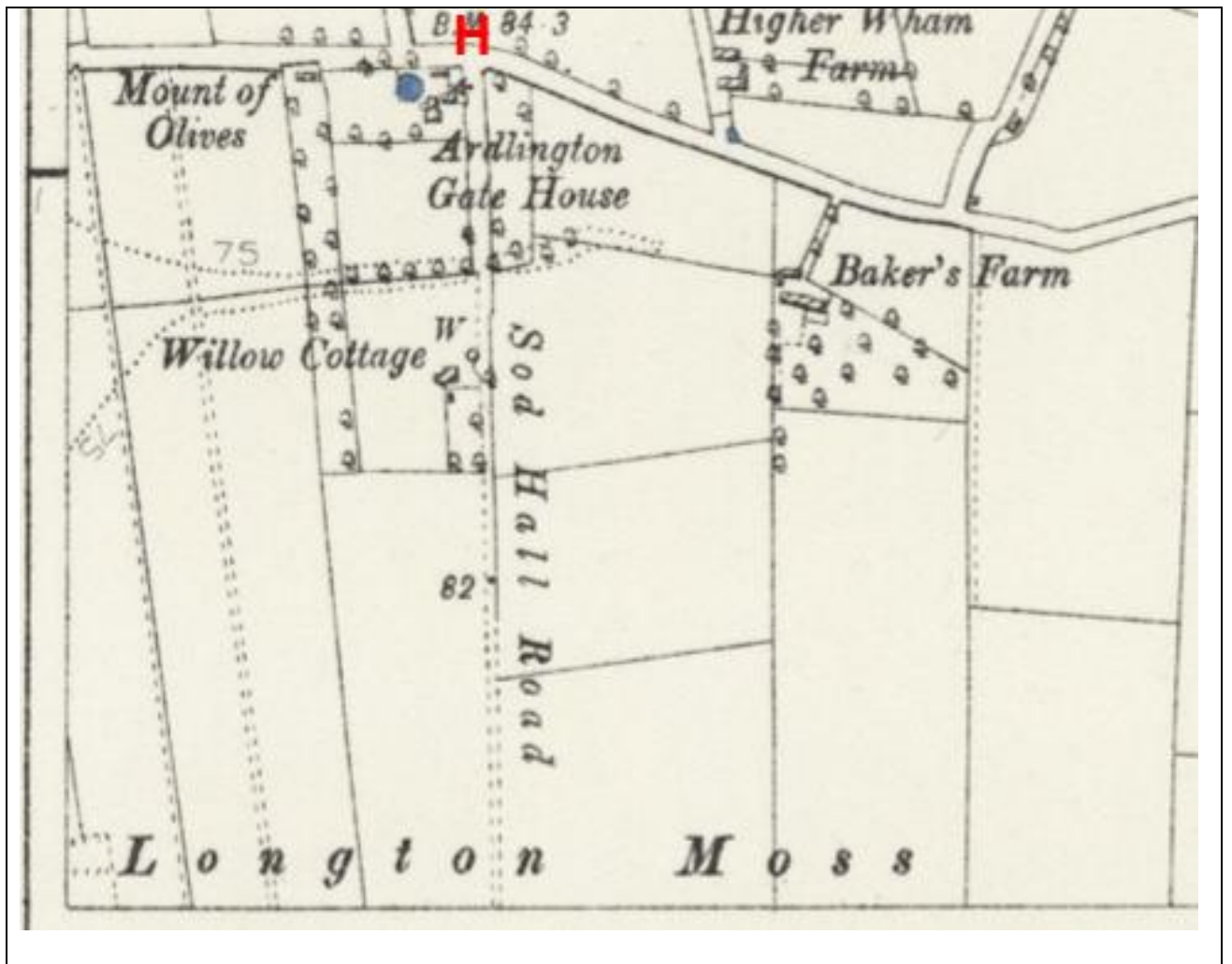
Between point A and point B the application route is shown consistent with the way that Jane Lane is shown – with double pecked lines within fenced boundaries suggesting that the route had distinct grass verges along either side. From the Gate House at point B the route continues in a north north westerly direction fenced but with no indication that a narrower track existed within the boundary of what was fenced.

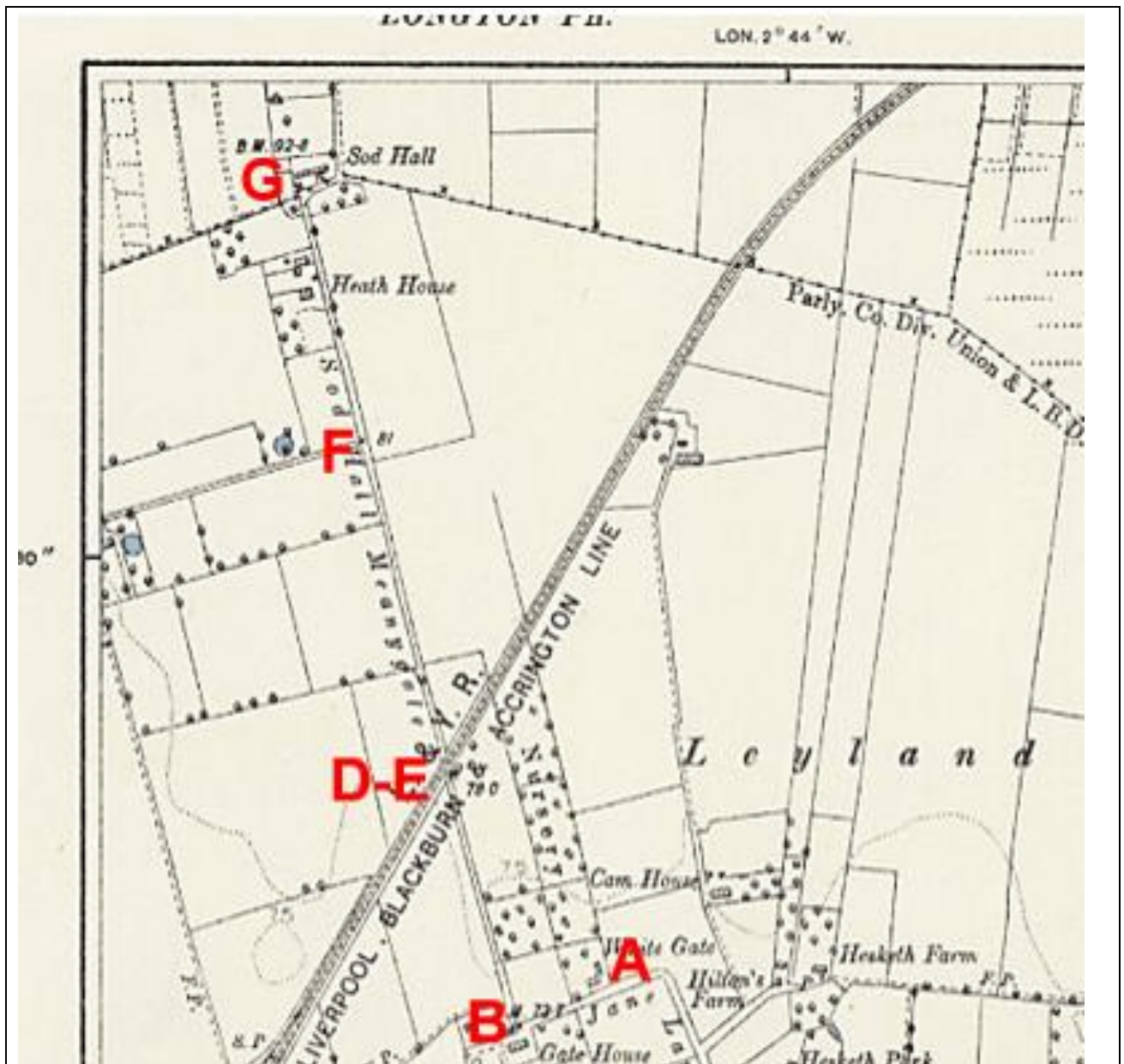
The route was crossed by the railway and lines are shown across the route at either side of the railway (D & E) and an unnamed building is shown adjacent to the route at point D.

Beyond the railway the bounded route continues past Heath House and is named

		<p>on the map as Sod Hall Meanygate. Just before reaching the bend in the route at point G a line is shown across the route suggesting that it was gated at this point and immediately to the west of the gate is a circular building with the letters 'R.H.' marked next to it.</p> <p>From Point G the application route passes Sod Hall and turns north to Long Moss Lane. The route north of Sod Hall is named on the map as Sod Hall Road and crosses Longton Moss. Much of it is unfenced but is raised above the level of the moss land until it passes Willow Cottage.</p> <p>The route is not shown with a thickened line along the south or east side of it.</p>
Investigating Officer's Comments		<p>The application route existed in 1893 as a substantial named through route linking to public vehicular roads at either end providing access to several properties. It was gated at the railway and close to point G but appeared to be capable of being used by horses and by horse drawn vehicles at that time.</p> <p>It is not known why it was now labelled as Sod Hall Meanygate south of Sod Hall and Sod Hall Road north of Sod Hall but the fact that it was named as a road on the map is evidence that it was known locally by that name and is often considered to be consistent with use of the route by the public at least on horseback at that time.</p> <p>The existence of gates along a public route would not have been considered unusual in the 1800s particularly in the proximity of farms or in rural locations. Gateways, if they were found to exist, were shown by the surveyor in their closed position although this is not necessarily a true reflection of what may have been the position on the ground.</p> <p>In this particular case the existence of gates is more interesting as the gates across the level crossing appear to have been constructed with safety in mind and not just for the control of livestock (as the application route was fenced off from adjacent fields).</p> <p>The railway information detailed earlier in</p>

		<p>the report does not indicate that the route was considered to be a public road but did refer to occupational 'or' private use so the existence of the gates could be explained by this but the fact that a gate house was built and occupied by railway workers is suggestive of public use of the application route over and above use as a public footpath.</p> <p>The second gate – just south of point G is located at the point at which the earlier OS maps marked the existence of Sod Hall toll gate.</p> <p>On this larger scale map a circular building is shown annotated with the letters 'R.H.'. The applicant made a number of references to this building being called the 'Round House' – which is not disputed but the Ordnance Survey used the abbreviation 'R.H.' to mark the existence of something called a 'Road House' (see Dr Richard Oliver's book <i>Ordnance Survey maps: a concise guide for historians</i>. 3rd edition London: Charles Close Society, 2013), although it is noted that 'R.H.' is more often found to mark the root of a hedge. The Investigating Officer has not been able to find a clear definition of what a 'Road House' was in the late 1800s but it is certainly not incompatible with the view that the existence of the gate and house (known locally as the Round House) related to the collection of tolls (payment) at some point in the past.</p> <p>No part of the application route – or Jane Lane – is shown with colouring or thickened lines along the south or east side. Shading and colouring were often used to show the administrative status of roads on the 25 inch maps prepared between 1884 and 1912. The fact that the route is not shown in this way suggests that it was not considered to be a public vehicular route at that time – or possibly, if it was a public route, it was not considered to be of a good enough standard of repair and/or was not repairable by the highway authority.</p>
<p>6 inch OS Map Sheets LXIX.SW and LXIX.NW</p>	<p>1894</p>	<p>6 inch OS map surveyed in 1893 and published 1894.</p>






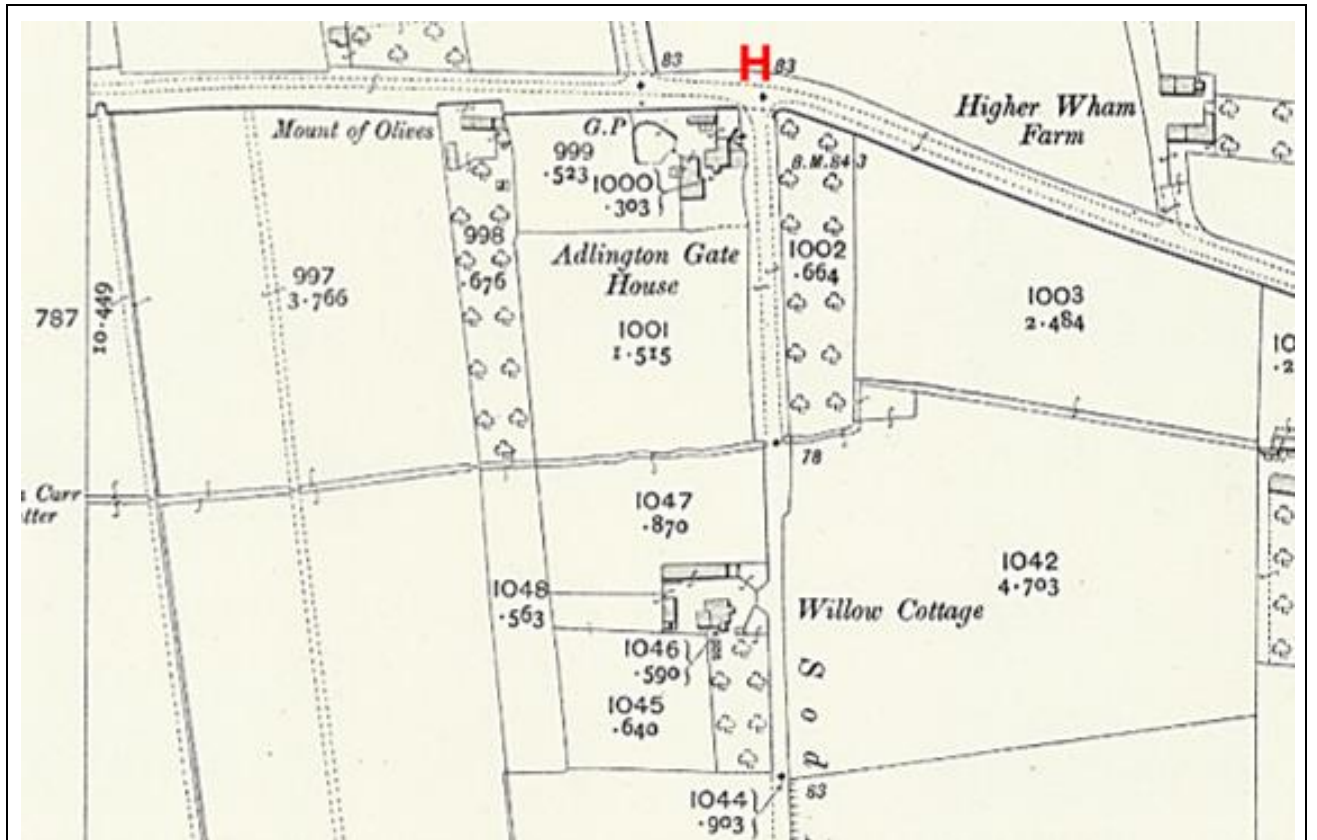
Observations		The application route is shown in the same way that it is shown on earlier OS maps examined with the exception that the 'Round House' is no longer labelled T.P. but now there is a line across the route at that point.
Investigating Officer's Comments		The route existed in 1893 and appeared to be capable of being used. The map derived from the same survey as was carried out for the 25 inch OS map detailed above (and published at the same time) so the fact that the Round/Road House (R.H.) was not marked is most likely due to the scale of the map and not because it no longer existed (at least physically).
1 inch OS Map	1896	1 inch OS map first published 1896 date of

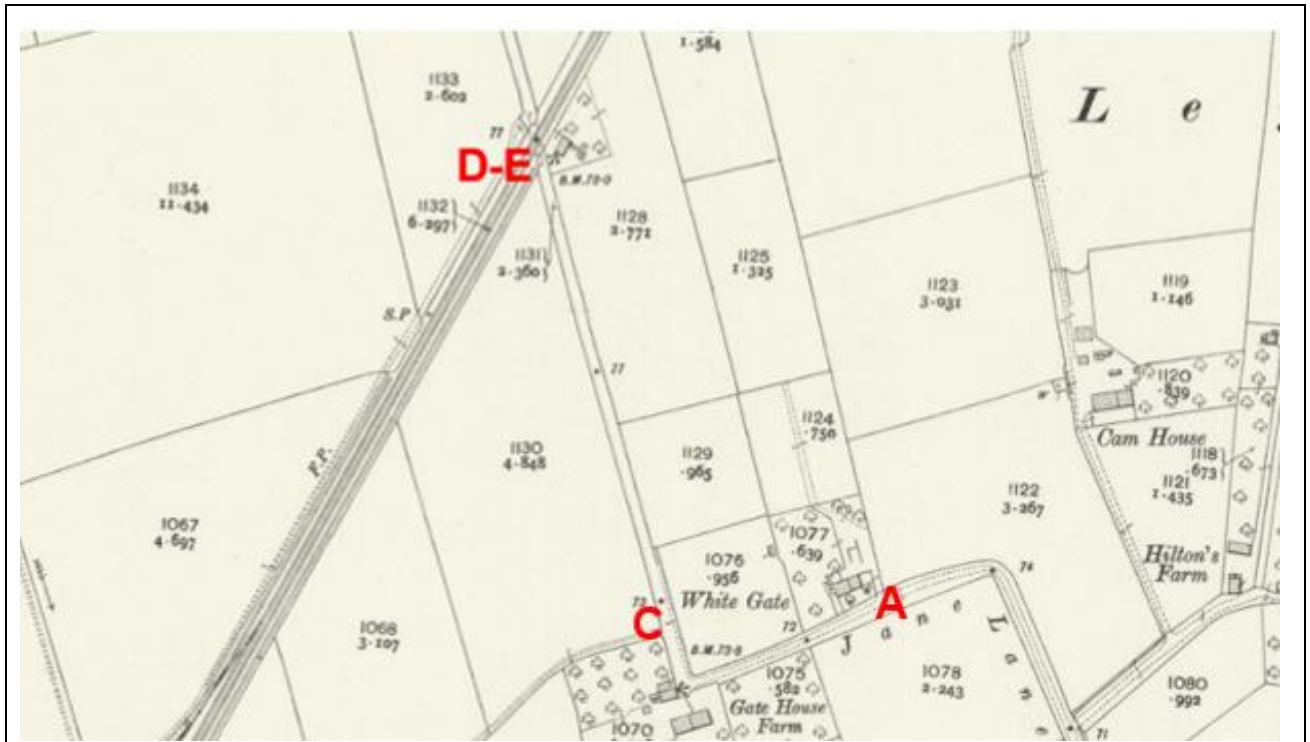


<i>Metalled Roads; First Class</i>	5 (Mile distance) (Altitude) 211	Unenclosed	Churo
" " <i>Second Class</i>			"
" " <i>Third Class</i>			Wind
<i>Unmetalled Roads</i>	Fenced	Unenclosed	Ligh
<i>Footpaths</i>			Ligh
<i>Railways, Single Line</i>			Beac Lett Cont

Observations		The full length of the application route is shown as an unmetalled – or possibly as an 'other road'.
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 – and in this case the application route – were accessible to those travellers.
Bacons Map of Lancashire	1905	G W Bacon was a publisher of maps and in 1890 his 'Commercial and Library Map of Lancashire from the Ordnance Surveys' was published, and later reprinted. As the

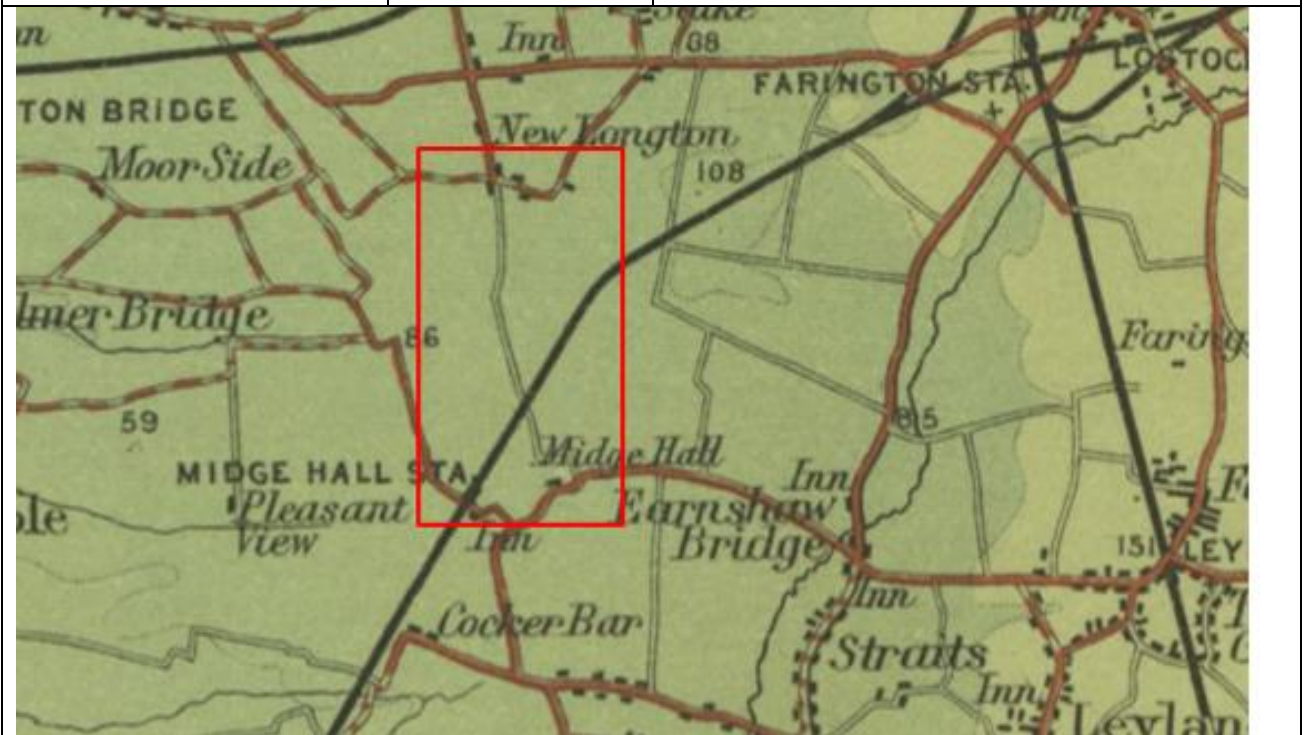
		title states, the maps he published were derived from Ordnance Survey maps.
		
Observations		The application route is clearly shown.
Investigating Officer's Comments		<p>GW Bacon was an American entrepreneur who moved to London and was known to have been involved in numerous business ventures including the publication of world maps. The maps of the British Isles were at a small scale and as such only the more significant routes are generally shown. Commercial maps of this nature were expensive to produce and to purchase and as a result routes shown were often considered to be public through routes. The application route is shown in the same way as routes now known to carry public vehicular rights supporting the fact that it existed as a substantial physical route at that time and that it was probably available for use by the public on horseback and possibly with vehicles. Its inclusion on a map of this nature is suggestive of public use.</p>
25 inch OS Map LXIX.9	1911	Further edition of the 25 inch map surveyed in 1892, revised in 1909 and published in 1911.








Observations		The application route is shown in the same way that it was shown on the earlier edition of the 25 inch mapping with a gate just south of point G and the Round House/Road House (R.H.) shown.
Investigating Officer's Comments		The application route existed as a substantial through route in 1909 and appeared to be capable of being used on horseback and with vehicles.
Ordnance Survey Object Names Book The National Archives Ref: OS35/3940 and OS35/3938)		When the Ordnance Survey was collecting information to put on its second series of published maps the surveyors recorded the names of anything that was to be shown on the maps. The Ordnance Survey Object Names Book for an area records these names, the description of the item named, and the local person attesting to the name. The descriptions usually state where the road started and finished, and often described them as a road, lane or drove road. The descriptions often drew a distinction between what was believed to be public and private and included information about who owned or maintained bridges.
Observations		The Object Names Books for the OS Sheets covering the area have not been obtained from the National Archives as part of this investigation.

Investigating Officer's Comments		No inference can be drawn with regards to the existence of public rights.
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.


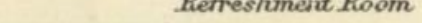



EXPLANATORY NOTE

First Class Roads 
Secondary (Good) 
Indifferent (Passable) 
The uncoloured roads are inferior and not to be recommended to cyclists.

Footpaths & Bridlepaths

N.B. The representation of a road or footpath is no evidence of the existence of a right of way.

Railways  Station  Station with Refreshment Room

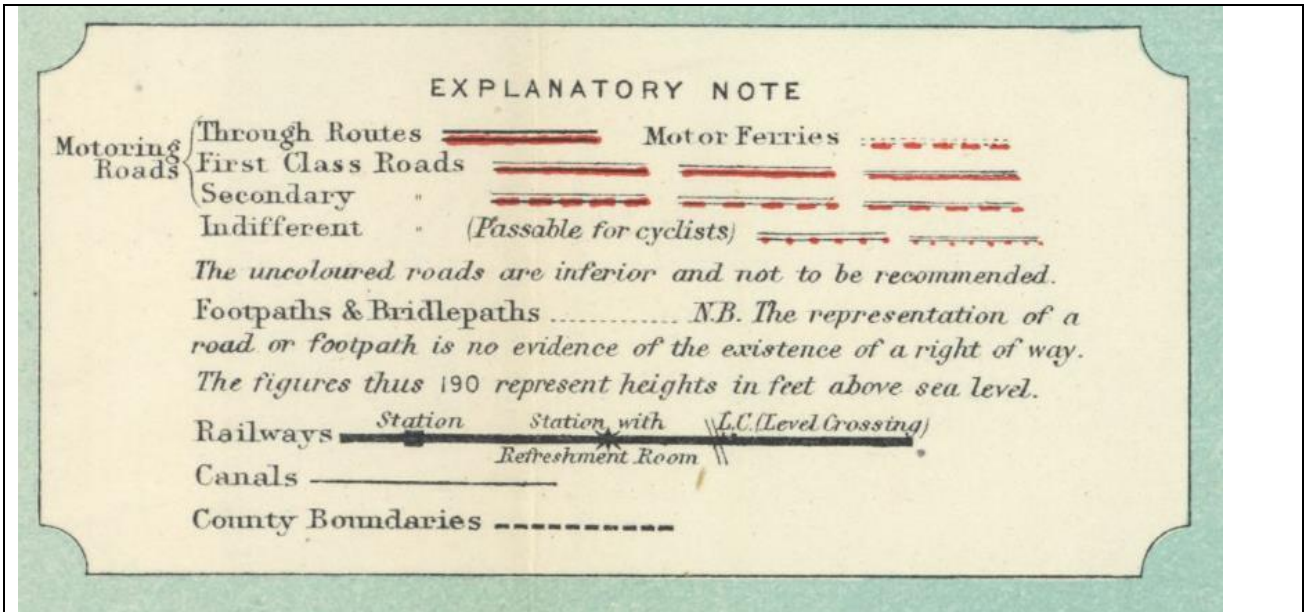
Canals 

County Boundaries - - - - -

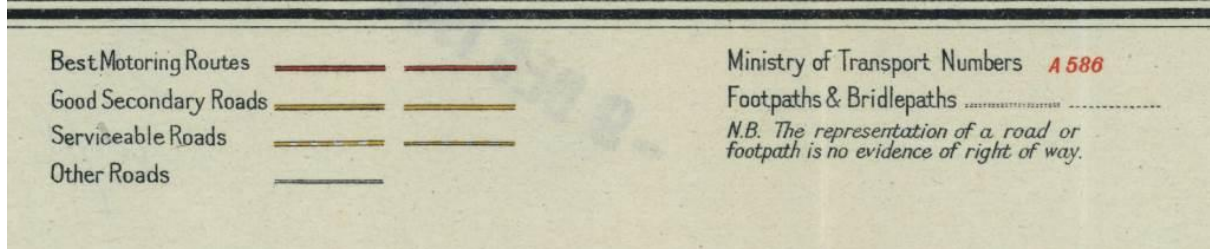
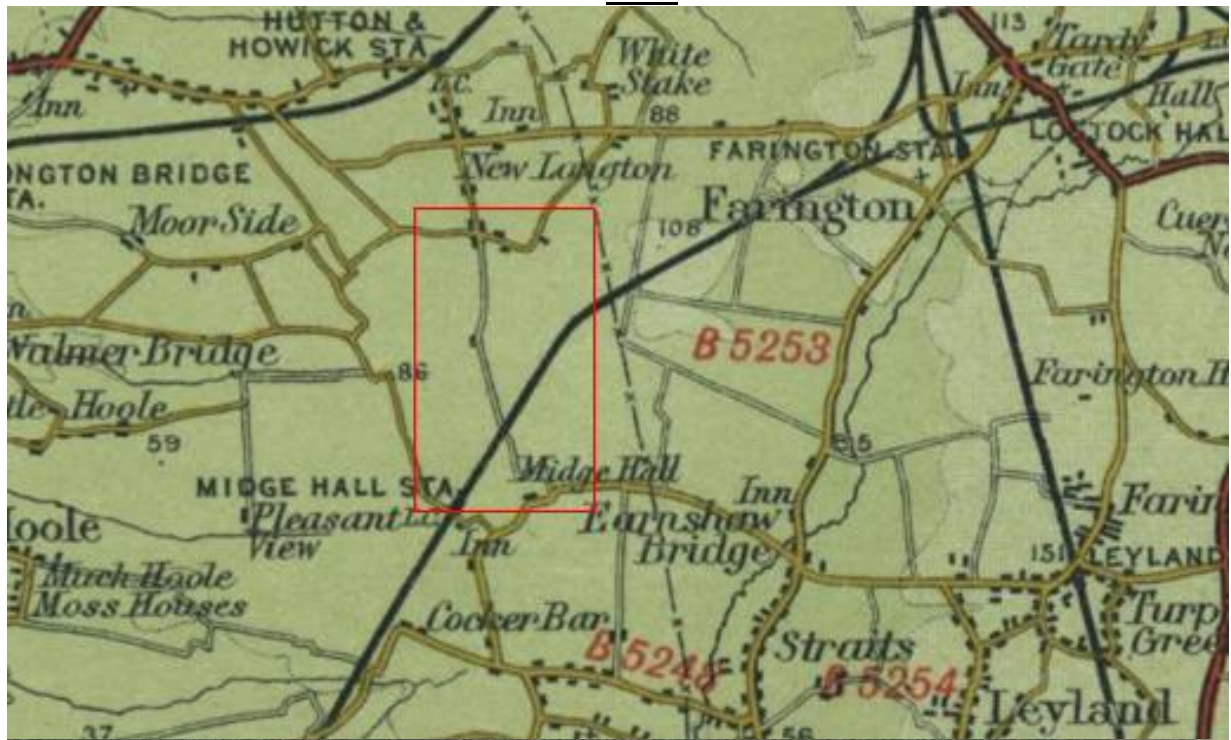
SCALE 1 : 126,720 = 2 MILES TO AN INCH

1904





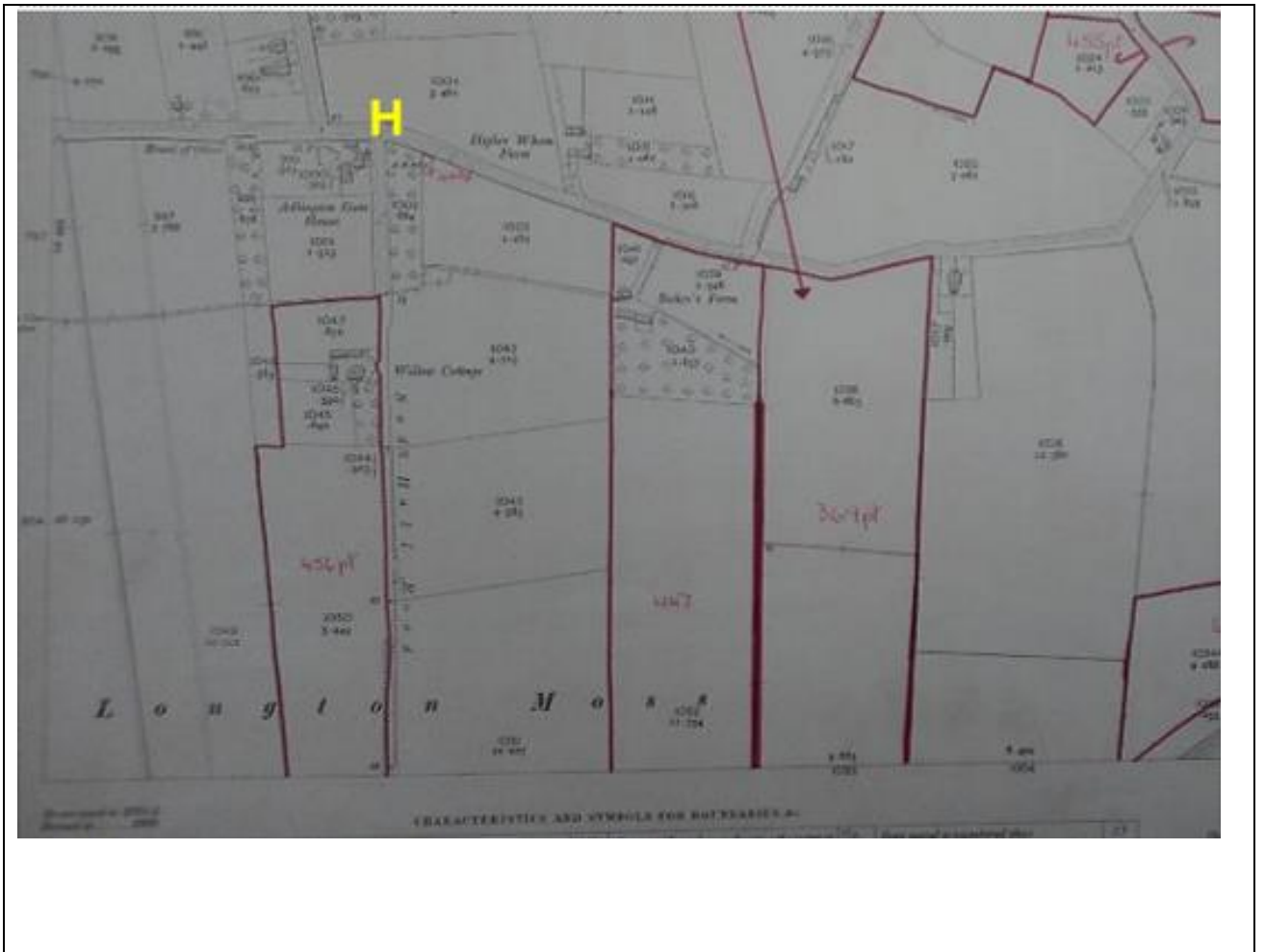
1920

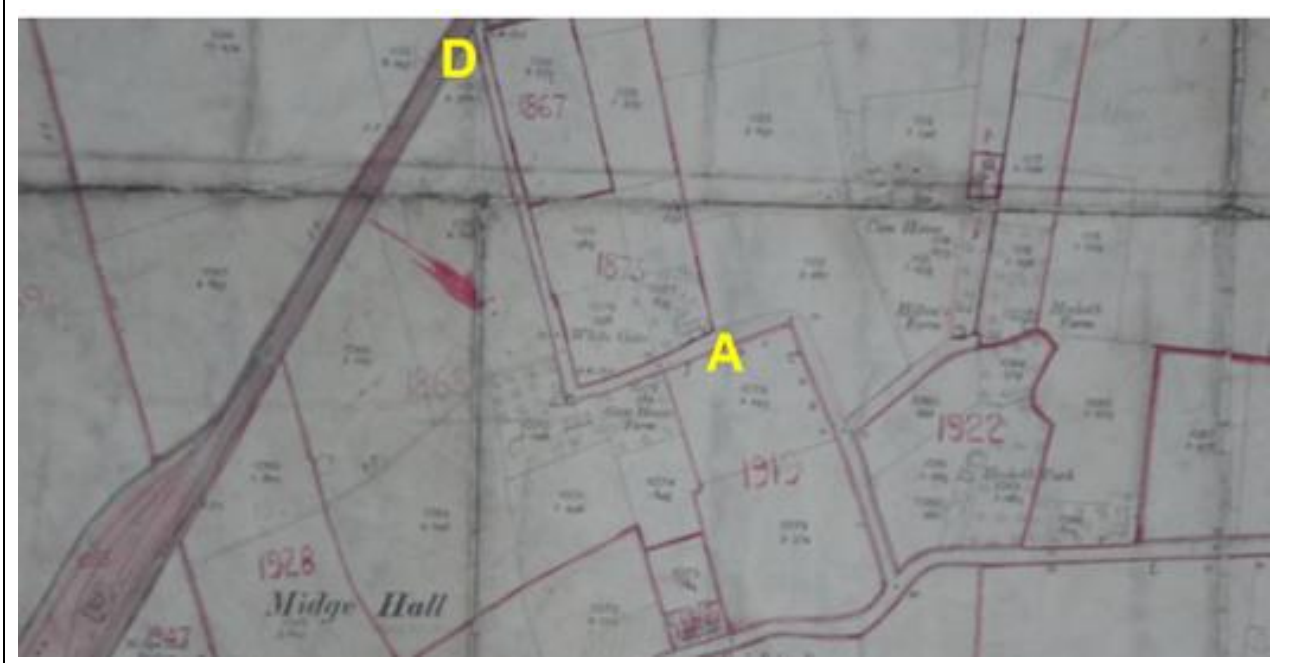
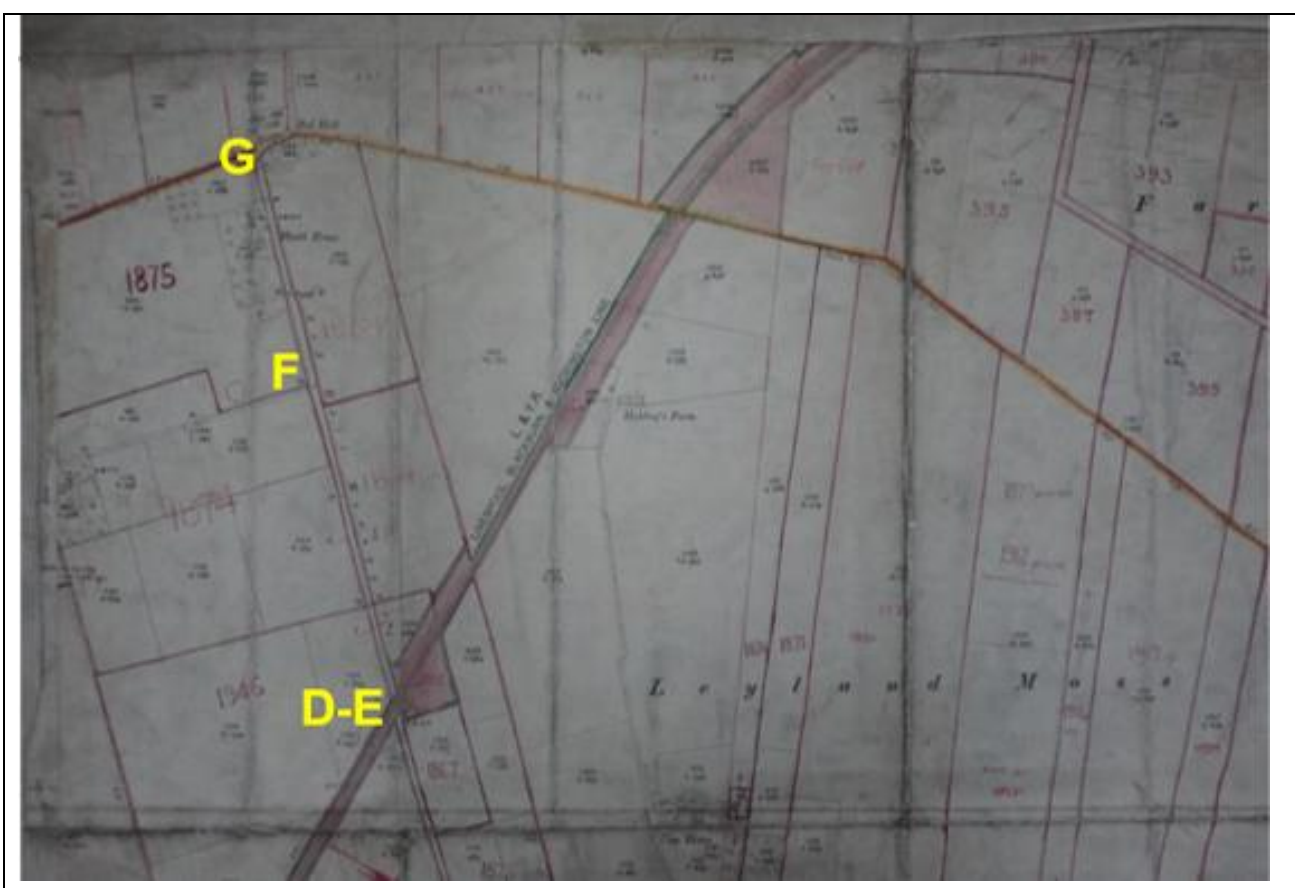


1941

Observations		The application route is shown on all three maps categorised as an uncoloured (and inferior) road or 'other road'.
Investigating Officer's Comments		The maps support the physical existence of the route but the way that they are depicted

		<p>suggests that they were not considered suitable for 'modern day' motorised vehicles. They may have been accessible – and capable of being used – on foot and horseback but whether such use was public or private would require the provision of additional supporting evidence.</p>
<p>Finance Act 1910 Map</p>	<p>1910</p>	<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 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>



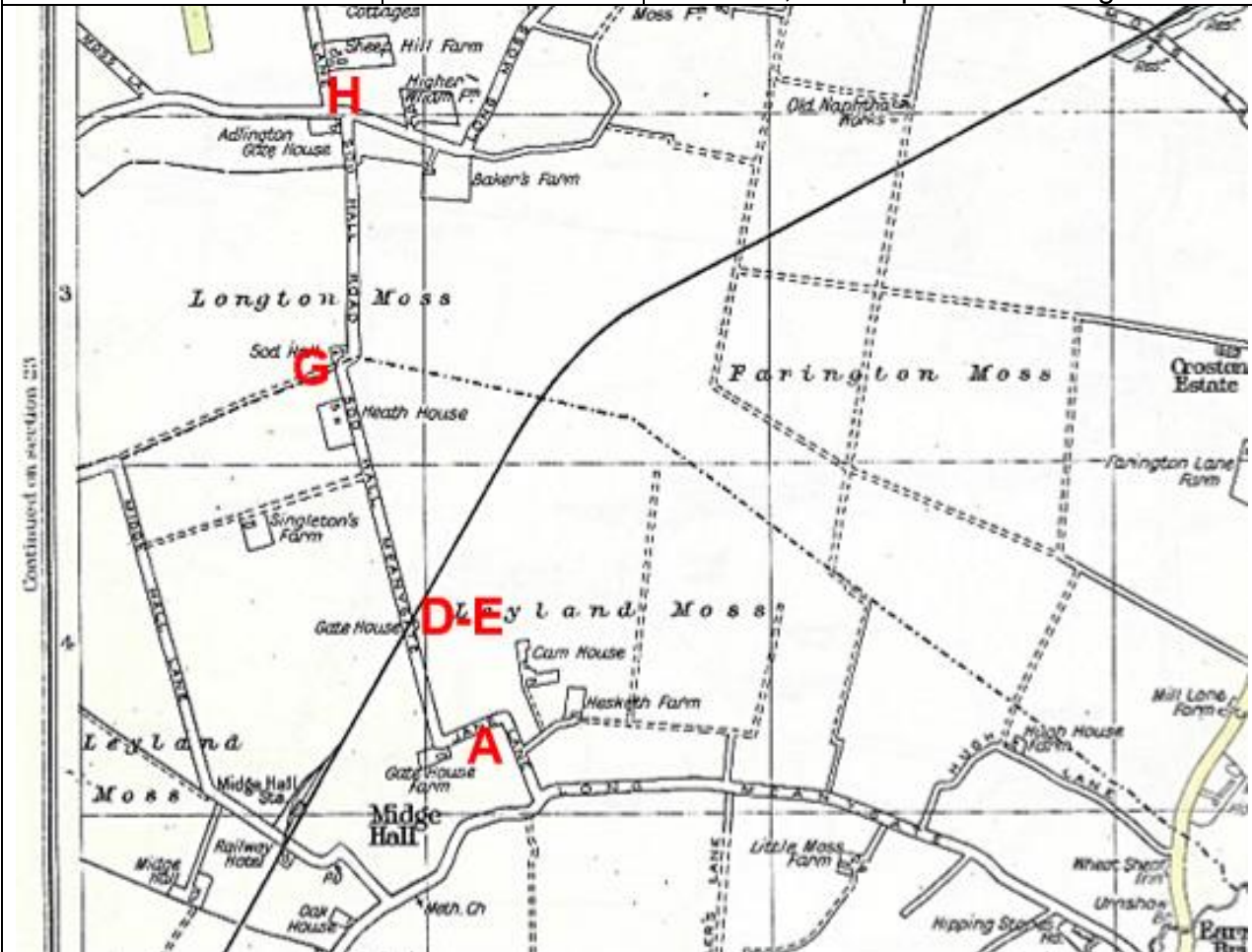


<p>Observations</p>	<p>The route crosses two separate Ordnance Survey Sheets.</p> <p>The sheet showing the southern section of the route shows the route (and Jane Lane) excluded from the numbered plots from point A through to just north of Sod Hall and point G. Some of the land on either side of the route is braced and numbered</p>
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		<p>as one parcel. The railway and house immediately adjacent to the application route at point D are included in a numbered plot owned by the Railway Company.</p> <p>The map of northern section of the route from just north of Sod Hall through to Long Moss Lane is incomplete. Some of the land to the west of the application route is shown bounded and numbered but the application route and land to the east has not been marked up and the map is clearly incomplete.</p>
Investigating Officer's Comments		<p>The exclusion of the route from the taxable hereditaments is good evidence of, but not conclusive of public vehicular rights. Numbered plots split by the route give further weight to the belief that the route could have been considered to have public vehicular rights (as footpaths and bridleways were normally included within the numbered plots).</p> <p>However, there may be other reasons to explain its exclusion. It has been noted, for example, that there are some cases of a private road set out in an inclosure award for the use of a number of people but without its ownership being assigned to any individual, being shown excluded from hereditaments. Whilst this is not a consistent approach. The exclusion of the route may not therefore necessarily be evidence of public vehicular rights existing but this does not necessarily mean that a bridleway may not have existed along the route and this needs to be looked at carefully in context with all other available evidence.</p> <p>The fact that the property known as the Gate House adjacent to the railway crossing (D-E) was owned by the Railway which confirms the view that it had been occupied by a number of different people who had worked for the railway since at least 1851 and again raises the question as to why a gatehouse would be provided by the railway if the route was private.</p> <p>Unfortunately, the map showing the northern end of the application route is incomplete and as such no inference can</p>

		be drawn from it regarding the application route north of Sod Hall.
25 Inch OS Map LXIX.5 and LXIX.9	1931	Further edition of 25 inch map (surveyed 1892-93, revised in 1929 and published in 1931.
Observations		The application route is shown in the same way as it is shown on earlier editions of the OS 25 inch maps although it was noted that the property adjacent to the railway – and recorded as being in the ownership of the rail company in the Finance Act documentation is now named on the map as the Gate House.
Investigating Officer's Comments		The application route existed as a substantial through route in 1929 and appeared to be capable of being used on horseback and with vehicles. The naming of the property adjacent to the application route at the railway as The Gate House may have some significance regarding the control of public or private access across the railway.
Authentic Directory of Lancashire Geographia	Map of South Lancashire by	Circa 1934 An independently produced A-Z atlas of Central and South Lancashire published to meet the demand for such a large-scale, detailed street map in the area. The Atlas consisted of a large scale coloured street plan of South Lancashire and included a

complete index to streets which includes every 'thoroughfare' named on the map. The introduction to the atlas states that the publishers gratefully acknowledge the assistance of the various municipal and district surveyors who helped incorporate all new street and trunk roads. The scale selected had enabled them to name 'all but the small, less-important thoroughfares'.



Observations

The full length of the application route is shown as part of a longer through route named on the map as Sod Hall Meanygate south of Sod Hall and as Sod Hall road north of Sod Hall. The railway is shown with the word 'Gate House' alongside it. The route is shown in the same way as other routes with public vehicular rights are shown.

Investigating Officer's Comments

The application route is shown in the atlas consistent with how other nearby routes carrying public vehicle rights are shown suggesting that access was available along the route in the early 1900s.

Aerial Photograph²

1945-1952

The earliest set of aerial photographs available was taken just after the Second World War and flown between June 1945 and September 1952 and can be viewed on GIS. The clarity is generally very variable.



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.





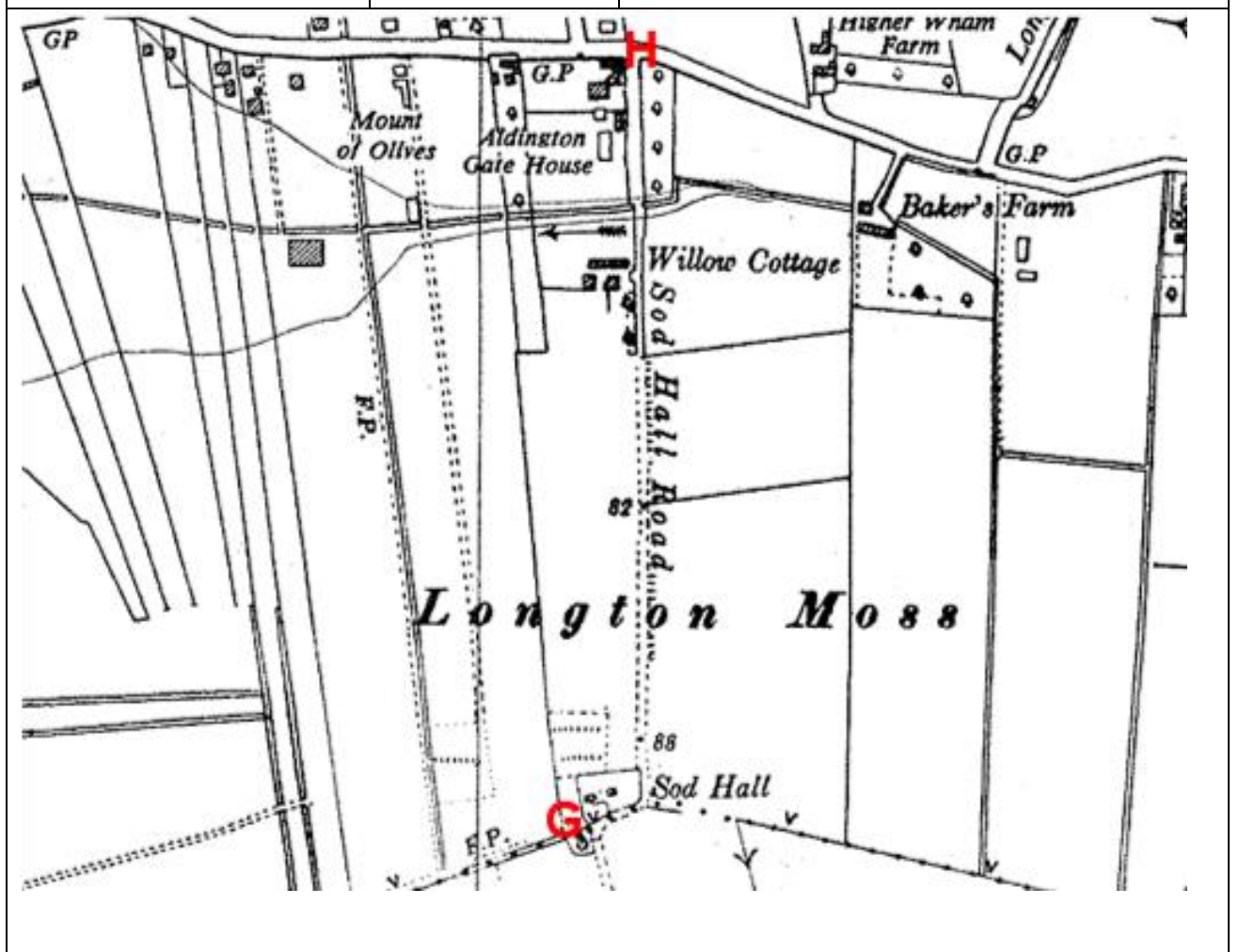
Observations

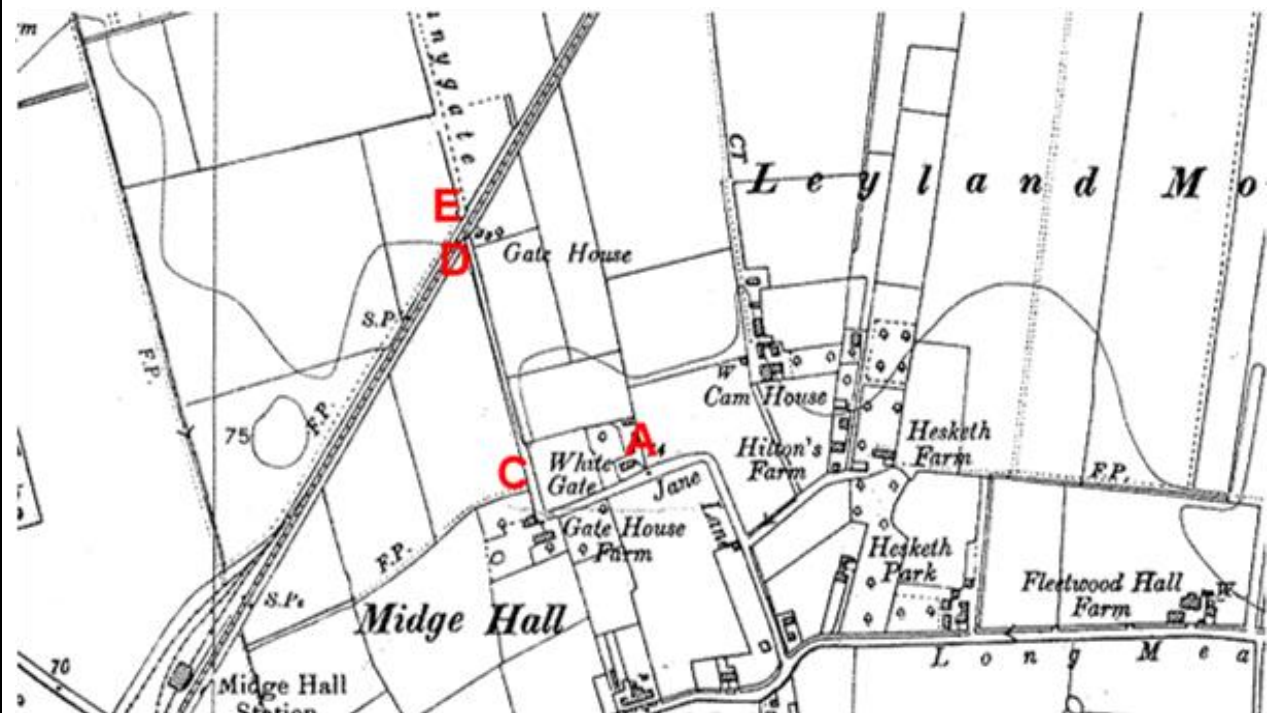
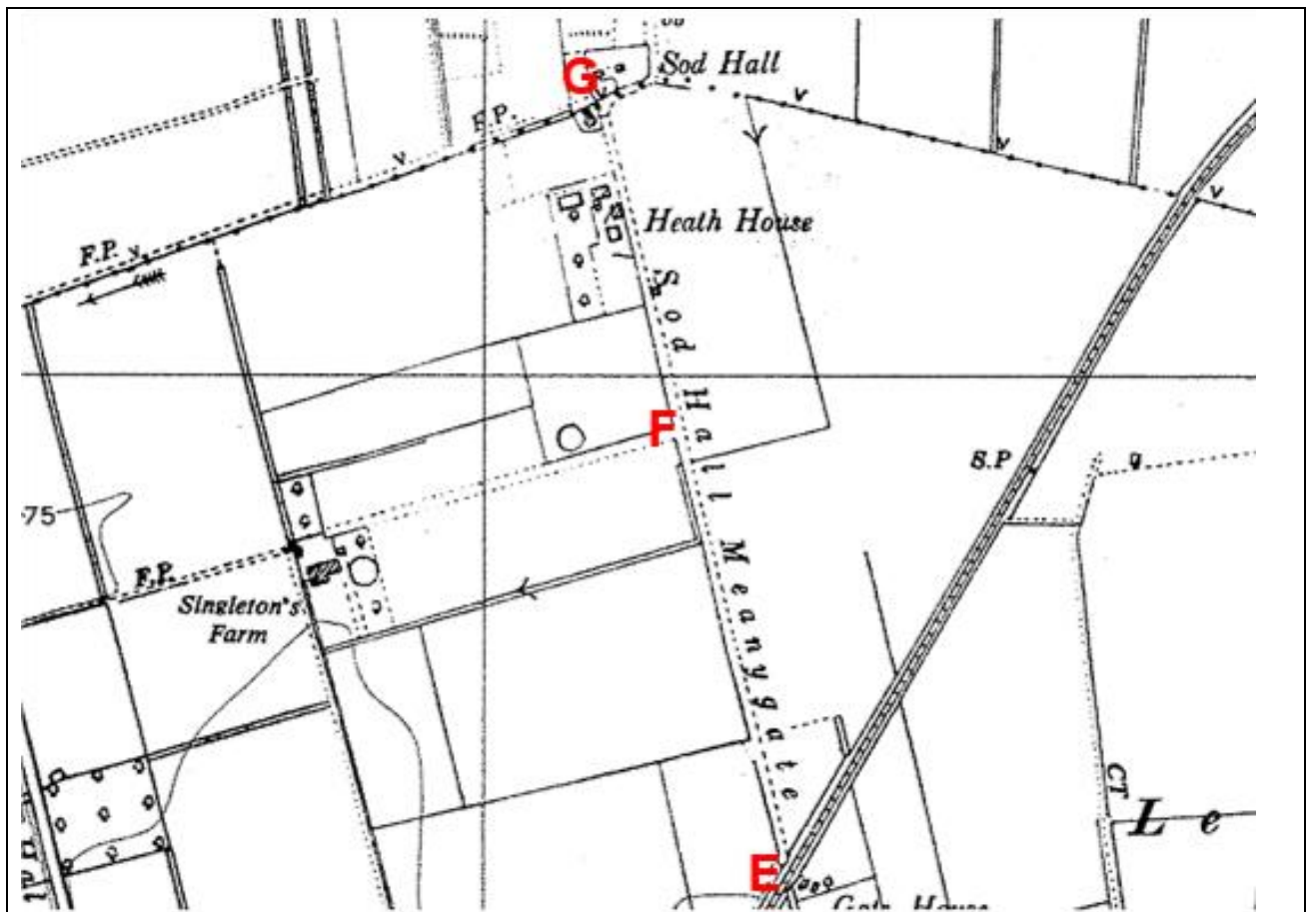
The application route is visible on the aerial photograph. From point A to point B the route is clearly visible and not discernibly different from Jane Lane east of point A. A faint line can be seen connecting to the route at point C suggestive of use of the route recorded as 7-1-FP 1a being used on foot.

From point B to the railway crossing at points D-E the route is visible but less so than the section A-B.

The route is visible passing the Road House/Round House south of point G but it is not possible to see if it is gated.

		The section from Willow Farm to point H is clearly visible.
Investigating Officer's Comments		<p>The application route existed in the 1940s and its appearance is consistent with a route which could have been used on horseback and with vehicles. It did not appear to be heavily used by vehicular traffic but its appearance was more suggestive of a route used by vehicles to access farmlands and adjacent fields.</p> <p>The photograph does not assist in knowing whether use of the route was public or private.</p>
6 Inch OS Map	1955	The OS base map for the Definitive Map, First Review, was published in 1955 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.

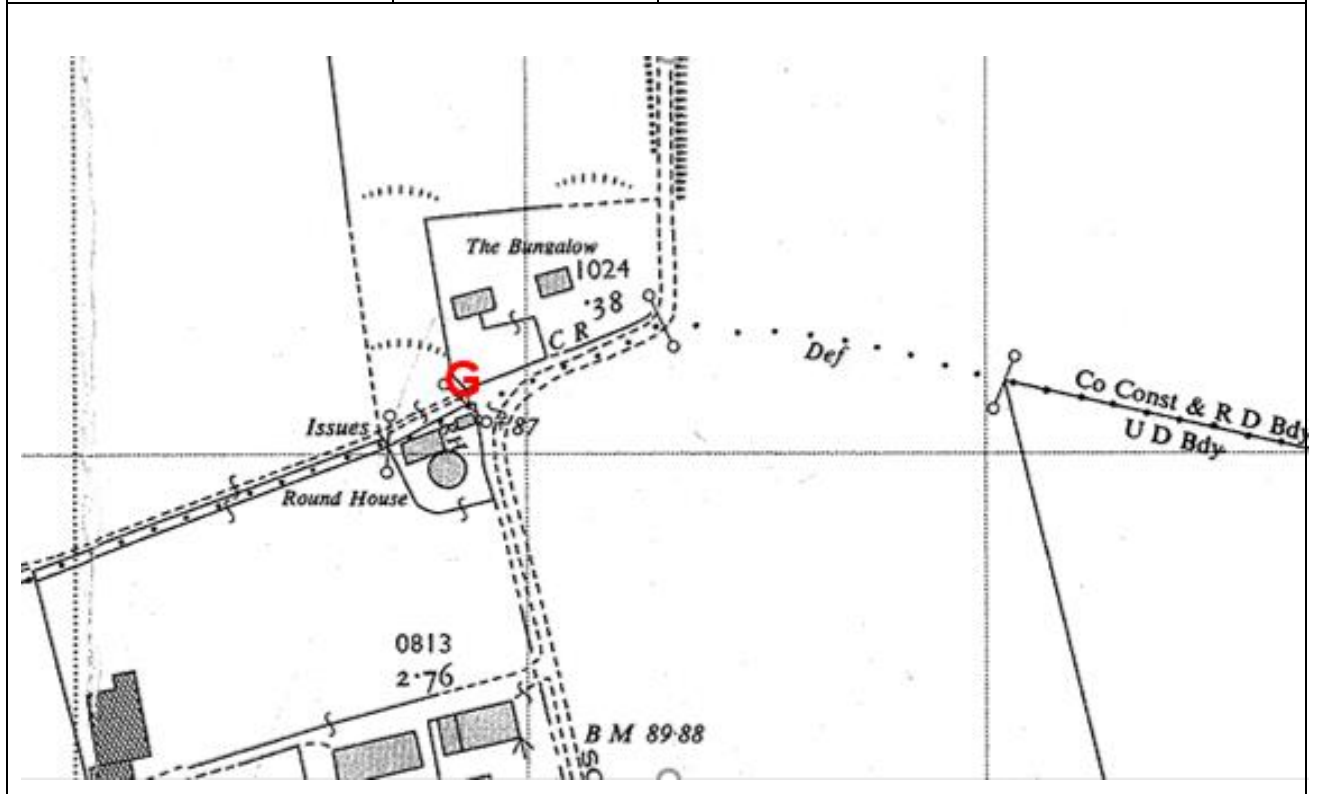


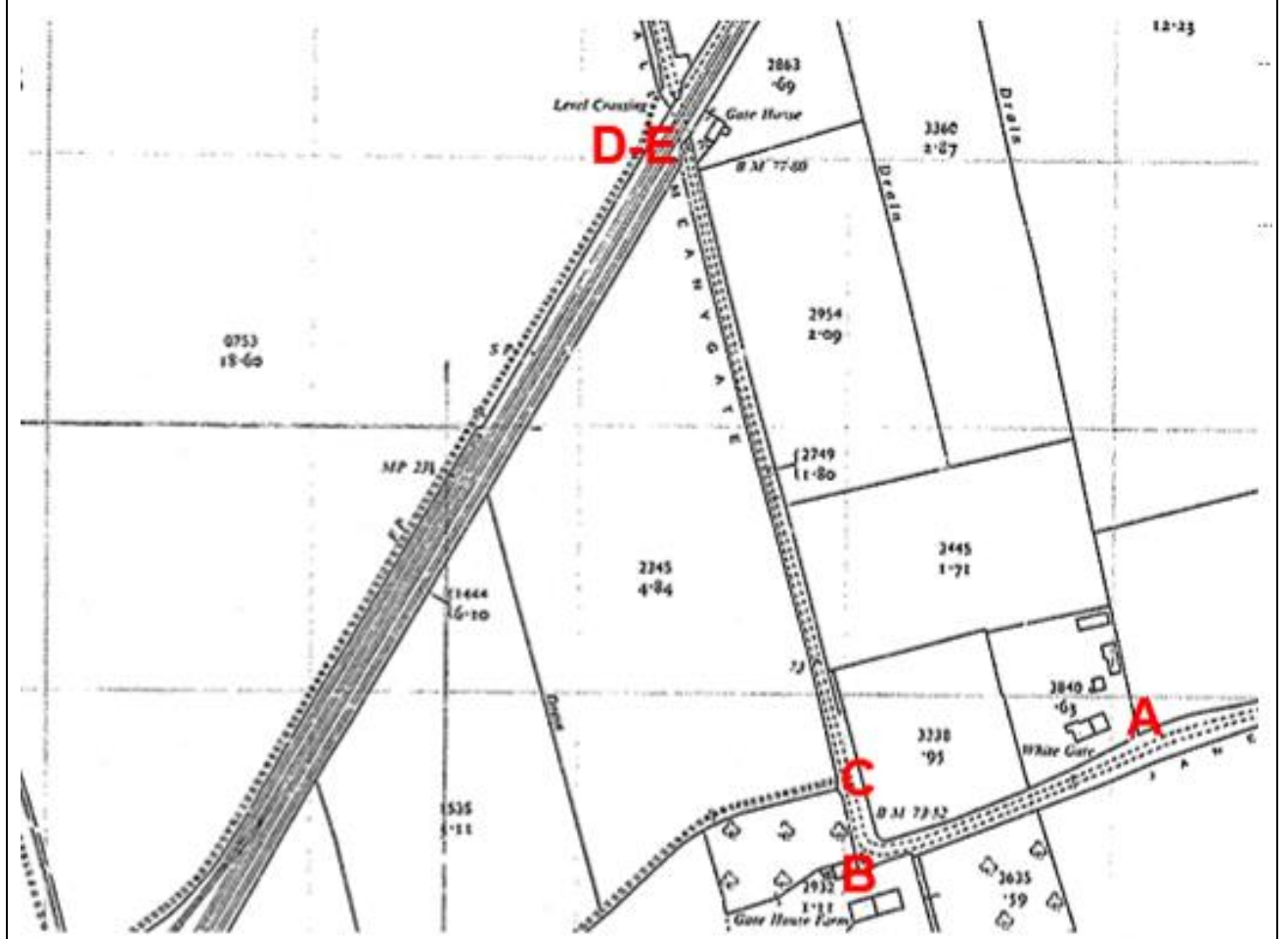
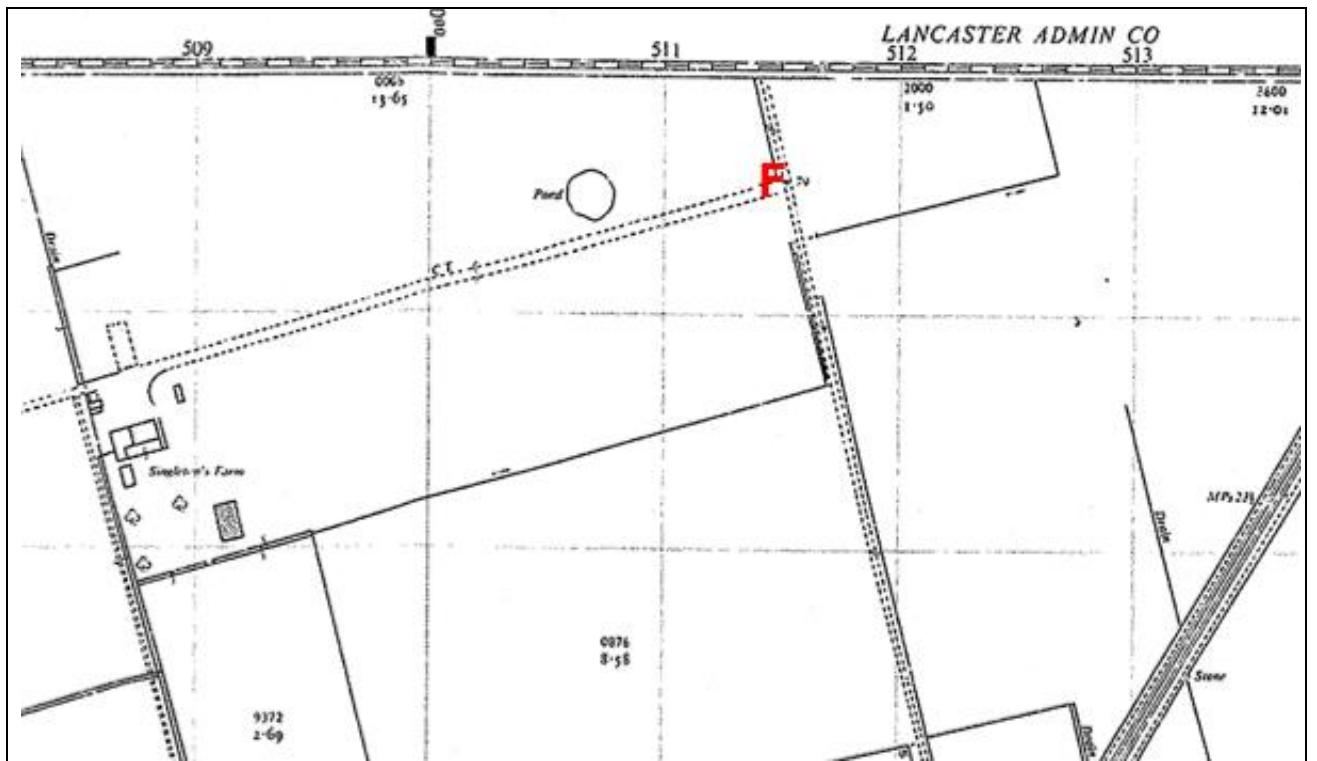


Observations

The application route is shown as part of a longer route consistent with how it is shown on other OS maps. A gate house is shown adjacent to the railway and the route is

		named as Sod Hall Meanygate south of point G and Sod Hall Road north of point G. A line is shown across the route just south of point G.
Investigating Officer's Comments		The application route existed in the 1930s and appeared to be capable of being used.
1:2500 OS Map SD 5023-5123 and SD 5024-5124	1963	Further edition of 25 inch map reconstituted from former county series and revised in 1961 and published in 1963 as national grid series.





Observations		The full length of the application route is shown – and named - on the map in the
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		<p>same way as it is shown on earlier editions of the OS mapping.</p> <p>A level crossing is marked at the railway (D-E) with the building adjacent still labelled as the Gate House.</p> <p>No gate is shown across the route just south of point G and the round building is now both marked as RH (Road House) and is named as Round House. Sod Hall is not shown but a building known as 'The Bungalow' is shown where it previously stood.</p>
Investigating Officer's Comments		The application route existed as a substantial through route in the 1960s and appeared to be capable of being used.
Aerial photograph	1960s	Aerial photography flown during the 1960s. The coverage is a mosaic of various flight runs on the following dates: 12-13th May 1961, 1st Jun 1963, 3-4th June 1963, 11th June 1963, 13th June 1963, 30th July 1963, 13th June 1968. The majority of images are from 1963, with the 1961 images mainly covering West Lancashire district and the 1968 images mainly covering Ribblesdale district.



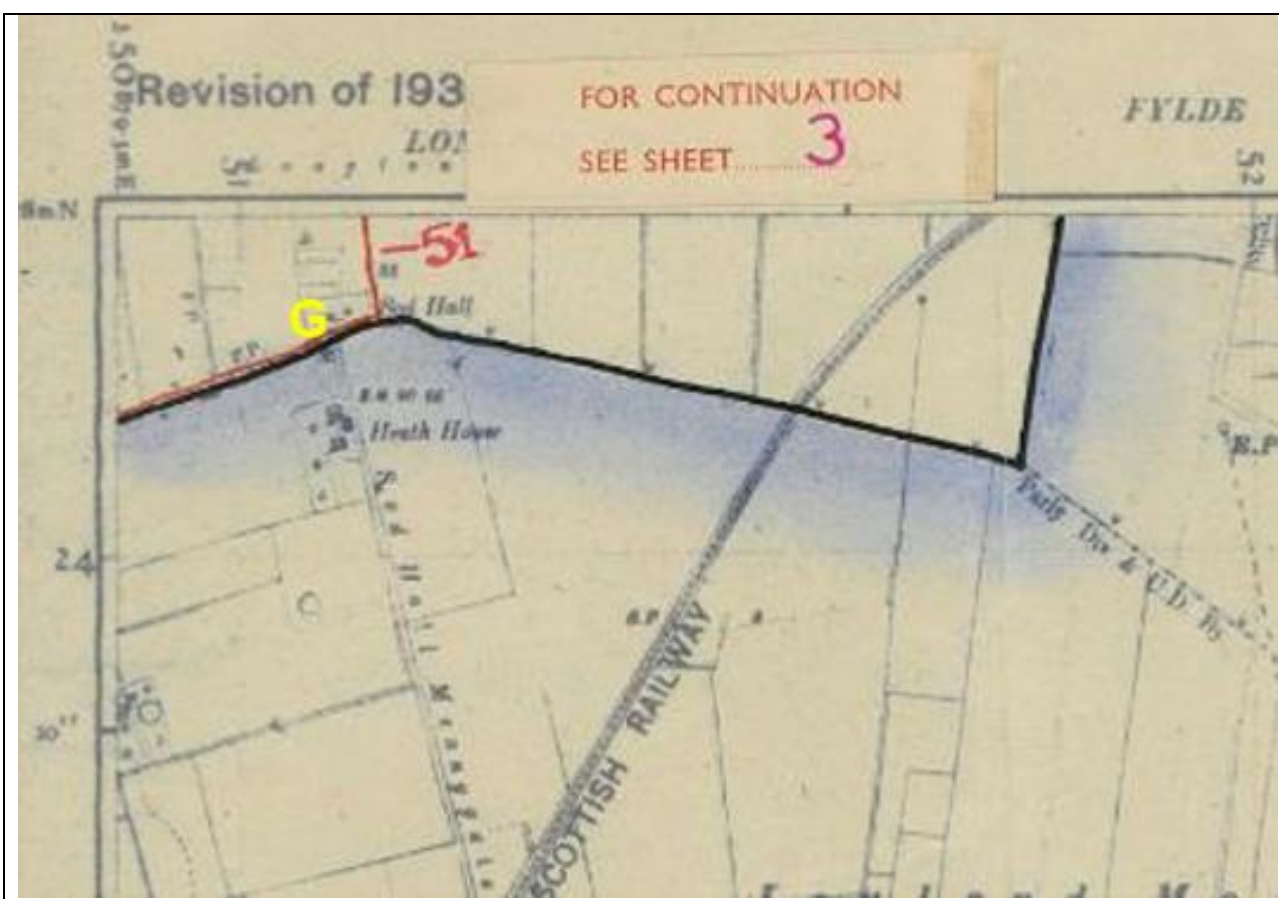




<p>Observations</p>		<p>The full length of the application route can be seen but it is clear that some parts received much more vehicular use than others – which were barely visible.</p> <p>The photograph suggests that infrequent or little use was made of the route as a through route by vehicles but that access was predominantly to properties situated along the route with lower levels of vehicular use made of other parts – consistent with farm vehicles accessing adjacent fields.</p>
<p>Investigating Officer's Comments</p>		<p>The application route existed and appeared to be capable of being used as a through route – at least on foot</p>
<p>Definitive Map Records</p>		<p>The National Parks and Access to the Countryside Act 1949 required the County</p>

		<p>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>
<p>Parish Survey Map</p>	<p>1950-1952</p>	<p>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.</p>





DISTRICT-	<i>PRESTON RURAL</i>	PARISH	<i>LONGTON.</i>	No.	<i>51</i>
MAP SHEET No.	<i>3 & 5</i>	LENGTH	miles (to two decimal places)		
BRIEF DESCRIPTION (Field F.P. or otherwise)	<i>East track & F.P.</i>				<i>2 F.P.</i>
DETAILED DESCRIPTION (giving starting point, means of passage and general condition).					
<i>Leans South side of Long Moss Lane, east track deeply rutted, well above level of fields, to Sod Hall, at bend, no access from bend.</i>					
SURVEYED BY :-		Name	<i>James Linnalhurst</i>		
		Address	<i>Map Lane Ketton</i>		
Date	<i>June 1951.</i>		Name	<i>Mr. Wareing</i>	
			Address	<i>Schose Lane Longton</i>	

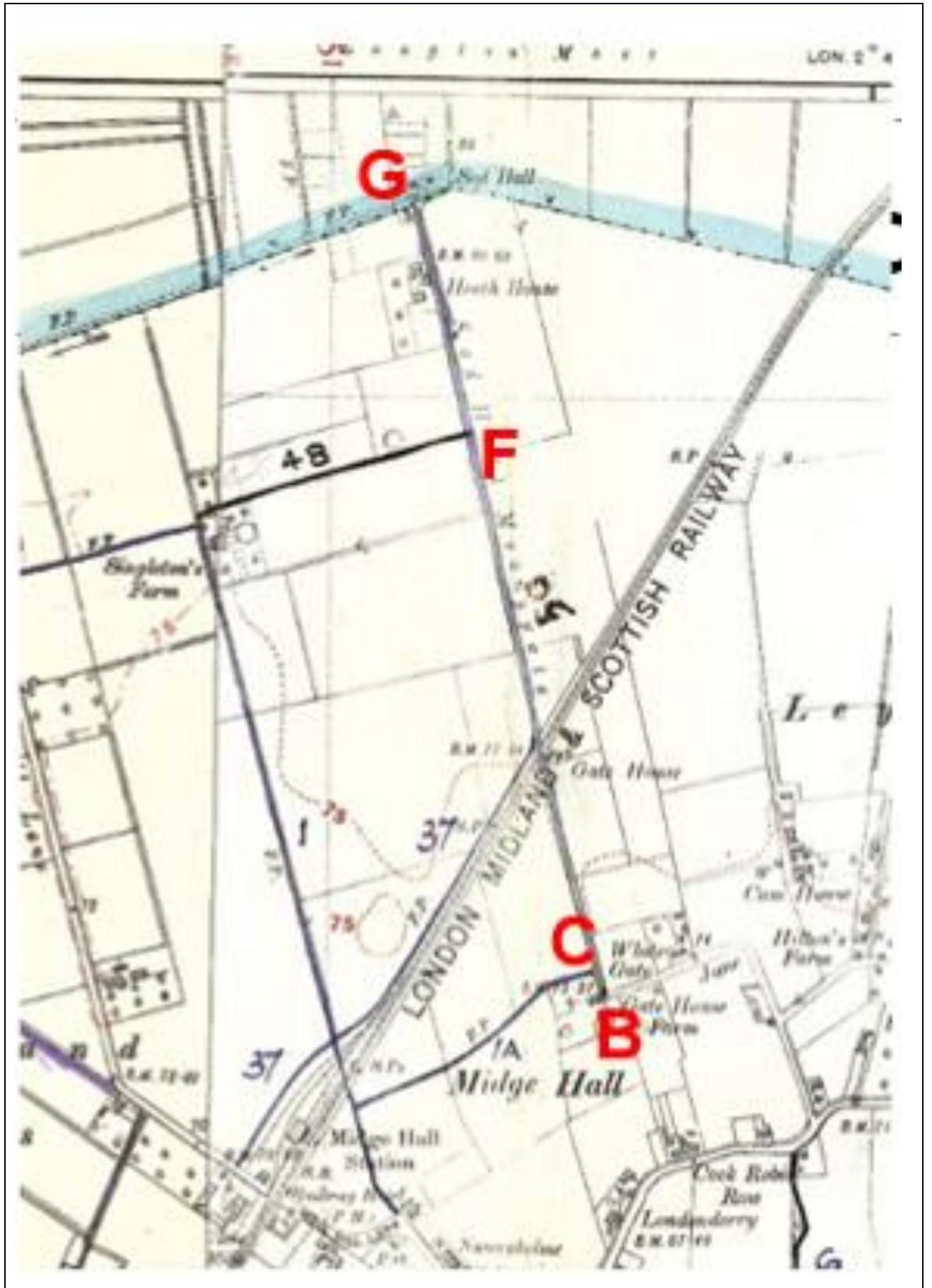
DISTRICT	<i>PRESTON RURAL</i>	PARISH	<i>LONGTON.</i>	No.	<i>45</i>
MAP SHEET No.	<i>4</i>	LENGTH	miles (to two decimal places)		
BRIEF DESCRIPTION (Field F.P. or otherwise)	<i>Field F.P.</i>			<i>FP</i>	
DETAILED DESCRIPTION (giving starting point, means of passage and general condition).					
<i>Midge Hall Station Rd. running East</i>					
<i>footpath useable up to Mr. H. Hesteltho's ground - onwards this is</i>					
<i>overgrown with nettles &c. but no stile or indication</i>					
<i>exists, also a plank is required at Station Rd end.</i>					
<i>Manning is required on Mr. Hesteltho, Mr. J. Bambers & Mr.</i>					
<i>R. Bamfords land.</i>					
SURVEYED BY :-	Name <i>Thomas Bretherton</i> <i>Shugh Bam Lane</i> <i>Longton</i>				
	Address <i>S Brookall</i> <i>Long Moss Lane</i>				
Date	<i>27/11/1950.</i>				

Observations

Leyland was a former urban district for which no parish survey map was prepared. North of point G the route crossed land within the parish of Longton and the application route was recorded as a public footpath numbered as route 51. The parish survey card was completed in 1950 and on it the route was described as a cart track and footpath. The status of the route appears to have been questioned as a question mark was marked with what appears to be a later edition of the numbering and status written in purple stating 'FP'. The route was described as 'leaves south side of Long Moss Lane, cart track deeply rutted well above level to Sod Hall at bend, no access from bend.'

The bend referred to above appears to have been 40 metres east north east of point G at the point at which the route from point H turned west south west towards point G indicating that from point G through to the bend was recorded as part of the route numbered as Footpath 45. On the parish survey card this route was described as being from Midge Hall Station Road running east. It was described as being useable up to a certain point and then overgrown with no indication it existed. The

		<p>point at which it ended – or the fact that it is shown running along part of the application route is not referred to.</p>
<p>Draft Map</p>		<p>The parish survey map and cards for Longton 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>



		Leyland Urban District boundary, thence into Chorley Rural District through Altcar Farm to Holt Brow.	0.23
46	"	From Leyland Lane north of and parallel to Altcar Lane joining footpath No.29.	0.16
47	"	From Leyland Lane along Emnie Lane. (the private road to Leyland Urban District Council Sewage Disposal Works).	0.24
48	"	From Sod Hall Meanygate west to Singleton's Farm joining Path No.1 to Midge Hall Lane.	0.11
49	"	From Dunkirk Lane south joining Slater Lane east of Mouldings Farm.	0.18
50	"	From Leyland Boundary at Sod Hall along Sod Hall Meanygate south across the railway to Jane Lane opposite Gate House Farm.	0.58
51	"	From Longmeanygate, along Millers Lane and Paradise Lane south past Paradise Farm to Cocker Lane.	0.59
52	"	From Hollins Lane west through Nook Farm joining path No.17.	0.04
54	"	From Footpath No.9 north to join path No.8.	0.07

Draft Map and Statement for Leyland UDC

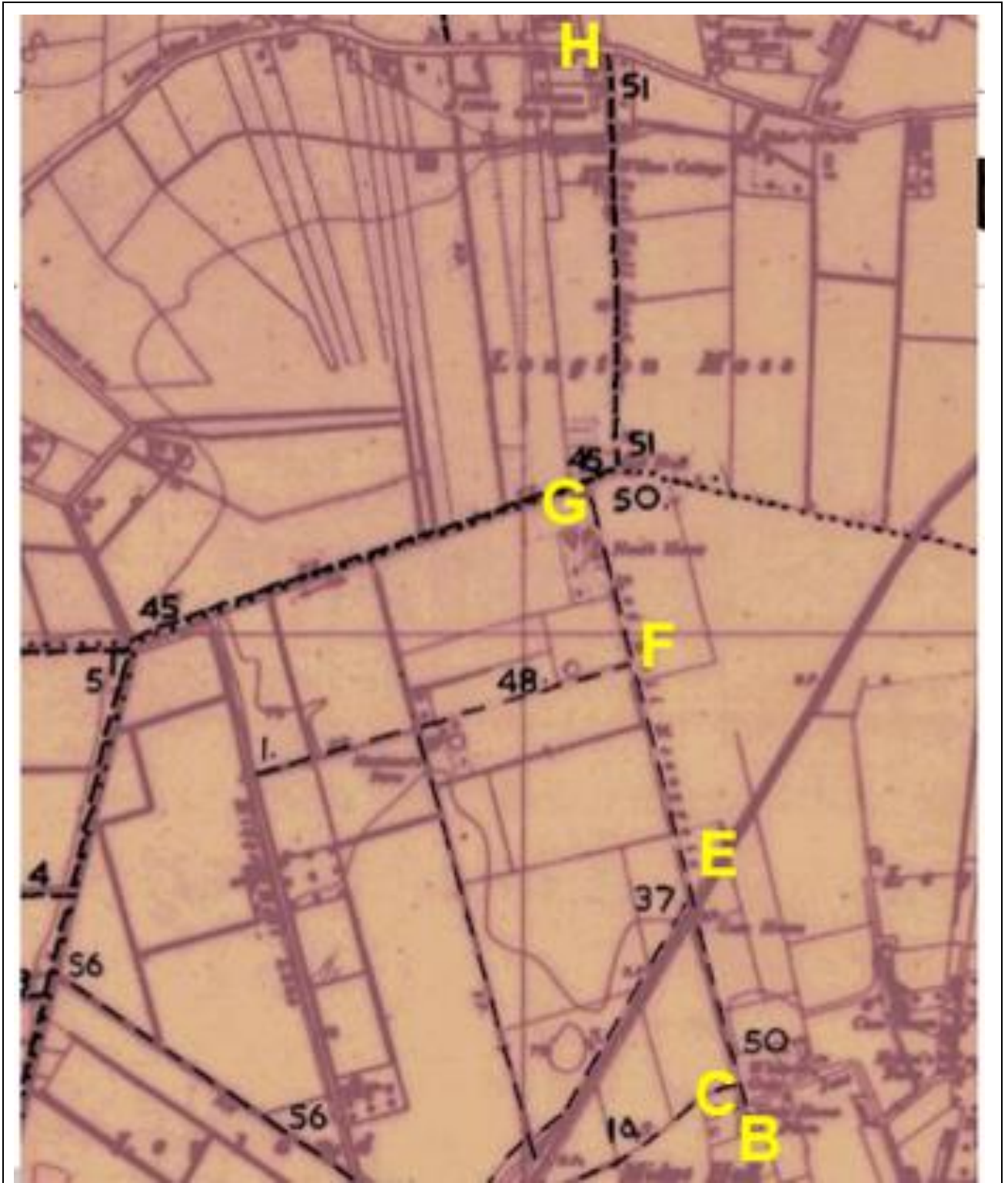


44	"	Gill Lane (near Anglo Villa) to unnamed road	0.13
45	"	Midge Hall Lane to Sod Hall Road	0.38
46	"	Moss Lane (opposite High Barn Lane) to Brownhill Lane	0.18
47	"	Chapel Lane to Hutton Parish south boundary	0.11
48	"	Gill Lane to Little Hooles Parish north boundary	0.20
50	"	Gill Lane (opposite Cotton Lane) to Little Hooles Parish north boundary	0.13
51	"	Sod Hall Road to Leyland Boundary	0.36
52	"	Unnamed road to Farington Parish west boundary	0.11

<p>Observations</p>		<p>Leyland Urban District Council recorded the application route from point B through to point G as a public footpath numbered 50. It was described as running from the parish boundary (point G) along Sod Hall Meanygate across the railway to the junction with Jane Lane opposite Gate House Farm (point B on the Committee plan). The application route between point A and point B was not shown on the Draft Map and was considered to be part of Jane Lane.</p> <p>The Draft Map for Preston Rural District shows the application route from point G to point H as public footpath. The Draft Statement describes Footpath 45 running from Midge Hall Lane to Sod Hall Road and Footpath 51 as being Sod Hall Road to Leyland boundary. The boundary appears to run along Sod Hall Lane from point G east north east for 40 metres to the bend.</p> <p>There were no objections or representations made relating to how the application route was shown.</p>
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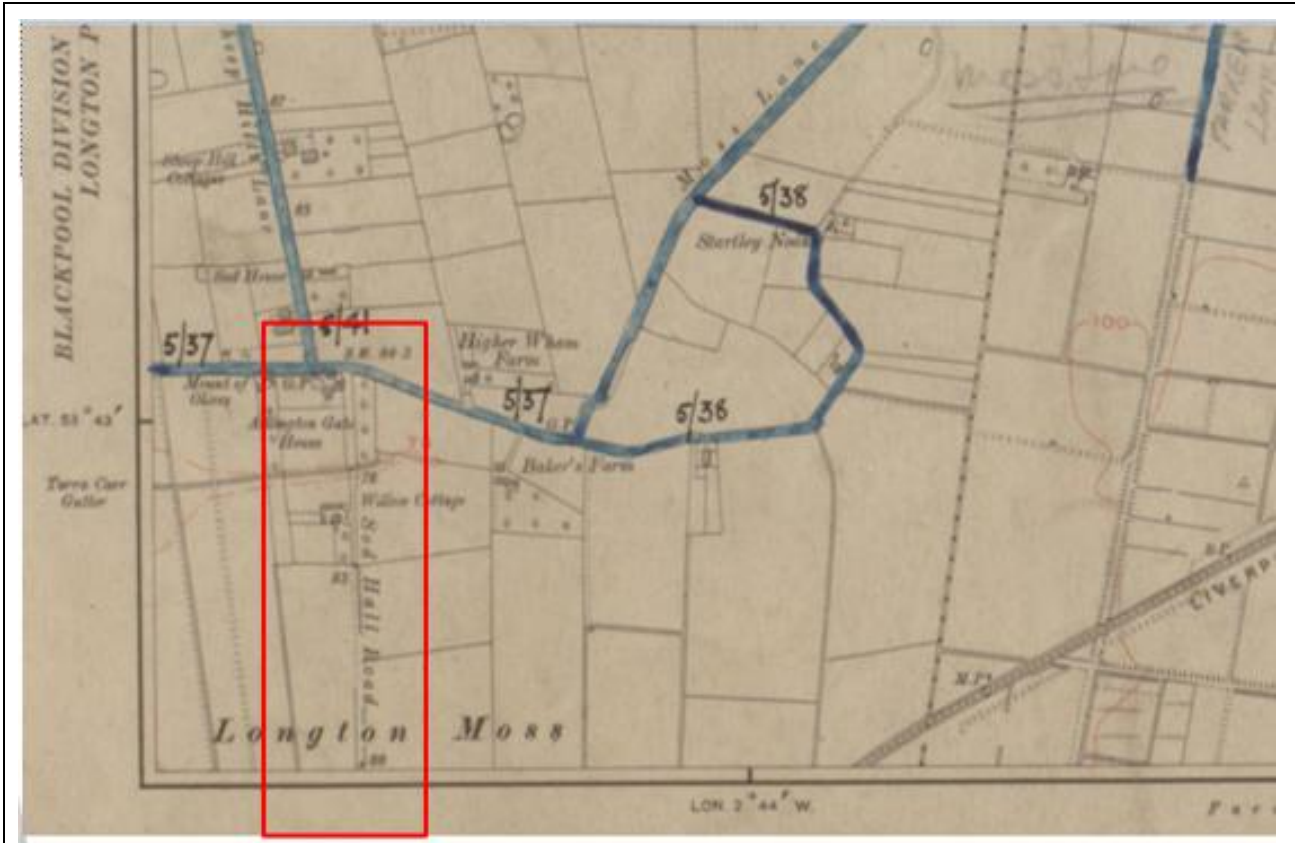
<p>Provisional Map</p>		<p>Once all representations relating to the publication of the draft map were resolved, the amended Draft Map became the Provisional Map which was published in 1960 and was available for 28 days for inspection. At this stage, only landowners, lessees and tenants could apply for amendments to the map, but the public could not. Objections by this stage had to</p>
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		be made to the Crown Court.
Observations		<p>The application route was recorded as a public footpath from point B through to point H. The section between point A to point B was not recorded on the Provisional Map.</p> <p>There were no objections or representations made relating to how the application route was shown.</p>
The First Definitive Map and Statement		The Provisional Map, as amended, was published as the Definitive Map in 1962.
Observations		The application route was recorded as a public footpath from point B through to point H. The section between point A to point B was not recorded on the First Definitive Map.
Revised Definitive Map of Public Rights of Way (First Review)		<p>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.</p>



Observations		The application route is recorded as a public footpath from point B through to point H. The section between point A to point B is not recorded on the Revised Definitive Map (First Review).
Investigating Officer's		The application route was considered to be

Comments		<p>a footpath from point B through to point H during the preparation of the First Definitive Map and Statement in the 1950s through to the 1960s.</p> <p>The application route between point A and B was not recorded on the Definitive Map and appears to have been considered to be part of Jane Lane.</p>
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 rural district councils, and later from urban district and borough councils, to the County Council. For the purposes of the 1929 transfer, public highway 'handover' maps were drawn up to identify all of the rural district maintained 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>





<p>Observations</p>		<p>The application route from point A to point G is within Leyland which was a former urban district for which there was no 'Handover Map'.</p> <p>The application route between point G and point H is not recorded as a publicly maintainable highway in the records believed to be derived from the 1929 Handover Map for Longton.</p> <p>The current highway records detailing routes considered to be publicly maintainable do not show any part of the application route and Jane Lane is recorded as ending at point A.</p> <p>The application route from point B through to point H is however a publicly maintained footpath which is on the Definitive Map and Statement of Public Rights of Way.</p>
<p>Investigating Officer's Comments</p>		<p>The fact that the application route is not recorded as a publicly maintainable highway on the List of Streets does not mean that it does not carry public rights of access other than those rights currently recorded on the Definitive Map.</p>
<p>Highway Stopping Up Orders</p>	<p>1835 - 2014</p>	<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</p>

		at the County Records Office contain highway orders made by Districts and the County Council since that date.
Observations		No records relating to the stopping up, diverting or creation of public rights along the route were found.
Investigating Officer's Comments		If any unrecorded public rights exist along the route they do not appear to have been stopped up 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.

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

Summary

This investigation has been carried out based entirely on historical map and documentary evidence with no modern user evidence – or details indicating historical public use on horseback - submitted.

As with most cases investigated, there is no single piece of map or documentary evidence which stands alone to confirm the public legal status of the route.

In this case a lot of map and documentary evidence has been examined although there are some documents that it would have been useful to find and a number of inconsistencies in the records located which makes it difficult to decide on balance whether bridleway or public vehicular rights exist.

The application route appears to have come into existence in the late 1700s or early 1800s with the topography of the surrounding land suggesting that it was probably constructed in relation to private enclosure agreements relating to land known as Leyland Moss and Longton Moss. No plans or details of the agreements have been found so it has not been possible to find out whether this was actually the case and whether it was created as a public or private route or whether part of the route providing access to Sod Hall pre-dated any enclosure agreements (as Sod Hall was shown on Yates Map of 1789 seemingly surrounded by moss land).

The full length of the route is clearly shown on Greenwoods Map in 1818 and Hennessey's Map in 1830 as a cross road providing access to and past a number of properties and appeared to be capable of being used on horseback and with horse drawn vehicles as a through route at that time.

It is then shown clearly on the Tithe Maps for Leyland and Longton (1838) where the route between point A-B appeared to be considered to be public vehicular highway – as did the route from point G to point H. From point B through to point G however the route was listed as being privately owned and occupied and not listed as a public vehicular route.

In 1846 a railway was built across the route (D-E) confirming the existence of the route prior to the railway but referring to that part of the route listed as being in private ownership on the Tithe Map as a 'Private or occupation road'. Details of landowners and occupiers are given again suggesting that this part of the route at least could have been created as part of the enclosure of Leyland Moss with private rights of access given to owners of adjacent land.

The nature of the level crossing (D-E) is interesting. It appears to have been constructed as a gated crossing with adjacent gatehouse which was owned by the Railway Board. As such, this appears consistent with what would be required where a railway crossed a public vehicular highway and the earliest found census information (1851) for a property named in the census as 'Sod Hall Crossing' was

occupied by a Railway Gate Keeper. Later census records detail the same or other occupiers of the property all working for the railway but not specifically as a gate keeper. However, the requirement for such an arrangement for a public carriageway does not necessarily imply that it could not be required in other circumstances.

The evidence that the route had a toll gate at Sod Hall suggests there were not public vehicular rights. Ordnance Survey maps in 1840s show round building known as the Round House and mark it as the site of a turn pike (T.P) in the mid-19th Century. An article published by the Leyland Historical Society discusses the origins of the building and the belief that it was used to try to collect tolls although this may not have been very successful. The fees should have been for the upkeep of the road which was named on the maps as Sod Hall Meanygate south of point G but Sod Hall Road north of point G.

The full length of the application route is shown on the Old Series Cassini map which is significant as these maps were reproduced from the OS First Edition 1 inch maps and suggests that a substantial through route existed along the application route in the mid-1800s which would appear to have been capable of being used although it does not indicate whether such use was public or private.

The route is consistently shown on all OS maps examined – including those at a 1" scale and is also shown on small scale commercial maps published in the 1900s (Bartholomew's Maps and the Authentic Map Directory of South Lancashire by Geographia suggesting that it existed as a substantial through route capable of being used by horses and vehicles and with no reference at that time to the existence of a toll gate.

In the early 1900s it was shown excluded from the Finance Act taxation process from point A through to just beyond point G (on the map edge) which is often good evidence that a route was considered to be a public vehicular highway at the time the survey was carried out. There were however notable exceptions – one being where ownership of a route was perhaps unclear and the route carried numerous private rights to access land and property previously enclosed. The Finance Act records for the northern section of the route were incomplete so the full picture of how the route was considered at that time is unknown. However this contradicts the private ownership indicated 50 years earlier.

Aerial photographs from the 1940s and 1960s perhaps help to explain why the route was recorded as a public footpath as parts appeared to be little used by vehicles and there is reference to overgrowth in the parish survey card.

No modern or historical user evidence was submitted in support of this application and on balance the Investigating Officer considered that although very finely balanced there was insufficient information from which to infer that public bridleway rights exist.

Head of Service – Legal and Democratic Services Observations

Landownership

From Point A to a point roughly equidistant before points E and F the application route crosses land which is unregistered. From this point to point F the route crosses land in private ownership. From point F to a point just south of point H half the width of the route crossed registered land in private ownership. From this point to point H the route crosses land in private ownership.

Information from the Applicant

The information provided by the applicant has been considered in the assessment of map and documentary evidence above.

Information from Others

Network Rail object to the application on the basis that;

- Their historical records show that upon construction of the railway, Sod Hall Lane was a private road and the crossing was provided to maintain access for the adjacent landowners. It has been accepted that public rights have been established and recorded as on foot only, but that these have never been any more than that.
- If the route were to become a bridleway, the infrastructure at the crossing would need to be reconsidered. Items such as mounting blocks and accessible bridle gates are usually required, and in addition, the sighting distances may not be sufficient as the distance required for equine users is further than for pedestrians.
- There would be an unacceptable increase in risk at the crossing, where the sighting may be deficient, and the use of the crossing changes and possibly increases. The mitigation measures that may be required, such as telephones or warning lights would result in a huge cost to Network Rail (and ultimately to the taxpayer).

With regards to the property known as the Gate House adjacent to the application route on the south side of the railway (D-E) Network Rail provided information regarding the railway company purchasing the land adjacent to the railway in 1903 explaining that there was already a cottage there, so this was not built by the railway company;

LOT 3. The COTTAGE or Dwellinghouse with the outbuildings and Garden situate on the East side of Sod Hall Meanygate, Midge Hall, Leyland in the County of Lancaster and on the South side of and adjoining the Lancashire & Yorkshire Railway containing in statute measure 2 roods 23 perches and now in the occupation of Mr. David Iddon as tenant thereof and coloured green on the Sale Plan.

Extract provided by Network Rail

Network Rail explained that the property was purchased with a right of way along the track that leads to it (the application route) as follows;

The purchasers of the above lots will be entitled to a right of way for themselves their servants workmen and others at all times and for all purposes over and along Sod Hall Meanygate aforesaid as the same has been heretofore used and enjoyed.

Extract provided by Network Rail

Therefore they consider that the road was not considered to be a public highway at that time, because they would not have needed to include this provision.

They refer also to a 1969 conveyance between British Rail and Mrs Dickenson which is silent as to the road and its possible status.

Information from the Landowner

Several owners of land crossed by and adjacent to the route responded to consultation to confirm the land in their ownership.

Assessment of the Evidence

The Law - See Annex 'A'

This application is concerned whether this route carries higher rights than the footpath it is presently recorded as.

The legislation requires that to make an Order a dedication as bridleway or perhaps restricted byway is found to subsist on balance.

There is no user evidence presented and so the evidence considered is historic documentation and whether there is sufficient evidence from which to infer on balance that the owner of this old route across the Moss intended the route to be more than a footpath open to the public for use without permission, force or secrecy.

The evidence is detailed earlier in the report and considered and summarised above. On balance and given the nature of the evidence it is advised that the evidence of it having become a higher status for the public is insufficient.

If there were tolls paid to use this route Committee is reminded that payment of a toll (whilst the route shows as available to the public) would be use with permission and a toll required yet not paid would probably be use by force.

The recommendation is that no Order be made on the basis of the evidence available.

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 risk 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: 804-727		Simon Moore, 01772 531280, County Secretary and Solicitors Group

Reason for inclusion in Part II, if appropriate

N/A