

Regulatory Committee

Meeting to be held on 08 March 2023

Part I

Electoral Division affected:
Chorley Rural West

**Wildlife and Countryside Act 1981
Definitive Map Modification Order Investigation
Addition of Bridleway from Ridley Lane to Pump House Lane, Ulnes Walton
(Annex 'A' refers)**

Contact for further information quoting file reference 804-731:
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Brief Summary

Determination of an application for the addition of and upgrade to bridleway from Ridley Lane to Pump House Lane, Ulnes Walton.

Recommendation

That the application for the addition of bridleway and upgrade of a footpath to bridleway from Ridley Lane to Pump House Lane, Ulnes Walton as shown between points A-I on the Committee plan to the Definitive Map and Statement of Public Rights of Way be not accepted.

Background

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 a bridleway and the upgrading of part of 9-23-FP3 to bridleway from Ridley Lane to Pump House Lane, Ulnes Walton.

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 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

Chorley District Council

Chorley District Council provided no response to consultation.

Ulnes Walton Parish Council

Ulnes Walton 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 | 4967 1964 | North end of Ridley Lane (U426) at junction with 9-23-FP3 and junction with 9-11-FP25 and 9-23-FP8 south of Littlewood Bridge |
| B | 4965 1966 | Metal barrier across full width of application route (open on day route was inspected) |
| C | 4960 2001 | Point at which 9-23-FP3 leaves application route |
| D | 4963 2023 | Point at which 9-23-FP1 crosses application route |
| E | 4964 2028 | Access from the application route onto 9-23-FP1 |
| F | 4965 2070 | 9-23-FP3 re-joins application route at point where the application route deviates from the historical route |
| G | 4958 2077 | Bend in route at junction with 9-23-FP4 adjacent to railway |
| H | 4971 2094 | 9-23-FP3 leaves application route |
| I | 4980 2096 | Junction of application route with tarmac roadway which leads to Cocker Bar Road |
| J | 5003 2090 | Point at which the application route deviates from the historical route |
| K | 5012 2092 | Point at which the road recorded as 5/06 on the Handover Map met the application route |
| L | 5015 2092 | Point at which the route recorded as 5/127 on the Handover Map met the application route |
| M | 5056 2102 | Junction of application route with Pump House Lane |

Description of Route

A site inspection was carried out in February 2022.

The application route starts at the northern end of the public vehicular section of Ridley Lane (U426) at junction with 9-23-FP3 and junction with 9-11-FP25 and 9-23-FP8 south of Littlewood Bridge (point A on the Committee plan).

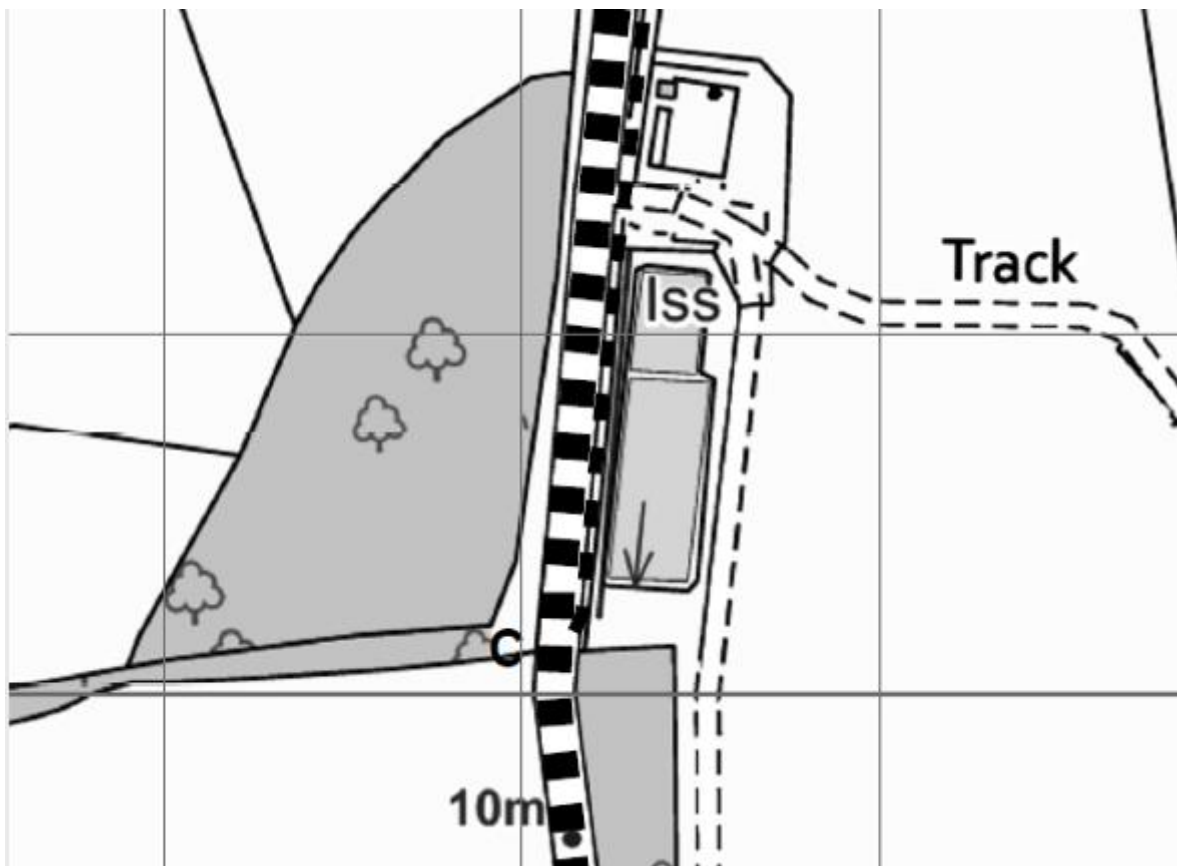
From here it extends in a northerly direction to cross a substantial stone bridge which is used to access Littlewood Hall Farm and is recorded as public footpath 9-23-FP3.

It continues along the access road for a short distance to where a metal barrier has been erected (point B) which was open when the route was inspected but which could be closed across the full width of the route preventing vehicular and restricting other types of access as it would be necessary to bend down to duck under the barrier. A padlock was present suggesting that at times the barrier may be closed and padlocked across the route.



The route continues along the access road which was tarmacked but covered with a layer of mud with evidence of regular use by farm vehicles. An access road to Littlewood Hall Farm branches off to the west of the application route and the route itself continues north along a bounded tarmacked access road approximately 3 metres wide immediately east of the farm with a further access track branching off from the application route to the rear of the farm).

Approximately 375 metres along the application route (from the start marked as point A) the 9-23-FP3 is recorded as leaving the roadway and running parallel to it along the east side. There is no physical evidence of a separate route being used on foot adjacent to the roadway (application route) and an overgrown ditch and trees and hedges prevent access along the recorded route of the footpath:



The application route continues along the roadway which is tarmacked. There is evidence of recent vehicular use leading to gateways into adjacent fields and there are some large potholes in the surface.

The application route is crossed by 9-23-FP1 (point D on the Committee plan) with a public footpath signpost positioned in the grass verge on the east side of the tarmac roadway pointing west across the application route and along the footpath.

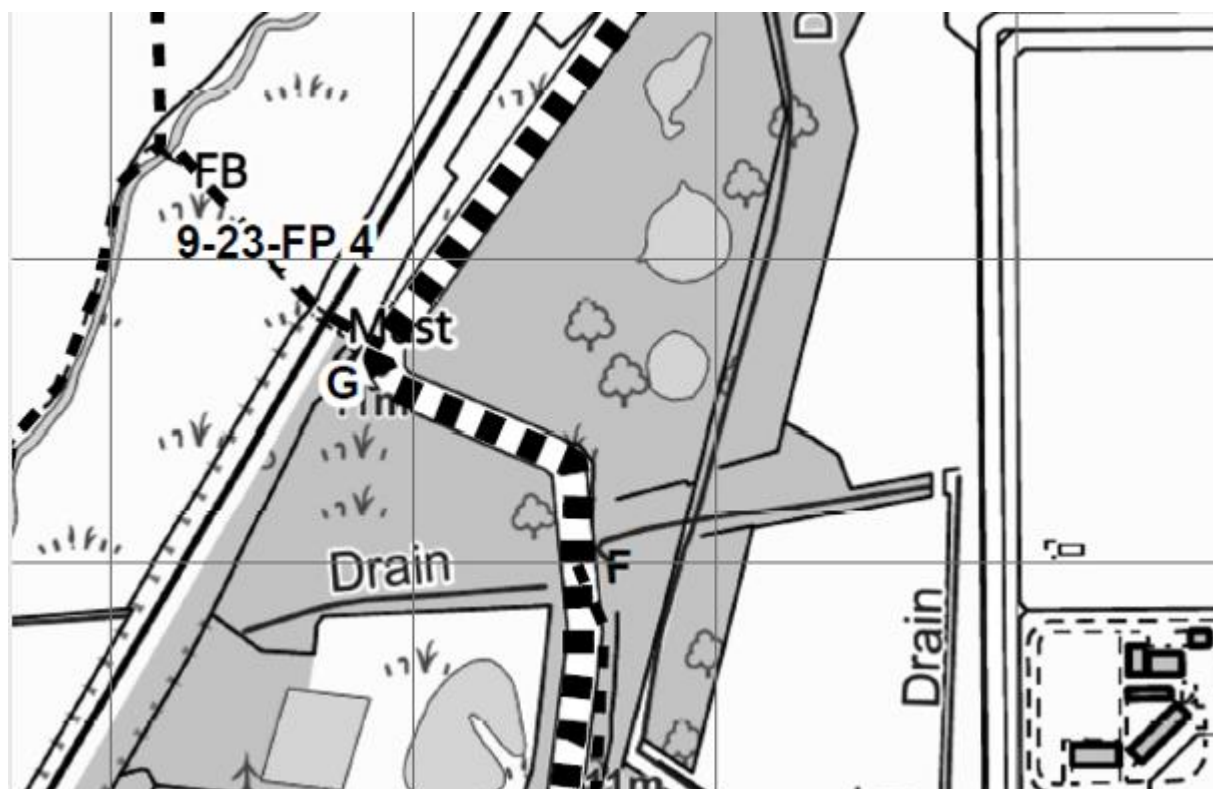
Approximately 45 metres further north along the application route is a further public footpath signpost pointing east along the continuation of 9-23-FP1 which is accessed from the application route although the route of 9-23-FP3 which connects the two sections of 9-23-FP1 is still recorded running parallel to the application route along the eastern side:





From here the application route continues north along the tarmac roadway which has a number of 'speed bumps' crossing it which appear to have been signed in the past with warning signs that are now lying in the hedges to the side or are in disrepair and pointing in the wrong direction so as not to be clearly visible.

Approximately 1 kilometre from the start of the route it crosses a culverted drain at the point at which the public footpath (9-23-FP3) rejoins the tarmac roadway (point F on the Committee plan) and runs along the roadway/application route which then turns to continue in a north westerly direction to continue towards a railway line. The application route/roadway, still recorded as 9-23-FP3 at this point, turns again as it reaches the railway (point G) with footpath 9-23-FP4 leaving the application route to cross the railway and continue beyond.



From the junction with 9-23-FP4 (point G) the application route continues along the roadway which carries 9-23-FP3 in a north easterly direction running to the east of the railway line for a further 210 metres (approximately) to where 9-23-FP3 leaves the tarmac roadway/application route (point H on the Committee plan) to continue adjacent to the railway line.

From this junction (point H) the application route continues along the tarmac roadway in a more easterly direction to a junction of tarmac roadways (point I on the Committee plan) to the north of the boundary fencing around HM Prison Garth, where one tarmac roadway continues north north east to come out on Cocker Bar Road whilst the other roadway (the application route) continues east south east running to the north of Garth and Wymott prisons through to Pump House Lane.

From the junction of roadways at point I the application route continues as a tarmac roadway with the remains of a faint broken white line down the centre and double yellow lines along the northern side as far as a layby in which cars were parked and which appeared to be used by fishermen accessing fishing ponds north of the application route. Beyond the layby the surface of the application route was no longer tarmac but comprised of a stone and compacted earth track bounded from the adjacent land and 3-4 metres wide through to the point marked as point J on the Committee plan which was close to the northern boundary fence of Garth prison.

Beyond point J the application route continues in a straight line in an east north easterly direction through to the open junction with Pump House Lane (point M) for which a separate application for a Definitive Map Modification Order has also been made (Application 804-732). The surface of the application route between point J and point M was potholed with large puddles spreading across most of the width in places. There was evidence of some recent vehicular use consistent with large farm vehicles/tractors.

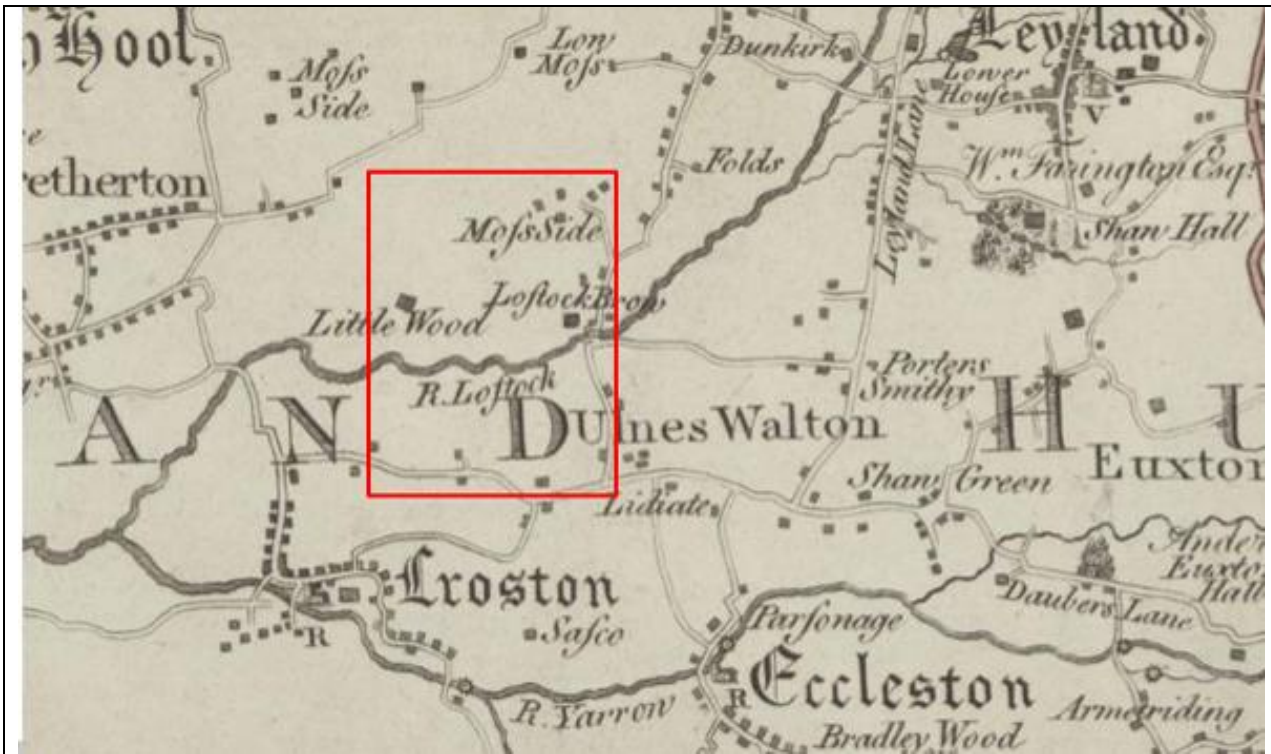
In summary, the full length of the application route was open and available to use when it was inspected in February 2022. Several walkers were seen using the route and a cyclist was also seen traveling along it.

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. |





- vicinity to an Improvements* C I
- Chapel of Ease* C E
- Disputing Chapel* D C
- Turnpike Roads and Mile Stones*
with Toll Bars marked 'TB' TB
- Cross Roads*
- Rivers with Water Mills Engines &c*
- Canals with Locks and Bridges* Lock Bridge
- Coal Pits*
- Boundaries of the County and*
division of the Hundreds

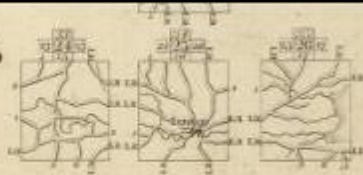
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| Observations | | The application route is not shown. A property is marked on the map called 'Little Wood' consistent with the location of Littlewood Hall Farm but access to the property is not shown. A property is shown – but not named – on the north side of Moor Road – shown as part of a cross road running east-west south of the River Lostock and north of the village of Croston consistent with the location of the start of Ridley Lane adjacent to Robin Hood Farm with access to that property shown consistent with the start of Ridley Lane. |
| Investigating Officer's Comments | | Access must have existed to Littlewood Hall Farm – and this could have been via Moor Road adjacent to Robin Hood Farm (not named on the |



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| | | <p>map) but this is not shown suggesting that Yates did not consider the route to be a public highway or that it was not surveyed, as surveys were expensive.</p> <p>The application route itself – which continued beyond Littlewood Hall Farm towards Moss Side (named) may not have existed in 1786 or it may have been that Yates did not consider it to be a public highway.</p> |
| Cary's Map of Lancashire | 1787 | <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 these Roads, and the junctions of all the other turnpike Roads are shown by figures of reference.

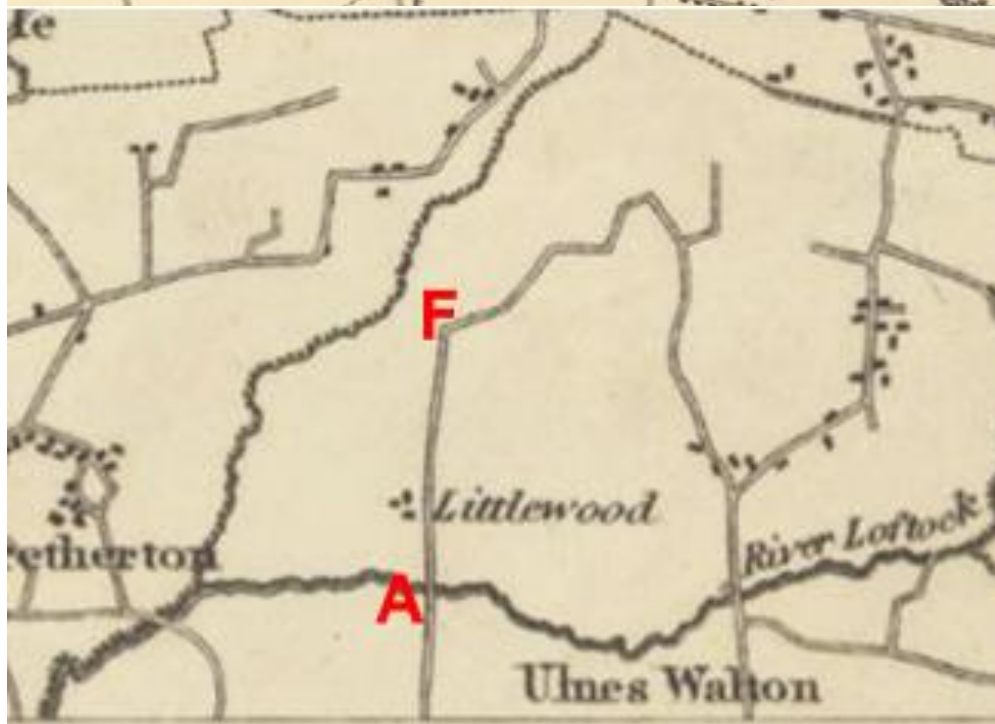
| | | |
|----------------------------------|------|--|
| Observations | | The application route is not shown and neither are any of the properties located along it. |
| Investigating Officer's Comments | | The application route may not have existed in 1787 or if it did exist was not considered to be a significant public through route by Cary. |
| Smith's Map of Lancashire | 1804 | Charles Smith was a London engraver and map seller. His map of Lancashire appeared as a single sheet in 1801 and then between 1804 and 1846 was published in subsequent editions of the New English atlas. His Map was similar to Cary's Map of Lancashire dated 1789 but is not a direct copy. It is thought that Smith and Cary used common sources, especially Yates' survey, and since both were aiming at the same market – the increasing number of private and commercial travellers – it is not considered surprising that they produced similar maps. |





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| Observations | | The application route is not shown and neither are any of the properties located along it. |
| Investigating Officer's Comments | | The application route may not have existed in 1804 or if it did exist was not considered to be a significant public through route by Smith. |
| Greenwood's Map of Lancashire | 1818 | Small scale commercial map. In contrast to other map makers of the era Greenwood stated in the legend that this map showed private as well as public roads and the two were not differentiated between within the key panel. |



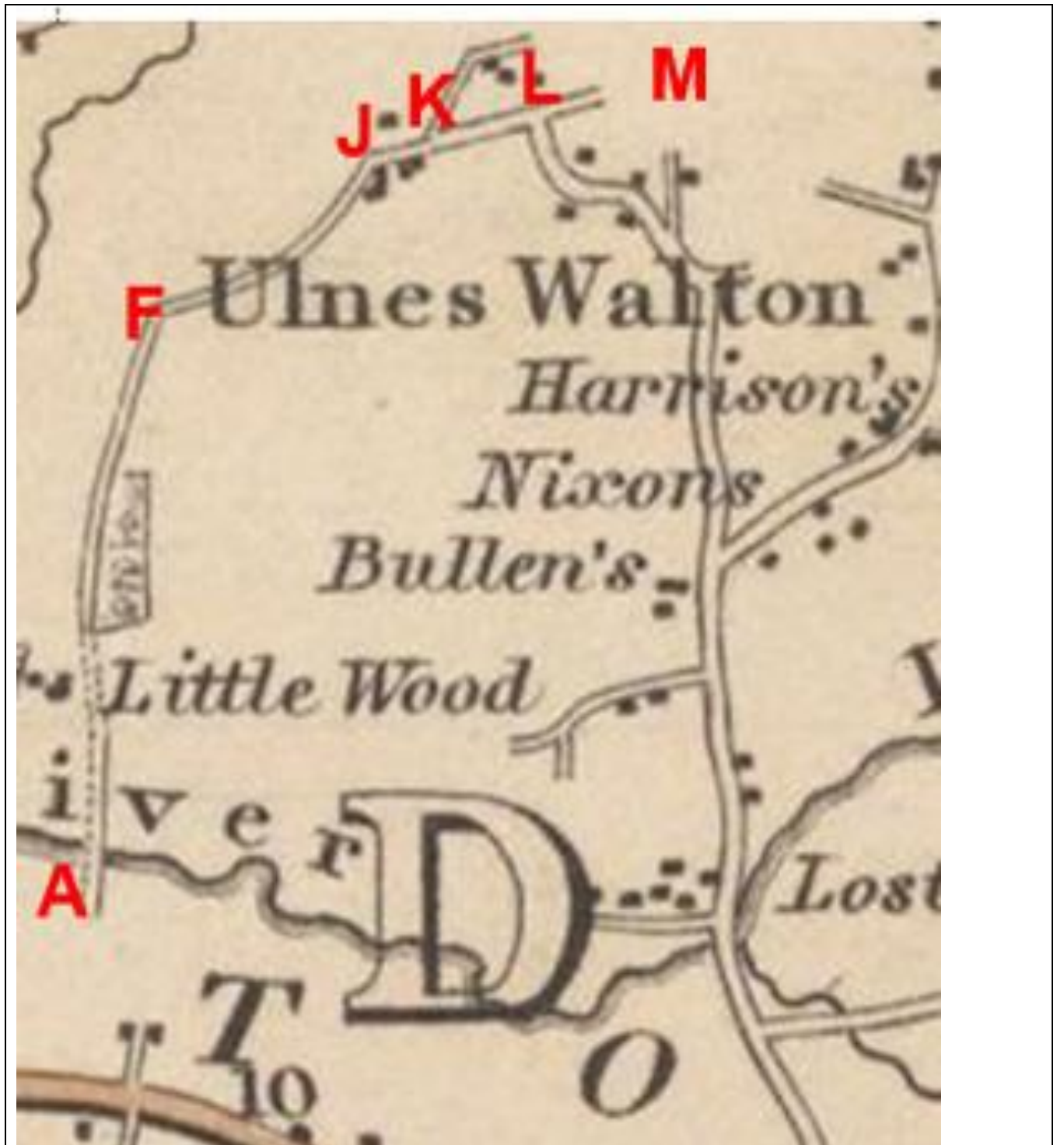


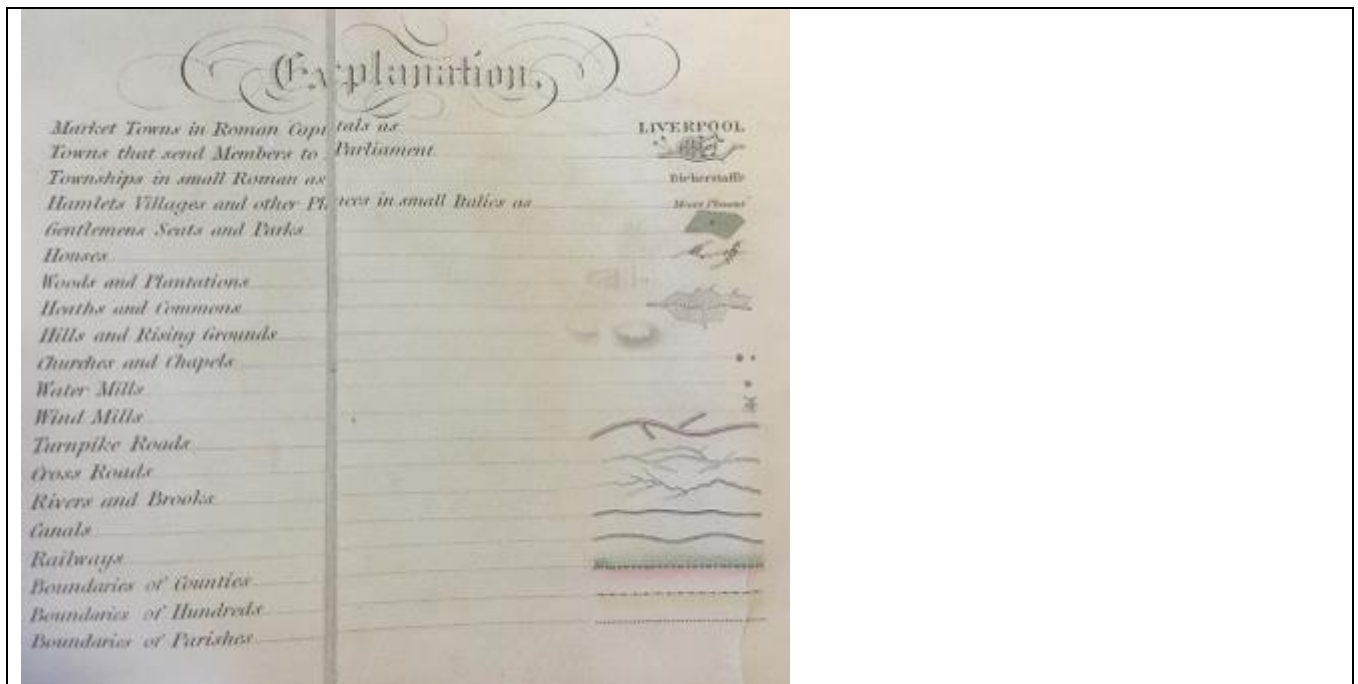
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| Observations | | <p>A route consistent with the recorded length of Ridley Lane is shown as a cross road from Moor Road through to point A (south of the River Lostock) is clearly shown as a crossroad. This route crosses the watercourse and continues north past Littlewood consistent with the route of the application route through to the approximate location marked as point F on the Committee plan. A route is then shown continuing in a north easterly direction which differs from the alignment of the application route but which links back round to Ulnes Walton Lane (a public vehicular highway).</p> |
| Investigating Officer's Comments | | <p>The earliest map examined that shows at least part of the route (A-F) existing as part of a longer through route considered by Greenwood to be a cross road.</p> <p>It is not known what Greenwood meant by the term 'cross road' but the only other category of highway shown on the map is turnpike roads.</p> <p>The fact that part of the route is shown as part of a longer through route is evidence that it existed in 1818 and that it was of a substantial nature capable of being used at that time. The inclusion of a route on a small scale commercially produced map of this kind is suggestive of the fact that the route is likely to have been considered to have been part of a public carriageway or at least a bridleway. It is unlikely that a map of this scale would show footpaths. The route as shown is indistinguishable from the vehicular road network of the area.</p> |
| Hennet's Map of Lancashire | 1830 | <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</p> |



that had yet been achieved.



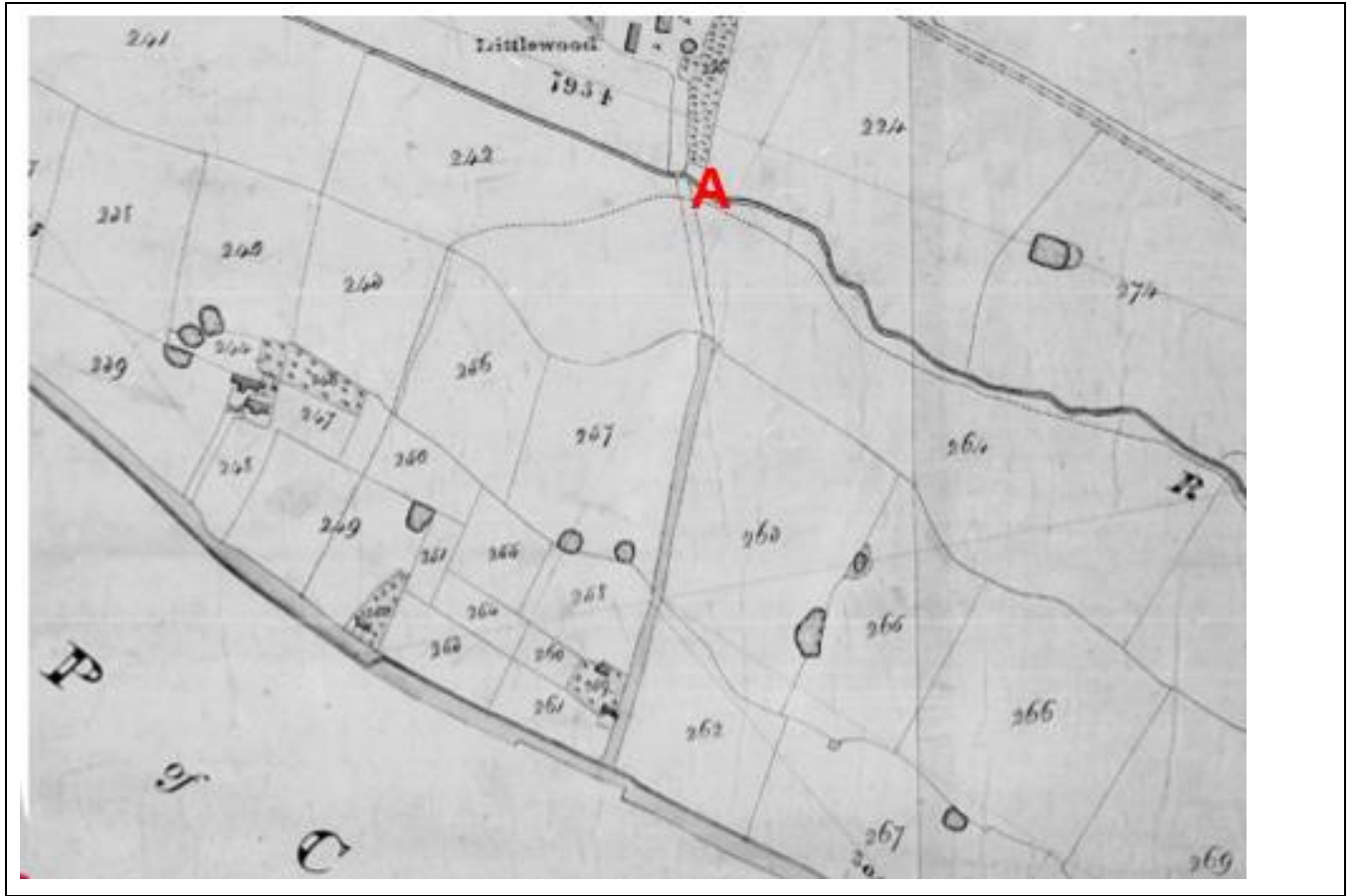




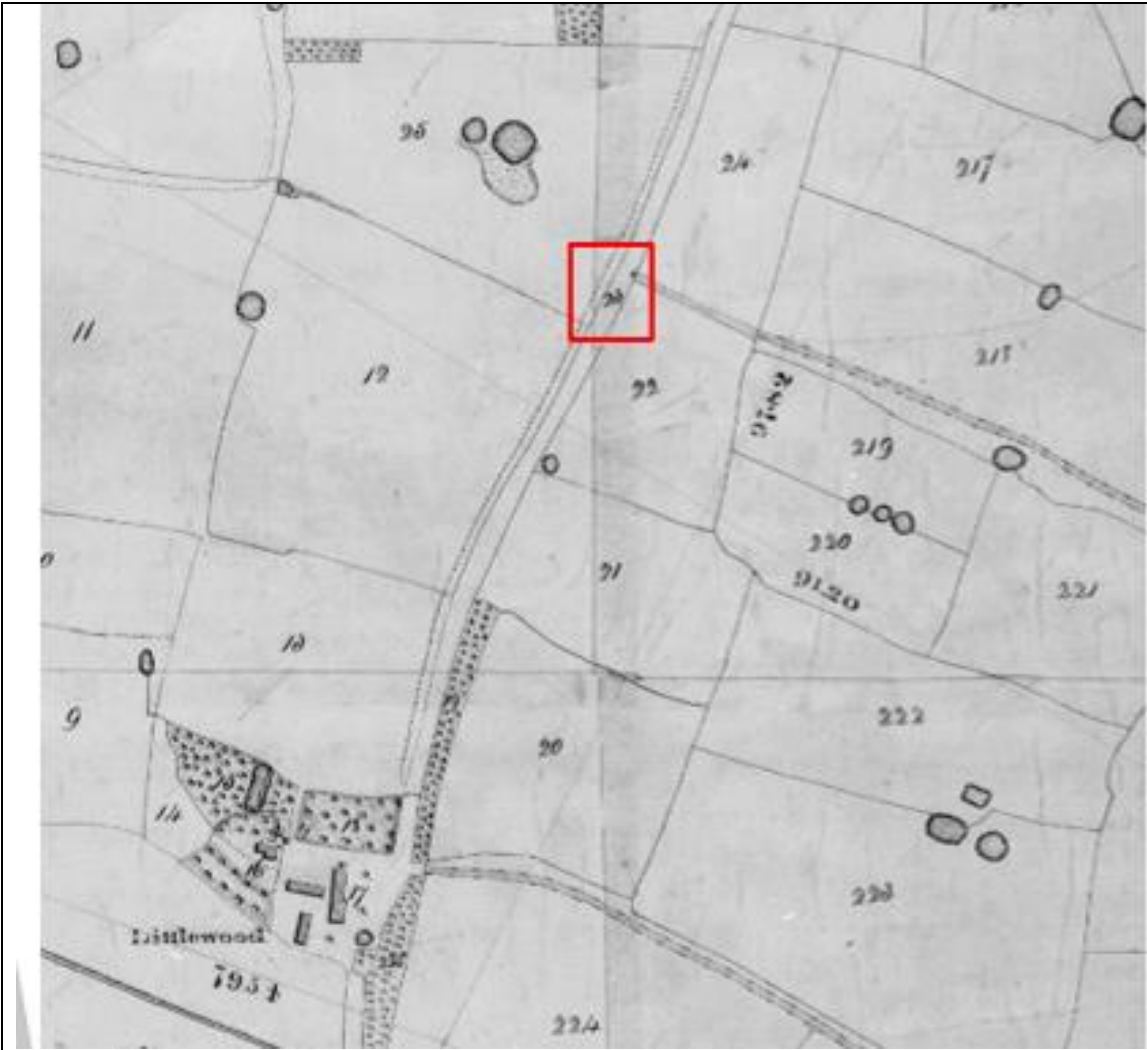
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| <p>Observations</p> | | <p>Moor Road (shaded light brown on the map) is shown as a turnpike road but the section of Ridley Lane which extends north from Moor Road to the River Lostock is only partly shown. From point A the application route is shown as a cross road (initially fenced only on the east side then on both) crossing the river and continuing past Little Wood to point F from where it continued in a north easterly direction along a different alignment to the application route to point J. Close to point J a number of buildings are shown which appear to be accessed from the route and further routes lead off from the application route at point K and point L, both providing access to further properties. The application route is shown to continue towards point M although the junction with Pump House Lane is not shown.</p> |
| <p>Investigating Officer's Comments</p> | | <p>Parts of the application route (A-F and J-partway to point M) existed in 1830 providing access to and past a number of properties and linking to other routes now recorded as public vehicular highways.</p> <p>It is not known why Ridley Lane south of point A is not shown but access onto Ridley Lane from the turnpike road is shown and the application route across the river from point A is shown so it may be that Ridley Lane south of point A was unenclosed or crossed common land – as later maps indicate it crossed an area known as Barber's Moor or that it was not surveyed by Hennet.</p> |

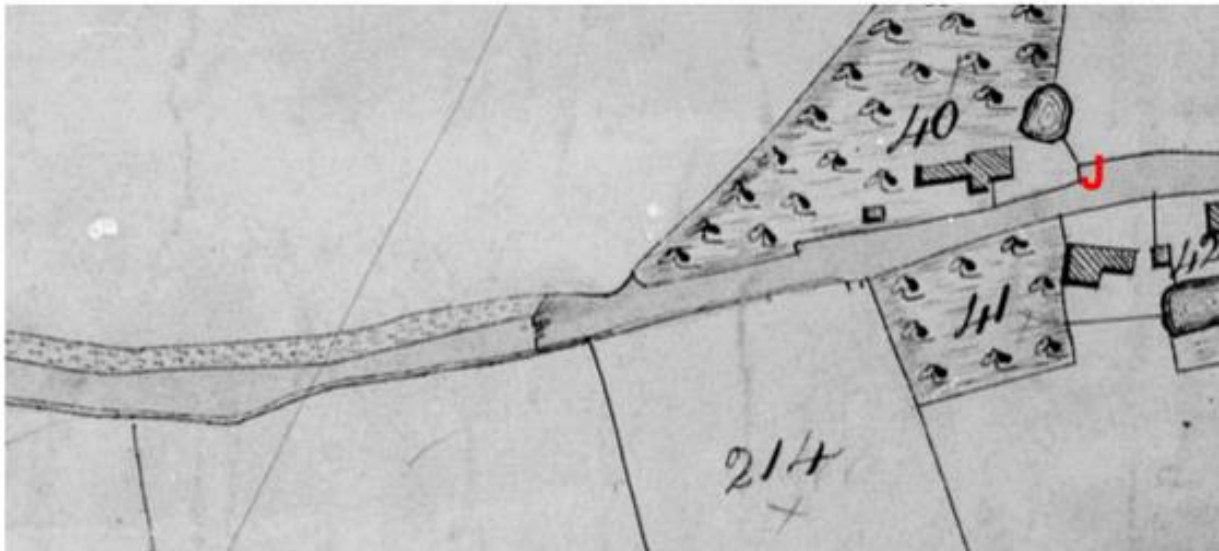
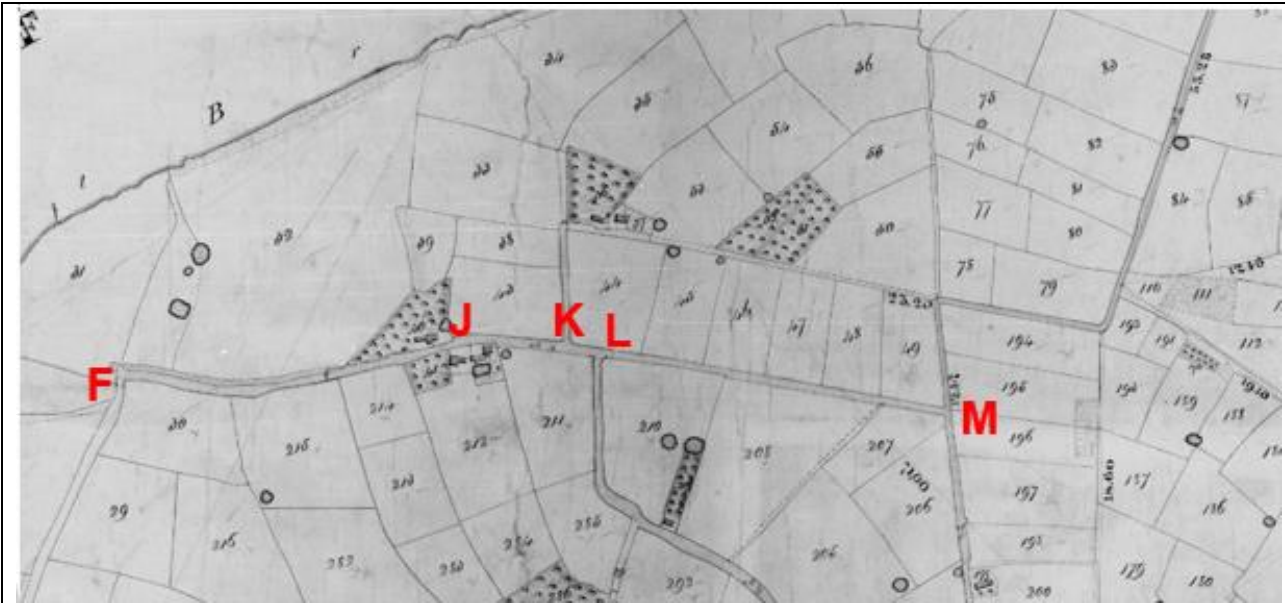
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| | | <p>The route between point A and point F and from point J towards point M is shown as part of a cross road which differed in parts from the application route but which formed a through route. It is not fully known what is meant by this term but 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 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>It is unlikely that a map of this scale would show footpaths.</p> |
| <p>Tithe Map and Tithe Award or Apportionment</p> | <p>1837</p> | <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> |









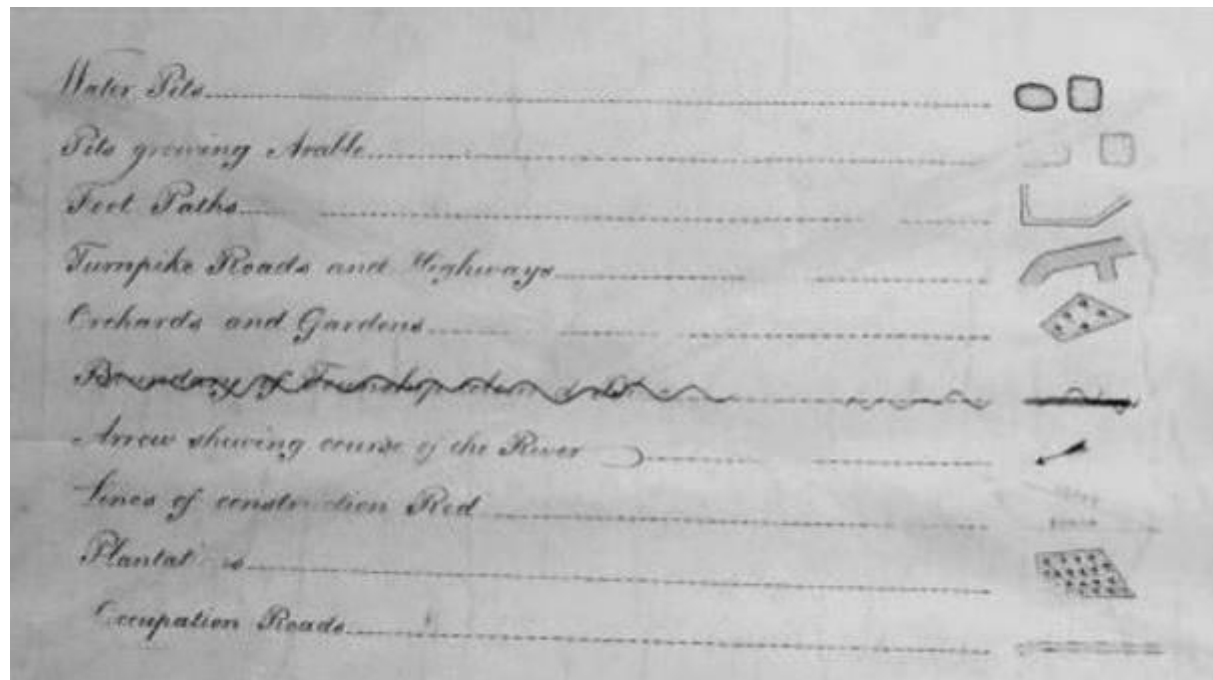


Extracts of Tithe Map all showing the application route





Example of bridge crossing east of application route on Ulnes Walton Lane



| Number | Place | Number | Place | Number | Place | Number | Place |
|--------|---------------------|--------|---------------------|--------|---------------------|--------|---------------------|
| 371 | St. Michael's Field | 371 | St. Michael's Field | 371 | St. Michael's Field | 371 | St. Michael's Field |
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| 390 | St. Michael's Field | 390 | St. Michael's Field | 390 | St. Michael's Field | 390 | St. Michael's Field |

Hard Roads and Turnpike Roads Numbered in Red Ink and Coloured on the Plan. -

| | | | |
|----|----------------------------------|----|----|
| 1 | At the North end of the Township | 2 | 15 |
| 2 | Moor Road South of East | 3 | 29 |
| 3 | St. Michael's Field | 4 | 18 |
| 4 | Road leading to Littlewood | 5 | 20 |
| 5 | Moor Road | 6 | 10 |
| 6 | St. Michael's Field | 7 | 3 |
| 7 | Road east of W. Hill | 8 | 30 |
| 8 | From Heyland to New Lane Road | 9 | 17 |
| 9 | Market Lane | 10 | 2 |
| 10 | North of Croston and Eccleston | 11 | 23 |
| 11 | Field and Wroughington Road | 12 | 20 |
| 12 | Hay Lane | | 3 |
| | | | 35 |
| | | | 59 |

Observations

A key to the map shows routes considered to be 'Turnpike Roads and Highways' were shown bounded by solid lines and shaded. Occupation roads were shown shaded but bounded by broken dashed lines intersected with dots and footpaths were shown by a single dashed line. It was noted however that no examples of routes considered to be occupation roads could be found on the map.

A route is shown extending from Moor Road (which is shown as a turnpike road) extending towards point A and shaded and bounded in the same way as other routes recorded as 'Turnpike Roads and Highways' were shown but is not numbered. The shading stops approximately 120 metres short of point A where a line is shown



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| | <p>across the route. Beyond the shaded part of Ridley Lane a route is shown continuing through to point A as being within the plot numbered 242 which is listed in the Tithe Award as being owned and occupied by James Norwell Farrington and described as 'Rail Meadow' for which tithes were payable.</p> <p>A route is shown passing along the edge of 'Rail Meadow' through point A and across the river via a bridge. Whilst the bridge is shown to be narrower than the route on either bank this is consistent with how other bridges are drawn on the map.</p> <p>Continuing north from point A the route shown leads into the grounds of Littlewood with an area of woodland extending over part of the application route. The area crossed by the application route is numbered as plot 17 described in the Tithe Award as Littlewood and more specifically as House, yard and barns which were owned and occupied by James Norwell Farrington. No tithes were payable.</p> <p>The application route is shown leading north from the property which was gated north east of the property and then continued north as a bounded but not shaded route numbered as plot 23 through to point F. Plot 23 was described in the Tithe Award as a 'Lane' which was part of 'Littlewood' and was owned and occupied by James Norwell Farrington. No tithes were payable.</p> <p>At point F the route was shown to cross a culverted ditch beyond which there was a series of dashed lines across the route before it turned to continue in a north easterly direction. From the bend a single dashed line is shown leaving the route indicating the existence of a footpath.</p> <p>The application route from point F through points G-I-J is not shown on the map. Instead, a route from point F is shown continuing in a general north easterly direction passing through what appears to be a further gate and then continuing as a shaded route past several properties through point J and then along the application route from point J to point M to meet Pump House Lane.</p> <p>Between point J and point M the route is numbered A4 which is listed in the Tithe Award</p> |
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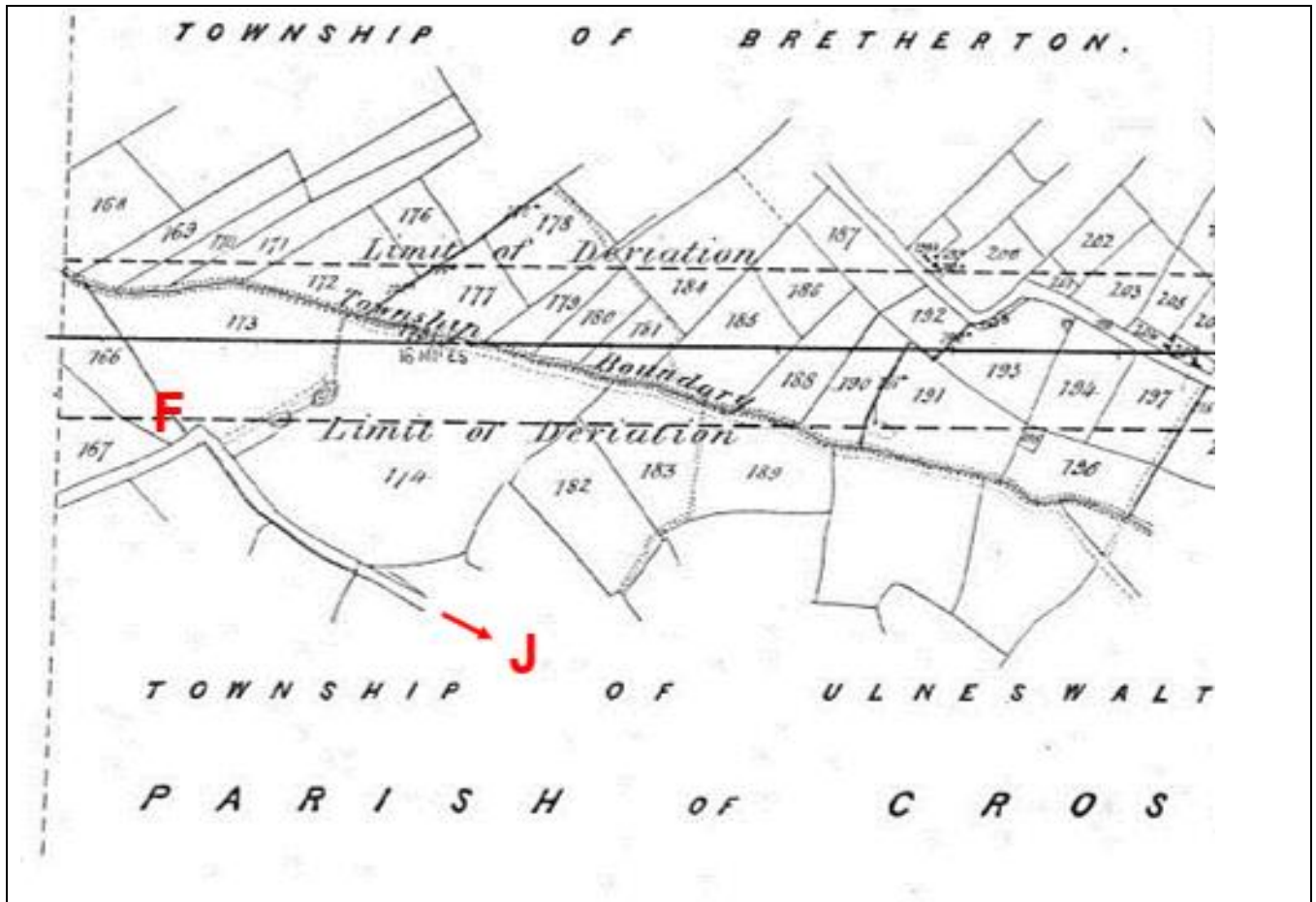


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| | | <p>as 'Road leading to Littlewood' and included in a separate list at the end of the Tithe Award titled 'Hard Roads and Turnpike Roads'. No landowner or occupier was listed and no tithes were payable. Pump House Lane was described as a 'Moss Road' in the same list and was shaded and numbered A3 with another road leading south from the application route from point L shaded and numbered as A5 described again as a 'Moss Road'. From point K a further route extended north from the application route to some buildings. The route was shaded in the same way as the application route but not numbered.</p> |
| <p>Investigating Officer's Comments</p> | | <p>In 1837 it appears that the application route existed as a route which connected Moor Road (the former turnpike road) to Pump House Lane. The route passed through Littlewood and significantly between point A and point F was in the same private ownership as Littlewood itself and does not appear to have been considered to be a public highway.</p> <p>Between points F-G-I-J the application route did not exist, but a more direct route F-J did exist. A line across the route (gate) is shown midway between point E and point J east of which the route is shaded and numbered as A3 passing through point J and continuing to point M suggesting that this part of the application route was considered to be part of the public highway network at that time. The fact that it appears to only have been considered to be a public highway to a gated point midway between point J and point F is not necessarily unusual or uncommon as it extended as far as a number of houses located close to point J and then continued beyond the gateway west of point J to Littlewood with the suggestion that this section west of the gateway and leading through to Littlewood was a privately owned access road.</p> <p>The width of Littlewood Bridge as depicted on the Tithe Map is interesting as it is shown to be much narrower than the roadway leading to and from it. This may have reflected the cartographic style used in preparing the map rather than the actual width of the bridge as there are other examples on the map of bridges being narrower than the routes either side of them but does suggest that the bridge crossing was possibly not as wide or significant as one found across Ulmes Walton Lane located east of the application route or</p> |



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| | | possibly that at that time a footbridge was in existence along side a vehicular ford. This bridge was shown to be wider and shaded as part of a 'Turnpike Roads and Highways'. The earliest Ordnance Survey map from which accurate width measurements could be taken was not published until 1894 which indicated a width of approximately 2.5 metres whereas the bridge on Ulnes Walton Lane was approximately 5.5 metres wide suggesting that the application route was a much less significant route at that time – although arguably still wide enough to allow for horses and small horse drawn vehicles to cross. |
| Inclosure Act Award and Maps | | Inclosure Awards are legal documents made under private acts of Parliament or general acts (post 1801) for reforming medieval farming practices, and also enabled new rights of way layouts in a parish to be made. They can provide conclusive evidence of status. |
| Observations | | No inclosure Map or Award was found for the area crossed by the application route. |
| Investigating Officer's Comments | | No inference can be drawn. |
| Canal and Railway Acts | 1845 | 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. |





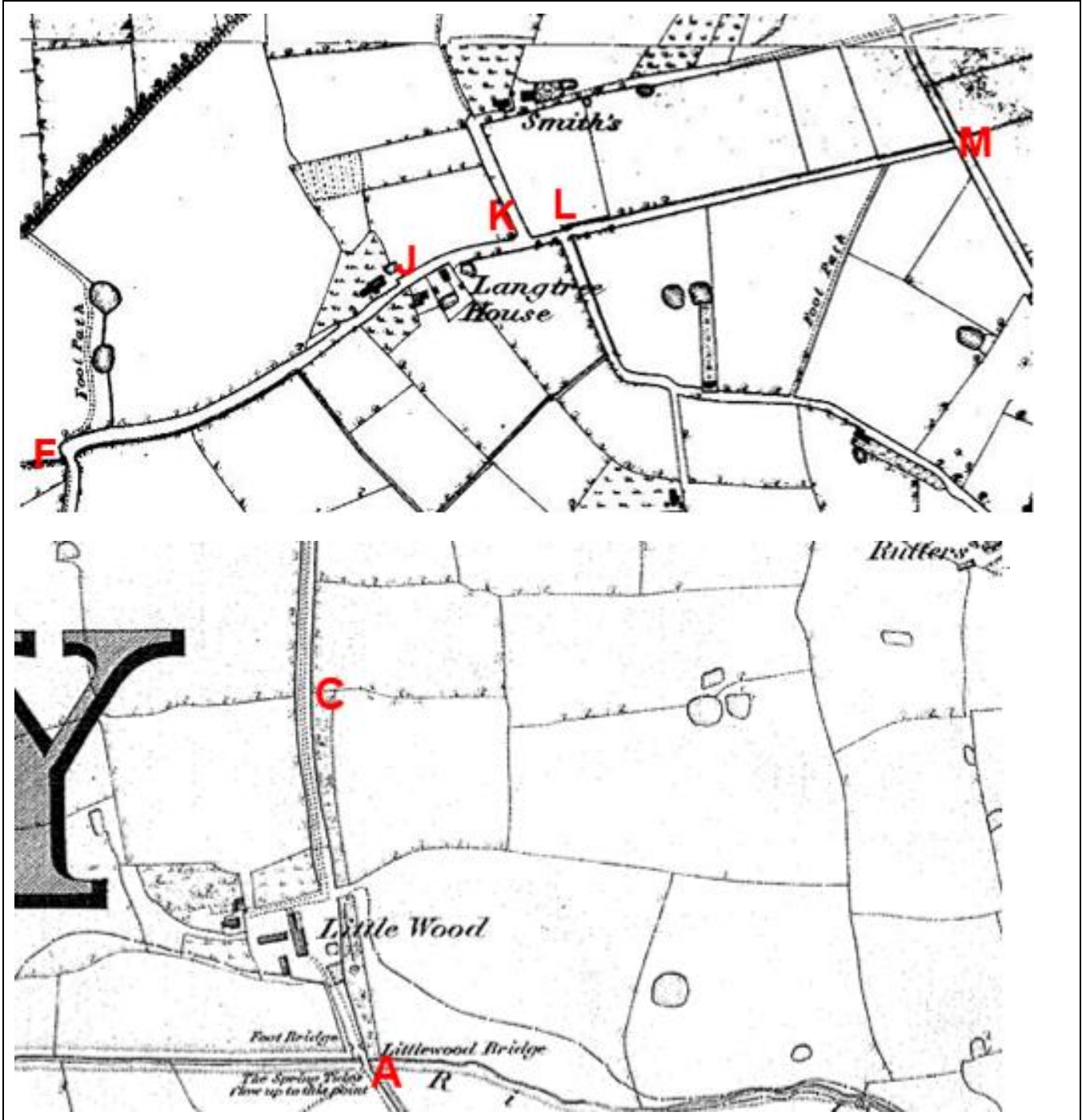
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| <p>Observations</p> | | <p>The application route runs close to – but does not cross – the railway line between Ormskirk and Preston. This railway was originally proposed in 1845 as the Liverpool, Ormskirk and Preston Railway and the plans prepared showing the proposed railway show part of the route shown on the earlier commercial maps examined and on the Ordnance Survey first edition OS map surveyed 1845-1847 as detailed later in this report.</p> <p>The application route is shown approaching point F (from point E) and turning through ninety degrees to continue towards point J. The route is not shown as being affected by the proposed construction of the railway and is not numbered which means that further details regarding its ownership or public or private status are not recorded in the accompanying Book of Reference.</p> |
| <p>Investigating Officer's Comments</p> | | <p>Part of the application route existed as a substantial bounded route in 1845 although it is not possible to deduce whether the alignment of the railway avoided the route purposely or not.</p> |
| <p>6 Inch Ordnance</p> | <p>1847</p> | <p>The earliest Ordnance Survey 6 inch map for this</p> |



Survey (OS) Map

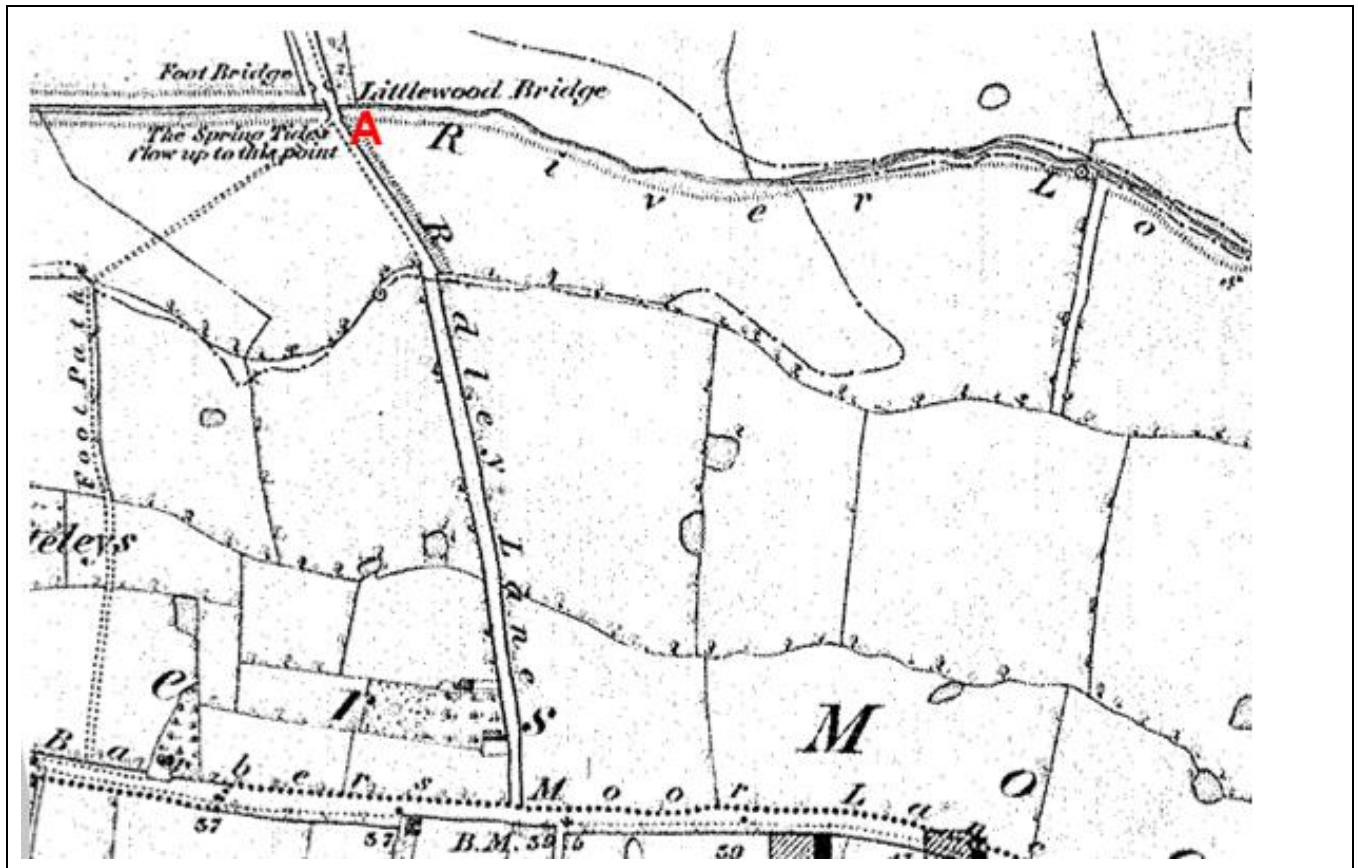
Sheet LXXVI (75)

area surveyed in 1845 to 1846 and published in 1847.¹



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





Observations

The earliest Ordnance Survey map examined was surveyed prior to the construction of the railway.

A route is shown extending north from Moor Road (named on the map as Barbers Moor Lane) in a generally northerly direction towards point A and is named on the map as Ridley Lane. This route crosses Barbers Moor which is likely to be inclosed common land but no inclosure Act or agreement has been located. The route is shown continuing along the eastern side of a field to pass through point A to cross a bridge named as 'Littlewood Bridge'. The words 'Foot Bridge' are written close to the bridge shown but it is unclear whether there were in fact two bridges in existence or whether this is a reference to Littlewood Bridge'.

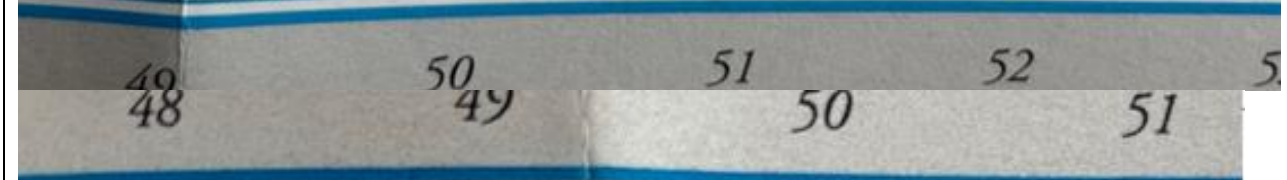
From Littlewood Bridge a roadway is shown leading directly into Littlewood consistent with the application route for approximately 70 metres beyond which there is no obviously marked route through the curtilage of Littlewood. Access appears available through to the back of the farm – albeit on a different route to the application route.

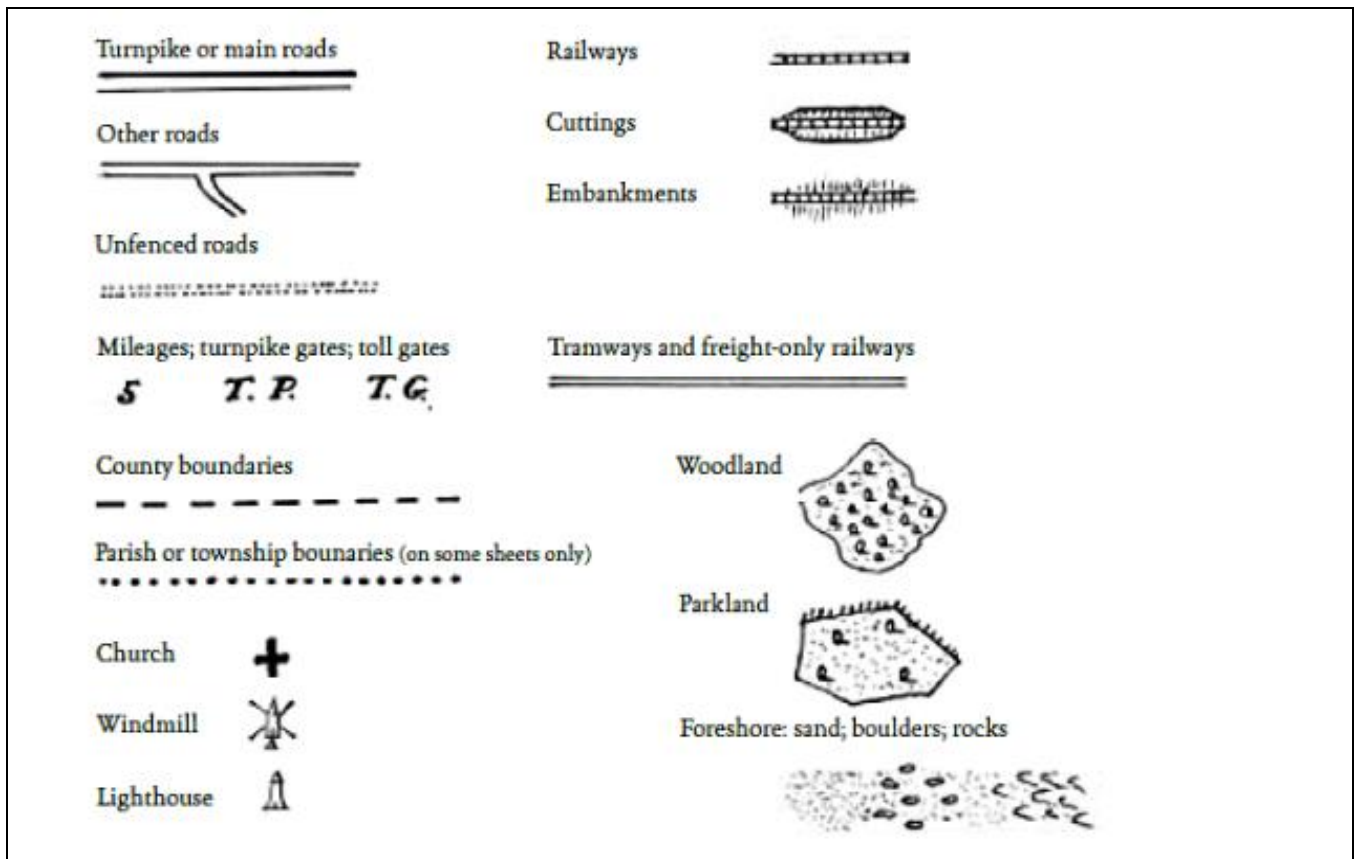
At the back (north) of Littlewood an unfenced



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| | | <p>track within a bounded (fenced) strip is shown leading to/from the property consistent with the application route continuing through to point F and then continuing in a north easterly direction (away from the application route) through point J then past Langtree House to point M. Routes marked as 'footpaths' were shown connecting to the application route close to point F and between point L and point M and two bounded routes are shown leading from the application route at points K and L both of which provided access to properties and formed part of longer through routes.</p> <p>The application route between point F-G-H-I-J is not shown although the route shown as a footpath from close to point F is broadly consistent with the application route through to point G.</p> |
| Investigating Officer's Comments | | <p>A route existed between point A and point M as part of a longer through route in 1845 and may have been capable of being used horseback at that time. It is not possible to know from this map whether use of the would have been public or private.</p> <p>The application route between points F-G-H-I-J did not exist at that time.</p> |
| Cassini Map Old Series Map 108, Liverpool and Map 102, Preston and Blackpool | 1805-1874 | <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> <p>Map sheet derived from surveys carried out between 1791-1874 and published between 1805-1874.</p> |



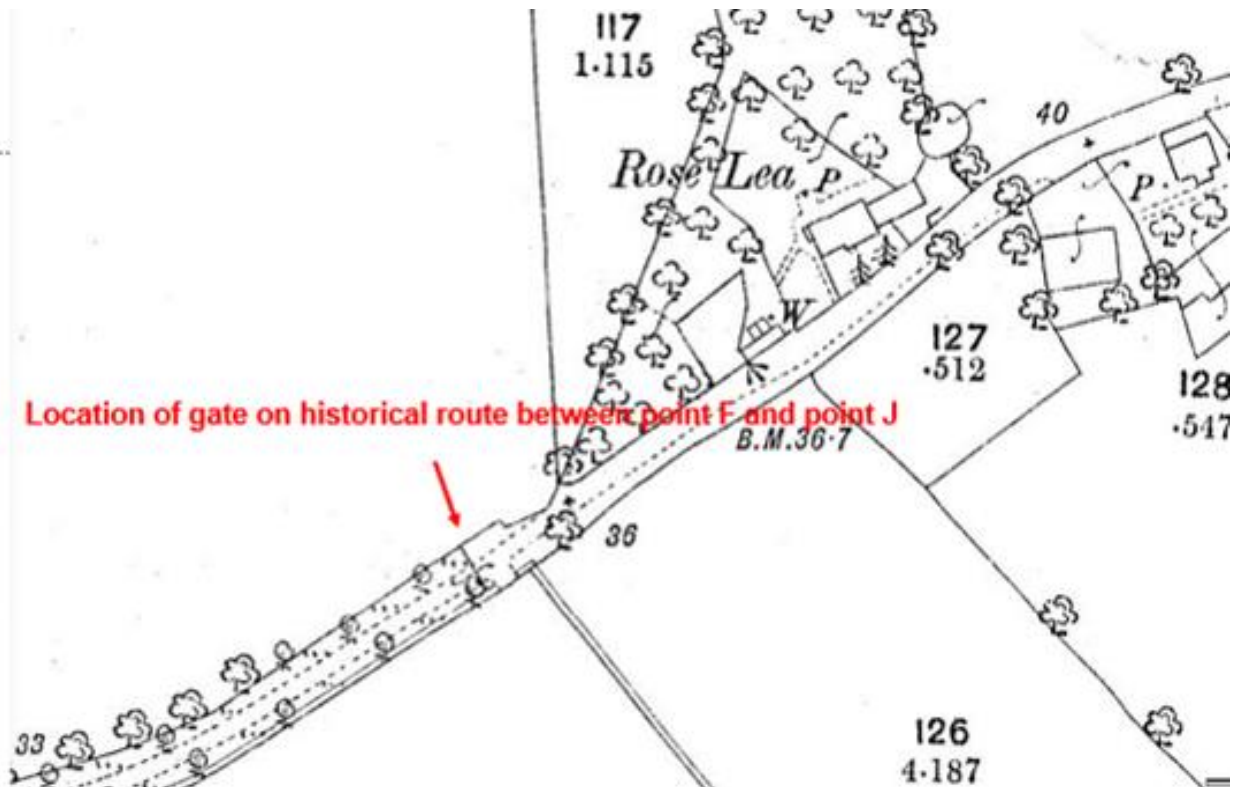




Legend source - <http://www.cassinimaps.co.uk/shop/pagelegend.asp>

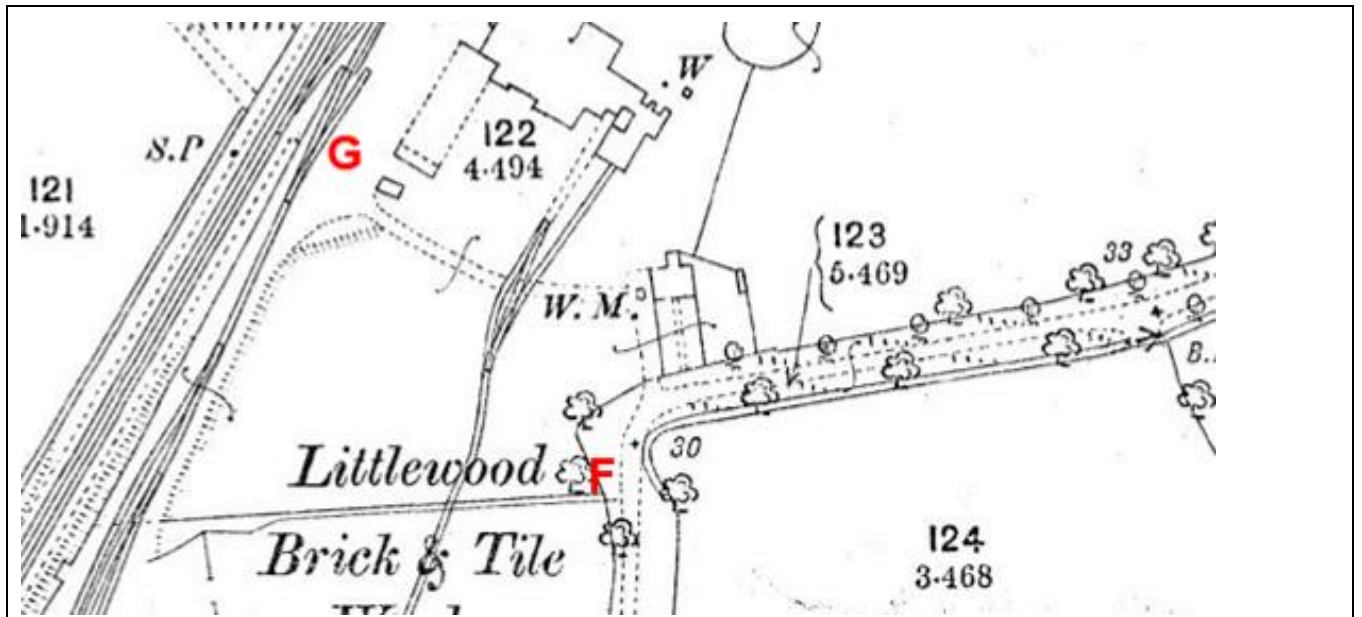
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| Observations | | Part of the application route is shown as a substantial bounded route defined in the key as 'other roads'. The route passes directly from point F to point J and the route F-G-H-I-J is not shown. |
| Investigating Officer's Comments | | The original scale of the map (1 inch to the mile) means that only the more significant routes are generally shown. The purpose of the map in the late 1800s would probably have been to assist the travelling public on horseback or vehicle suggesting that the through roads shown had public rights for those travellers. |
| 25 Inch OS Map LXXVI.4 | 1894 | The earliest OS map at a scale of 25 inch to the mile. Surveyed in 1893 and published in 1894. |

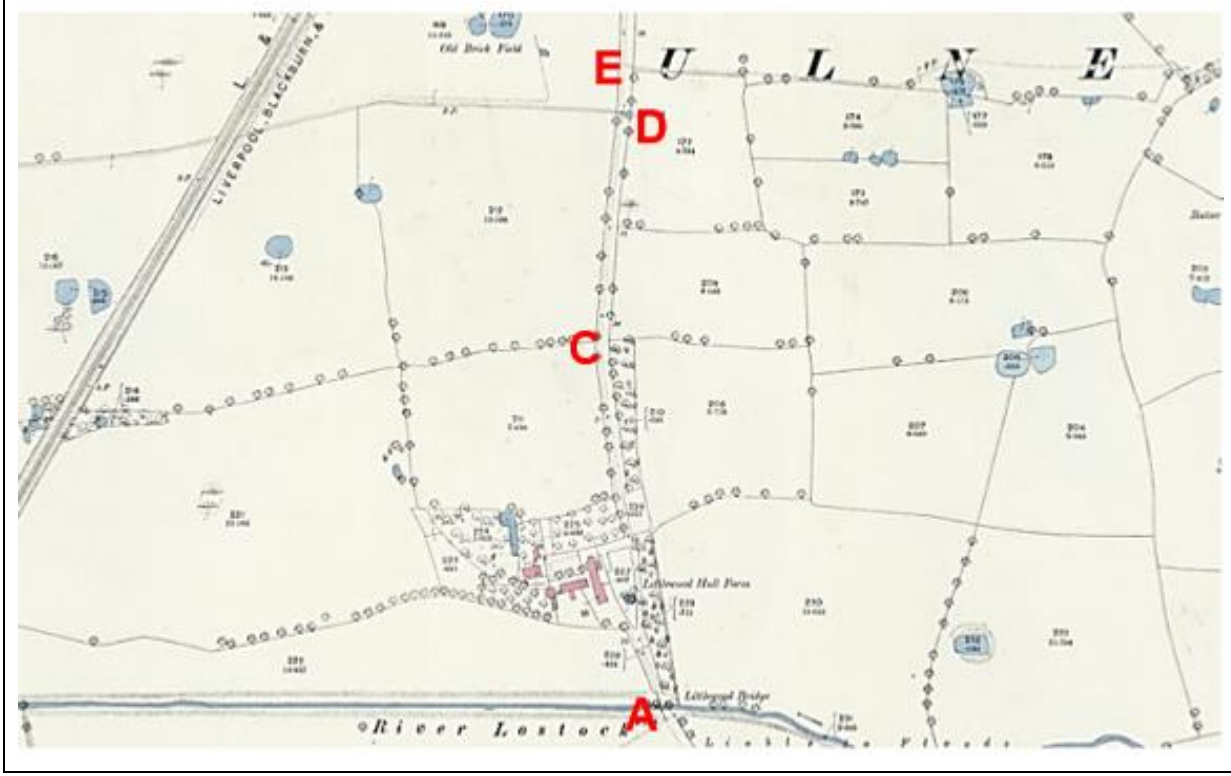
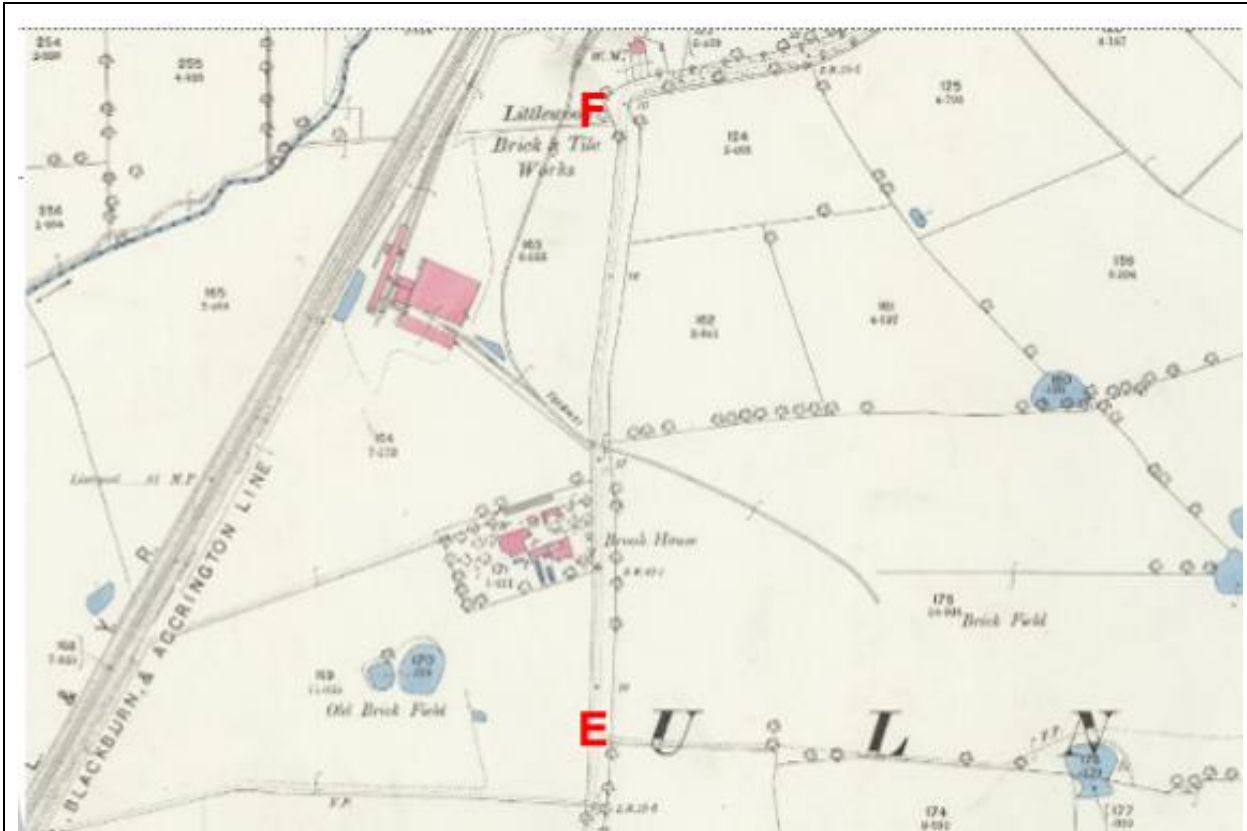




Location of gate on historical route between point F and point J









NOTE: Both the black and white and coloured editions of this map were inspected and the map extracts above are taken from both maps hence why some are coloured and others are not. The colouring (or lack of it) is the only difference in what is shown.

Observations

From Barber's Moor Lane (now known as Moor Lane) a bounded route named on the map as Ridley Lane is shown extending towards point A. Approximately 110 metres south east of point A a line is shown across Ridley Lane (gate) beyond which an unfenced route runs along the field edge to point A where it is crossed by a footpath (F.P).

From point A the application route is shown crossing a bridge named as Littlewood Bridge which measures approximately 2.5 metres wide and continues along a bounded track for approximately 70 metres towards Littlewood Hall Farm where the track splits with the more westerly one providing direct access into the farmyard and the more easterly route continuing north past the farm consistent with the route applied for.

Approximately 85 metres north along the route from where it splits a track crosses the application route from the farm providing access to fields to the east of the application route. Dashed lines across the application route at this point suggest that the more prominent/well used route noted by the surveyor was the east-west route from the farm to the fields at that time.

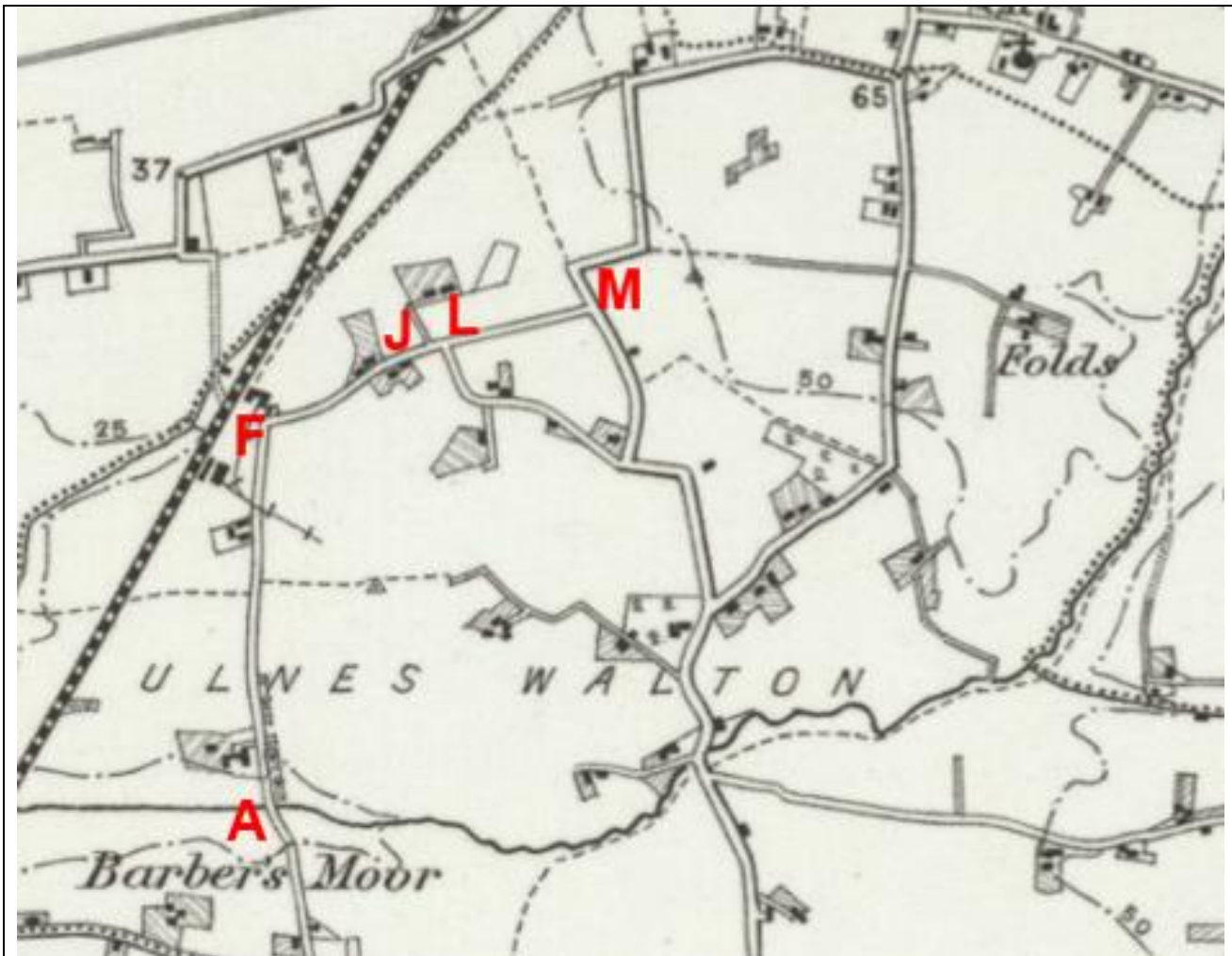


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| | | <p>The application route is shown continuing north as a bounded route passing through point C. It continues to point D where a route shown as a footpath (F.P) meets it and then on to point E where another route denoted as a footpath (F.P.) is shown continuing east.</p> <p>The route continues north providing access to Brook House which is shown immediately west of the route and is crossed by a tramway which is shown to lead from the Brick Fields to Littlewood Brick and Tile Works located to the west of the route.</p> <p>The route is shown to turn through nearly 90 degrees at the entrance to the Brick Works (point F on the Committee plan) to then continue in a more easterly direction to point J. The application route between point G-H-I-J is not shown but rather the bounded route continues directly to point J – crossed by a gate (line) midway between point F and point J. The route provides access to further properties named as Rose Lea and Langtree Farm with a route branching off to the north to Smiths Farm at point K and a further route branching off to the south at point L providing access to further farms and connecting through to Moss Lane (part of which is now recorded as a public vehicular route).</p> <p>From point F a route through the brick and tile works past the weighing machine (W.M.) can be seen extending as far as the railway. This route then crosses the railway to continue to Moss Side Farm and is consistent with the application route from point F to point G – but did not at that time form part of the through route to point M.</p> <p>The application route itself continued from point F through to point J and direct to point M where it joined the route named on the map as Moss Lane but which is now known as Pump House Lane.</p> <p>Benchmarks were located at regular intervals along the full length of the route described but no part of it was shown to be coloured or shaded on the map.</p> <p>The route is not named on the map with only the section south of point A named as Ridley Lane.</p> |
| Investigating Officer's Comments | | The application route existed between point A-F and from point J-M in 1893. The application route between points F-G-H-I-J did not exist as part of |



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| | | <p>the through route but an alternative and more direct route did exist from point F to point J. The route – via F-J – appeared capable of being used – at least on horseback at that time and was probably accessible with horse drawn vehicles as it provided access to and past a number of properties and to a brick and tile works.</p> <p>Suggestive of more frequent public or private use was the fact that since the survey was undertaken for the first edition 6 inch Ordnance Survey was surveyed a route past – but no longer through - Littlewood Hall farm had been made. However, the route is not named and it is not shown coloured, shaded or with a thickened line along one side.</p> <p>Shading and colouring were often used to show the administrative status of roads on 25 inch maps prepared between 1884 and 1912. The Ordnance Survey specified that all metalled public roads for wheeled traffic kept in good repair by the highway authority were to be shown shaded and shown with thickened lines on the south and east sides of the road. 'good repair' meant that it should be possible to drive carriages and light carts over them at a trot so the fact that the route was not shown in this way suggests that it was not considered to be a well maintained public carriageway at that time. This does not mean however that it was not – or could not be used – by the public on horseback or with vehicles 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>Bench marks were located along a line of levelling, and often followed lines of communication. However, they can also be found on rocks in the middle of private fields and consequently it cannot be assumed that a bench mark is indicative of a public right of way</p> |
| 1 inch OS Map Sheet 75 - Preston | 1896 | OS 1 inch map published in 1896. |





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| <i>Metalled Roads; First Class</i> | } Penced | <u>5 (Mile distance)</u> | } Unfenced |
| " " <i>Second Class</i> | | (Altitude) 211 | |
| " " <i>Third Class</i> | | | |
| <i>Unmetalled Roads</i> | | | |
| <i>Footpaths</i> | | | |




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| Observations | | The application route between points A-F and J-M is shown as part of a route considered to be a third class road whereas Pump House Lane passing through point M is shown as second class road (with a thicker line down one side). The application route from point F-G-H-I-J is not shown. |
| Investigating Officer's Comments | | The small scale one inch OS map was predominantly published with the main market being the travelling public so the inclusion of the route on this map as a third class road is |



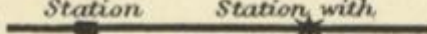

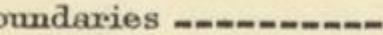
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| | | <p>suggestive of a route that was capable of being used at least on horseback and more probably by horse and carts at that time.</p> <p>The application route from point F-G-H-I-J is not shown and did not exist at that time – the through route being via the more direct route F-J.</p> |
| Bartholomew half inch Mapping | 1902-1906 | <p>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.</p> |



EXPLANATORY NOTE

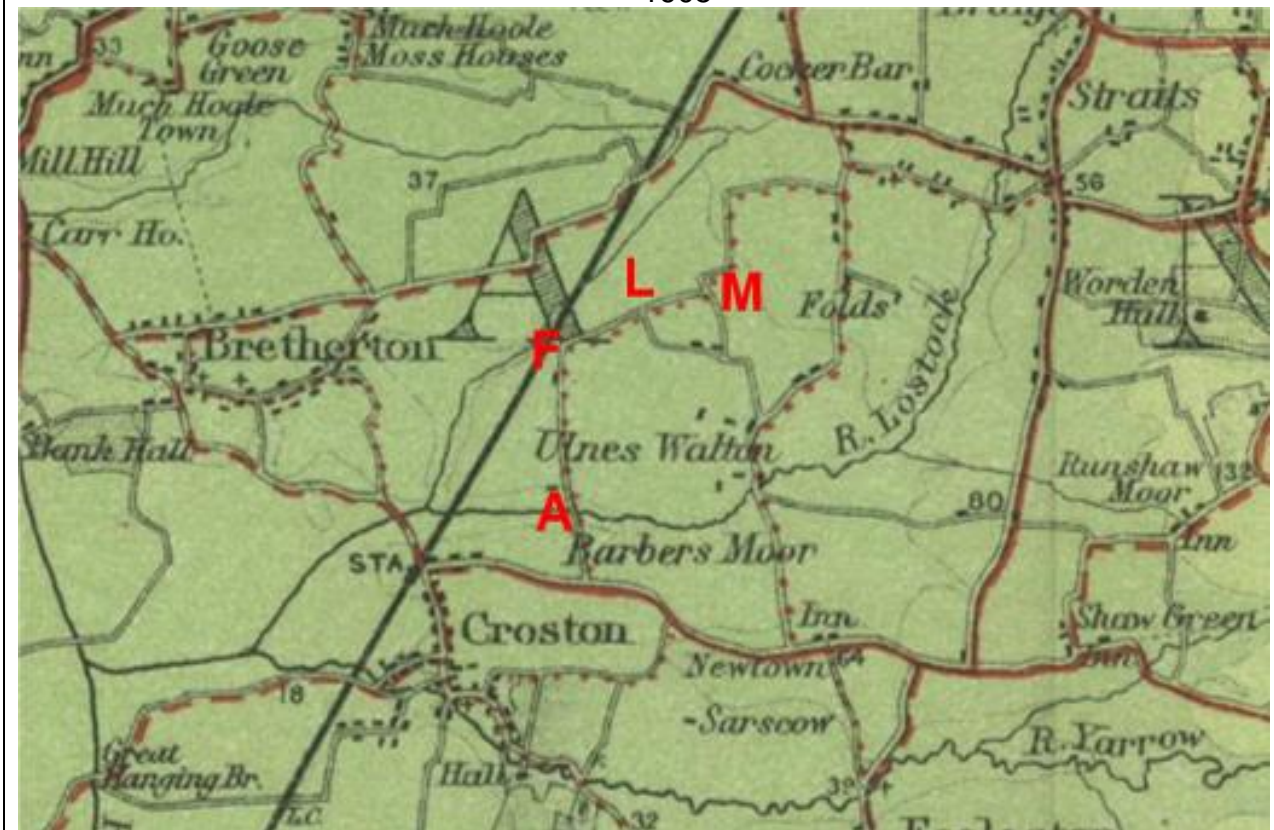
First Class Roads 
 Secondary (Good) 
 Indifferent (Passable) 
The uncoloured roads are inferior and not to be recommended to cyclists.
 Footpaths & Bridlepaths

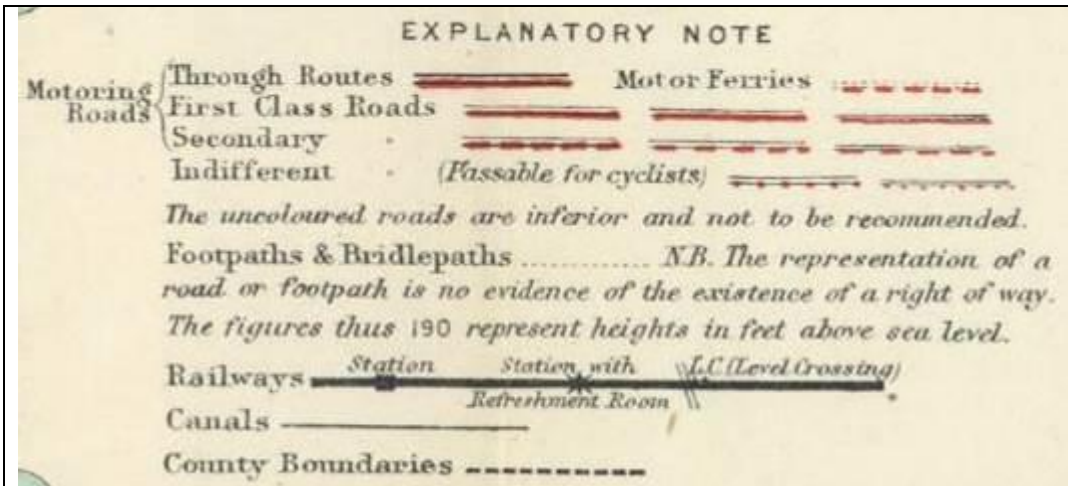
N.B. The representation of a road or footpath is no evidence of the existence of a right of way.

Railways  Station Station with Refreshment Room
 Canals 
 County Boundaries 

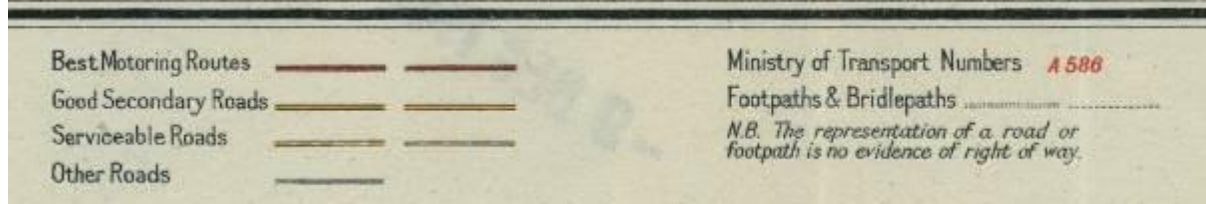
SCALE 1 : 126,720 = 2 MILES TO AN INCH

1905





1920




1941

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| Observations | | Bartholomew's Map published in 1905 shows the application route via F-J (and not F-G-H-I-J) as a good secondary road. In 1920 it is shown as an 'indifferent' road (passable for cyclists) and in 1941 as a good secondary road. |
| Investigating Officer's Comments | | The early 1900s saw a significant increase in the use of motorised vehicles and the classification of minor roads was constantly being reviewed by Bartholomew as some routes were improved to cope with increasing traffic whilst others were |



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| | | <p>virtually abandoned and fell into disrepair. Before 1920, few roads other than main roads were tarred but the travelling public had lower expectations of surface conditions than today and it would not be uncommon for an unsealed road, at the time considered suitable for horse drawn vehicles or early motor cars, to be shown. The inclusion of the application route via F-J on this map as a good secondary road in 1905 and again in 1941 is evidence that the route existed as a substantial route which appeared to be considered as being a public vehicular route. It is not known why it was shown as an indifferent road in the 1920s although it is still noted as being suitable for cyclists again suggesting use by the public and the suggestion that it was a public vehicular route - as cyclists did not have a public right of access along bridleways at that time.</p> |
| <p>Finance Act 1910 Map TNA Reference: IR133/5/123</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</p> |



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| | | refers to. It should also be noted that if no reduction was claimed this does not necessarily mean that no right of way existed. |
|  | | |
| Observations | | <p>The Finance Act Maps covering the route are incomplete. The area crossed by the application route between point A-F has not been marked up, so no information is available.</p> <p>Map and documentary evidence examined all suggests that the application route between points F-G-H-I-J did not exist at that time so the fact that part of the route which was later constructed crossed land forming part of numbered plots is not relevant.</p> <p>From the gateway midway between point F-point J through to point M it appears that the route was excluded and land either side is braced indicating that it was in the same ownership on either side of the route. However, a small section of land north of the route – including the route extending north from point L is not marked up.</p> |
| Investigating Officer's Comments | | <p>The Finance Act records are incomplete so little inference can be drawn from them.</p> <p>However, the application route from point J to point K appears to have been excluded as part of a longer route consistent with what was recorded as public road of the Tithe Map and as such supporting the view that public vehicular rights existed.</p> |
| 25 Inch OS Map LXXVI.4 | 1911 | Further edition of 25 inch map (surveyed 1893, revised in 1908 and published in 1911. |

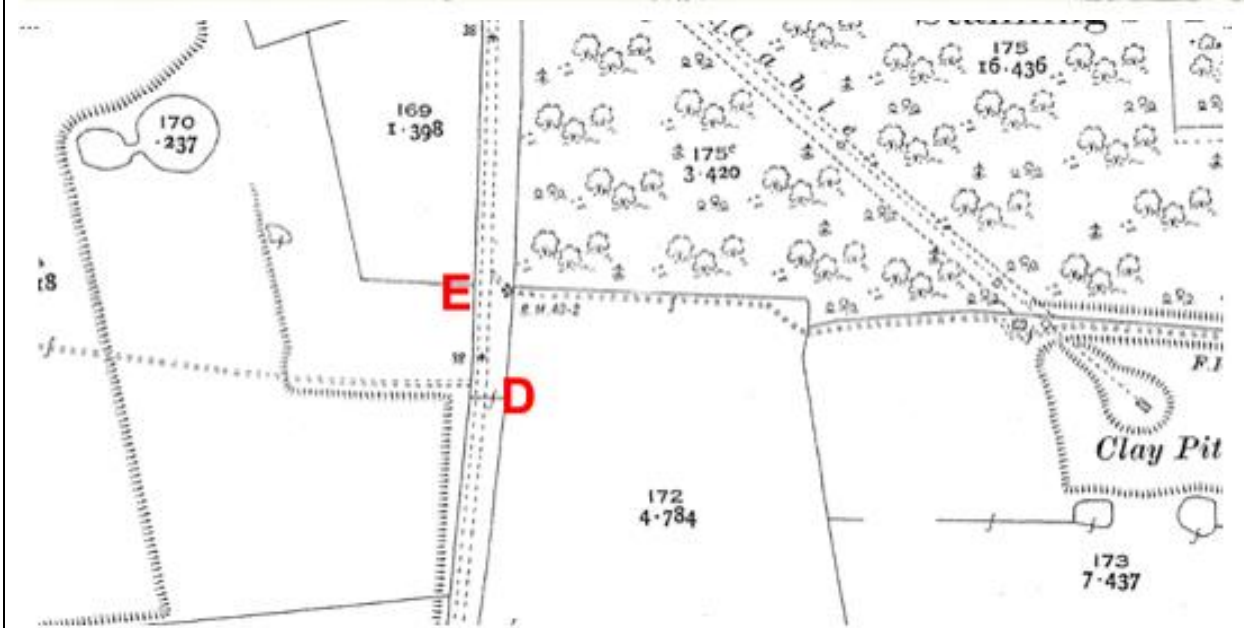




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| <p>Observations</p> | | <p>The route is shown in the same way as it was shown on the earlier edition of the 25-inch mapping with the only difference being that there was now just one gate shown across the route (at point A).</p> <p>The application route between points F-G-H-I-J is not shown and the through route is via the more direct route between F-J.</p> |
| <p>Investigating Officer's Comments</p> | | <p>The application route existed in 1908 and appeared to be capable of being used (via the route F-J).</p> <p>The application route between F-G-H-I-J did not</p> |



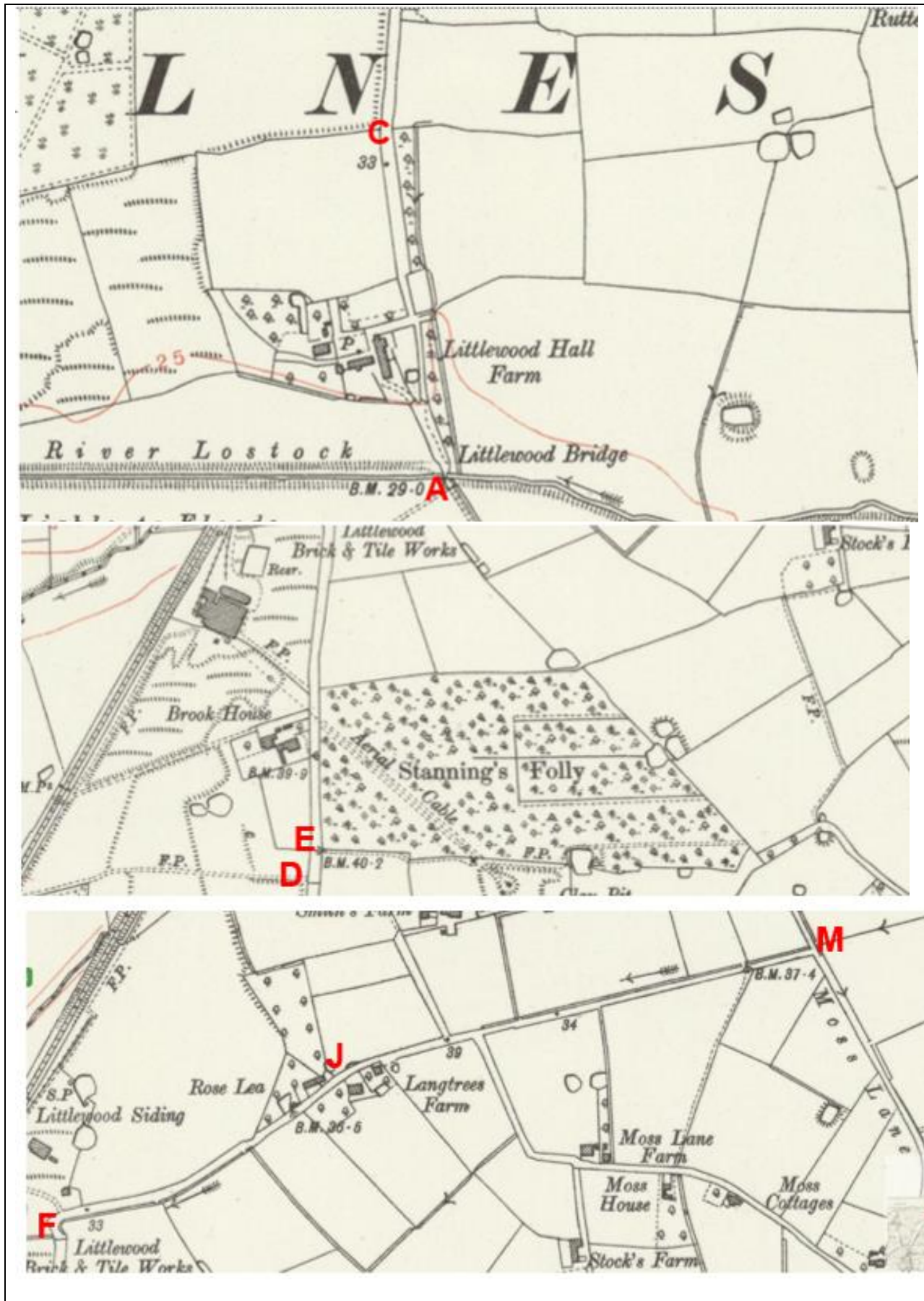
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| | | exist in 1908. |
| 25 inch OS Map LXXVI.4 | 1928 | Further edition of 25 inch map (surveyed 1893, revised in 1927 and published in 1928). |





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| Observations | | The route remained unaltered from what was shown on earlier Ordnance Survey maps but there was a significant increase in the number of gates across the route from point A to point F from 1 in 1908 to 5 in 1927. The tramway from the brick field to the brick and tile works had been replaced by an aerial cable across the route. |
| Investigating Officer's Comments | | The application route existed in 1927 via the route F-J and appeared to be capable of being used. The presence of 5 gates between points A-F may have restricted access more than in the past and it is not known whether they were erected with reference to the fact that an aerial cable now crossed the route or for stock control or to restrict access along the route. |
| 6 inch OS Map Map Sheet LXXVI.NE | 1929 | 6 inch OS map revised 1927 and published 1929. |



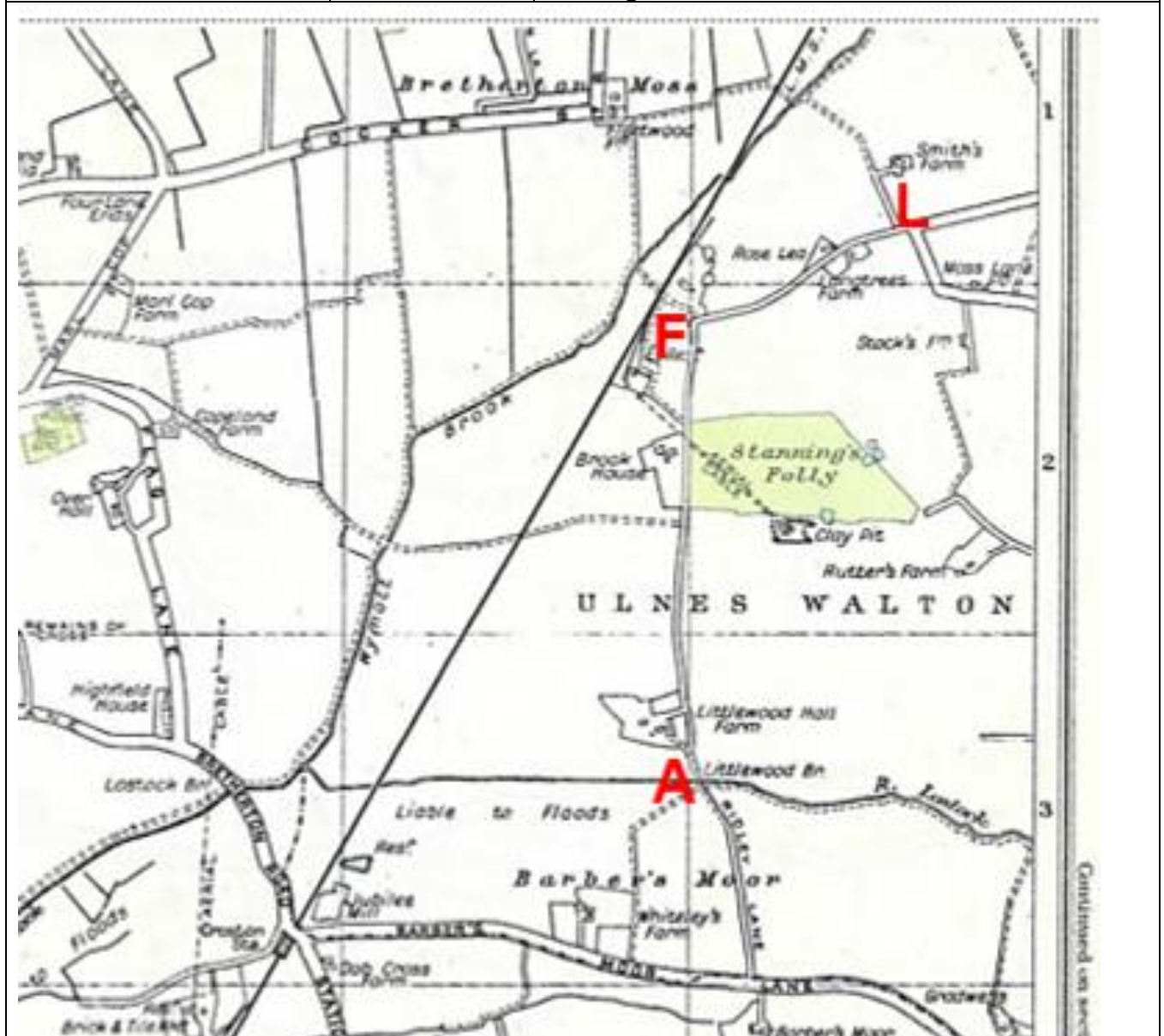


Observations

The application route (via points F-J) is shown in the same way as it is shown on the 25 inch OS



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| Investigating Officer's Comments | | map published in 1928. The application route (via points F-J) appeared to be capable of being used – at least on horseback. |
| Authentic Map of South Lancashire Directory of Geographia | 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'. |

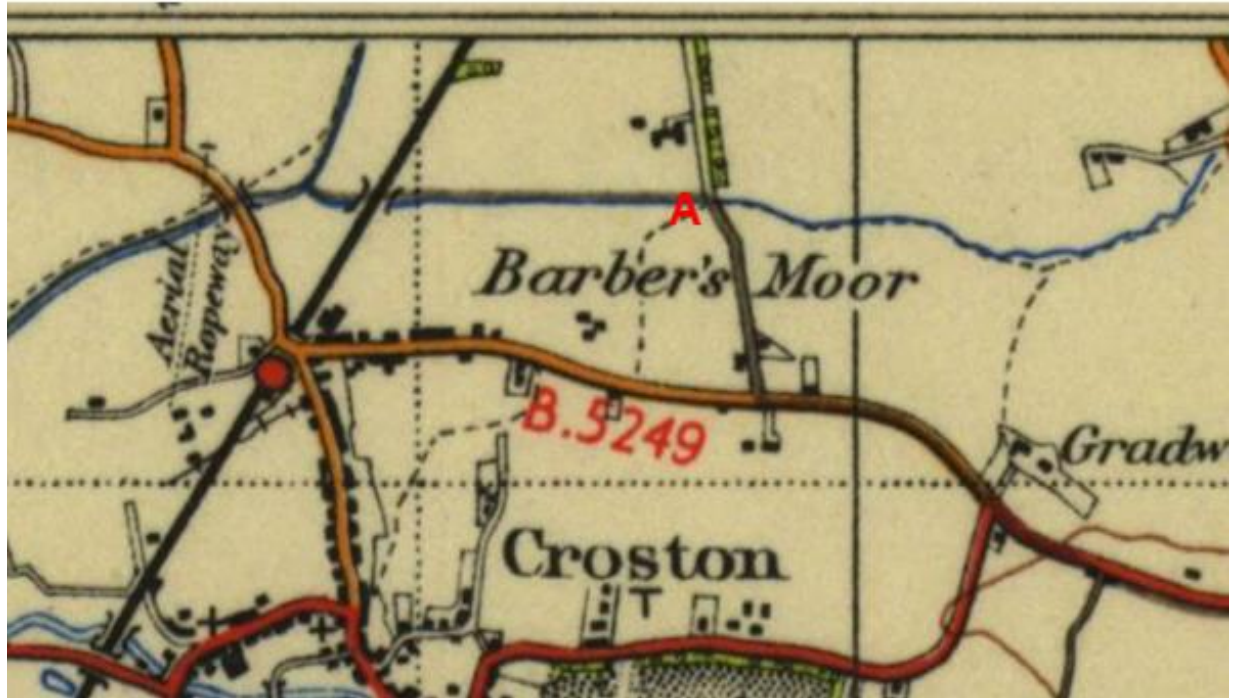
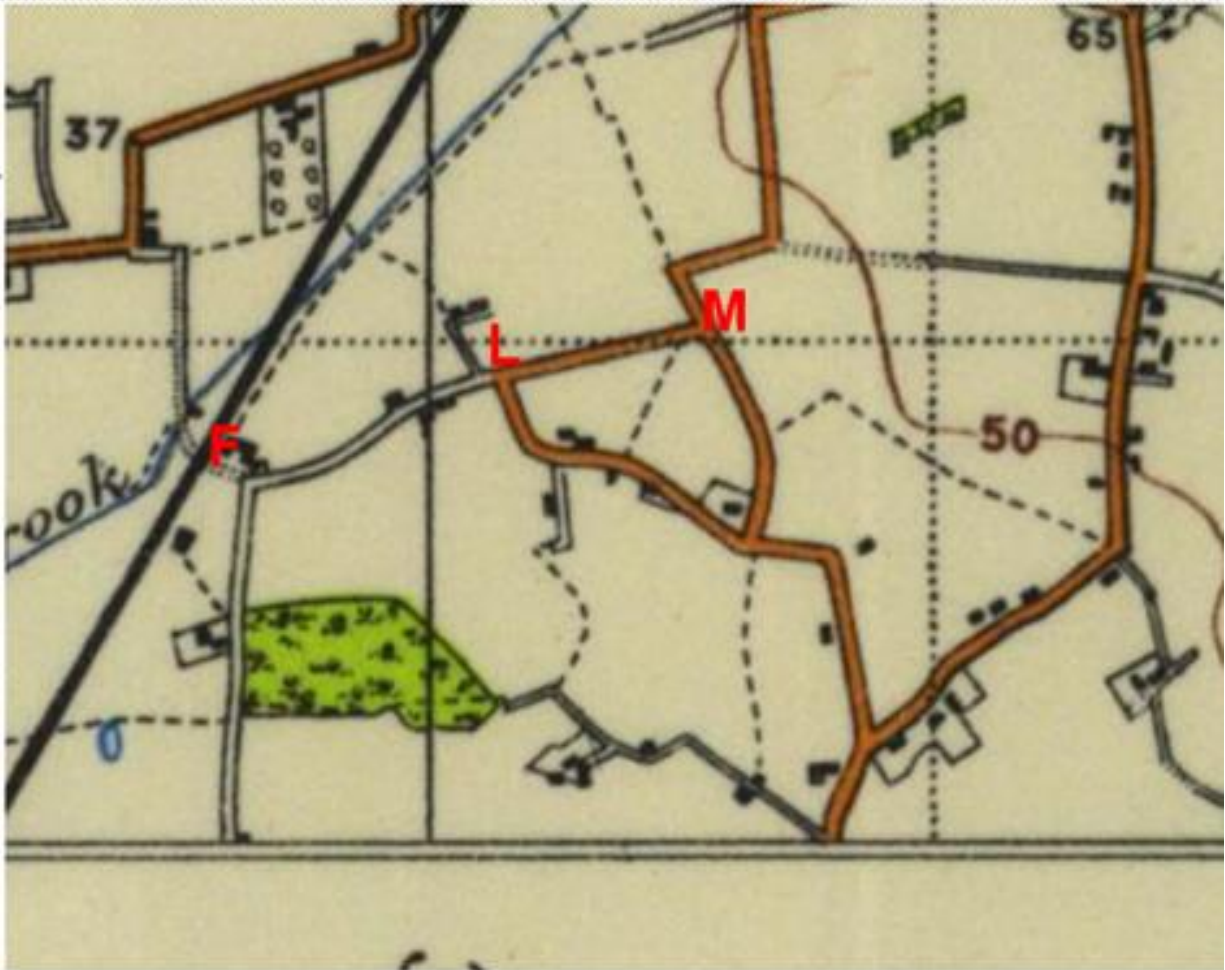


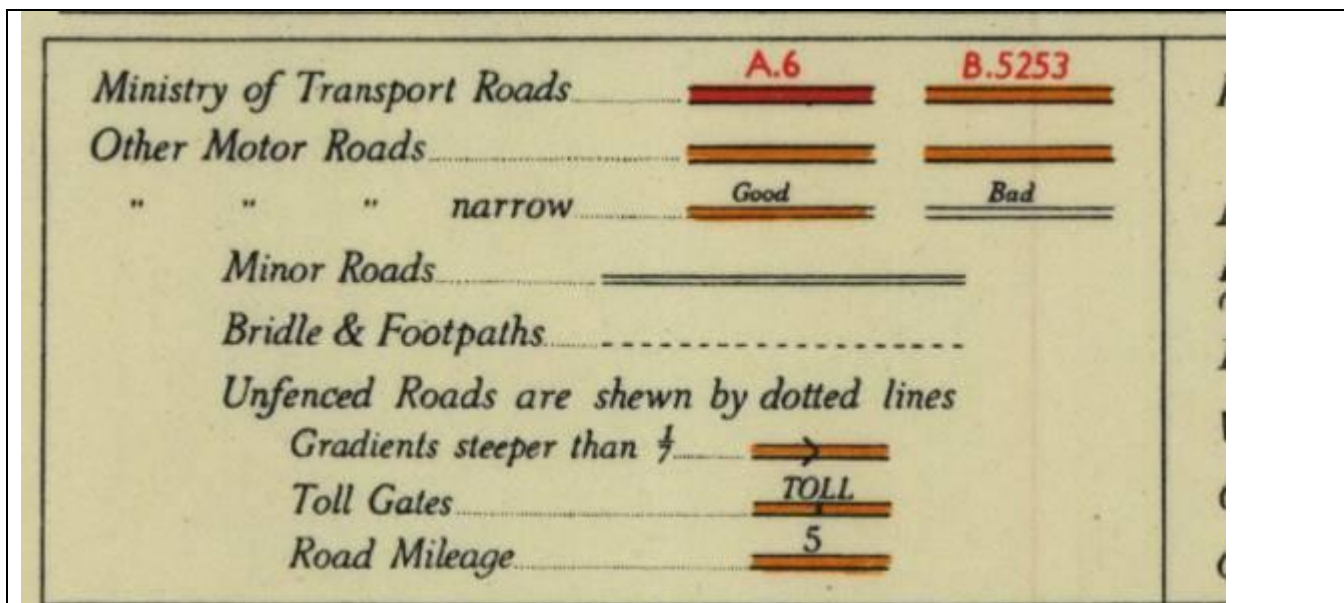


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| Observations | | <p>The application route (except F-J) is shown although the north eastern end, joining Pump House Lane (labelled on this map as Moss Lane) at point M, is shown to be a wider route from just east of point J through to point M.</p> <p>The application route between points F-G-H-I-J is not shown.</p> |
| Investigating Officer's Comments | | <p>The application route between points A-F and between points J-M is shown consistent with how other routes recorded as public vehicular routes were shown.</p> <p>This small-scale map was produced primarily to show public vehicular routes although other substantial routes were sometimes shown. It was not unusual for routes considered to be footpaths or bridleways not to be shown. The fact that the route east of point J was shown to be wider than the rest of the route does not reflect what is shown on the Ordnance Survey maps of that time suggesting perhaps that the width somehow indicated that the eastern end was a more</p> |



| | | |
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| | | significant route. |
| 1 inch OS Map 94 Preston and Sheet 100 Liverpool | 1947 | 1 inch OS, New Popular Edition. |





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| Observations | | <p>The application route is mostly shown (except section F-J). From Moor Road through to point A Ridley Lane is shown coloured as a 'Motor Road'. From point A through to point F it is difficult to determine whether the route is depicted as a narrow 'Other Motor Roads' in bad condition or as a Minor Road. From point J to point L the route is shown in the same way as the application route A-F.</p> <p>From point L through to point M the route is shown as a Motor Road in good condition as is the route extending south from point L and Pump House Lane passing through point M.</p> |
| Investigating Officer's Comments | | <p>The majority of the application route (except between points F-J) existed as a substantial route in the 1940s and appeared to be capable of being used on horseback and with vehicles. The surface of the route from point L to point M was possibly in better condition than the rest of the route.</p> |
| Aerial Photograph ² | 1940s | <p>The earliest set of aerial photographs available was taken just after the Second World War in the 1940s and can be viewed on GIS. The clarity is generally very variable.</p> |

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.



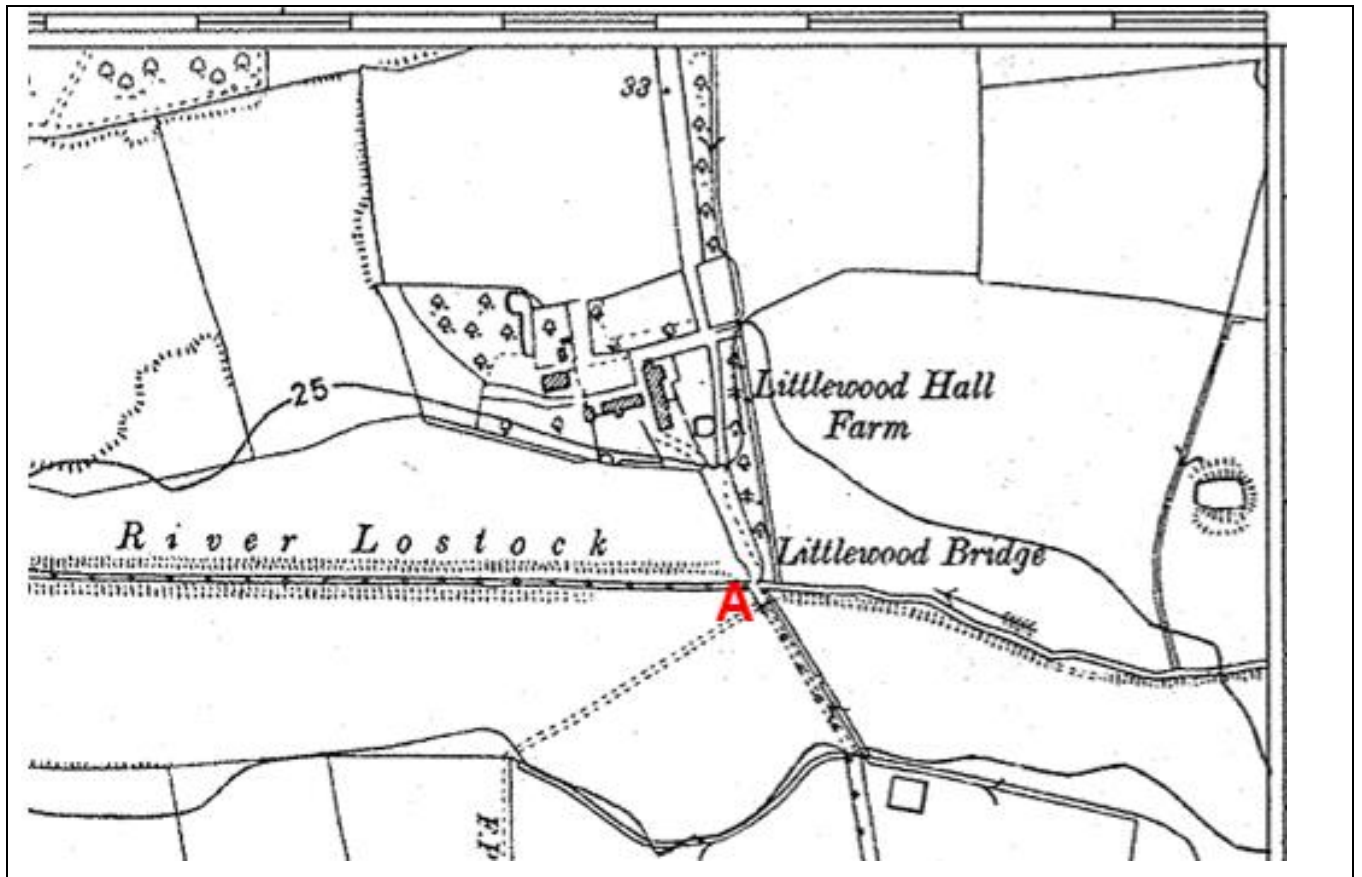


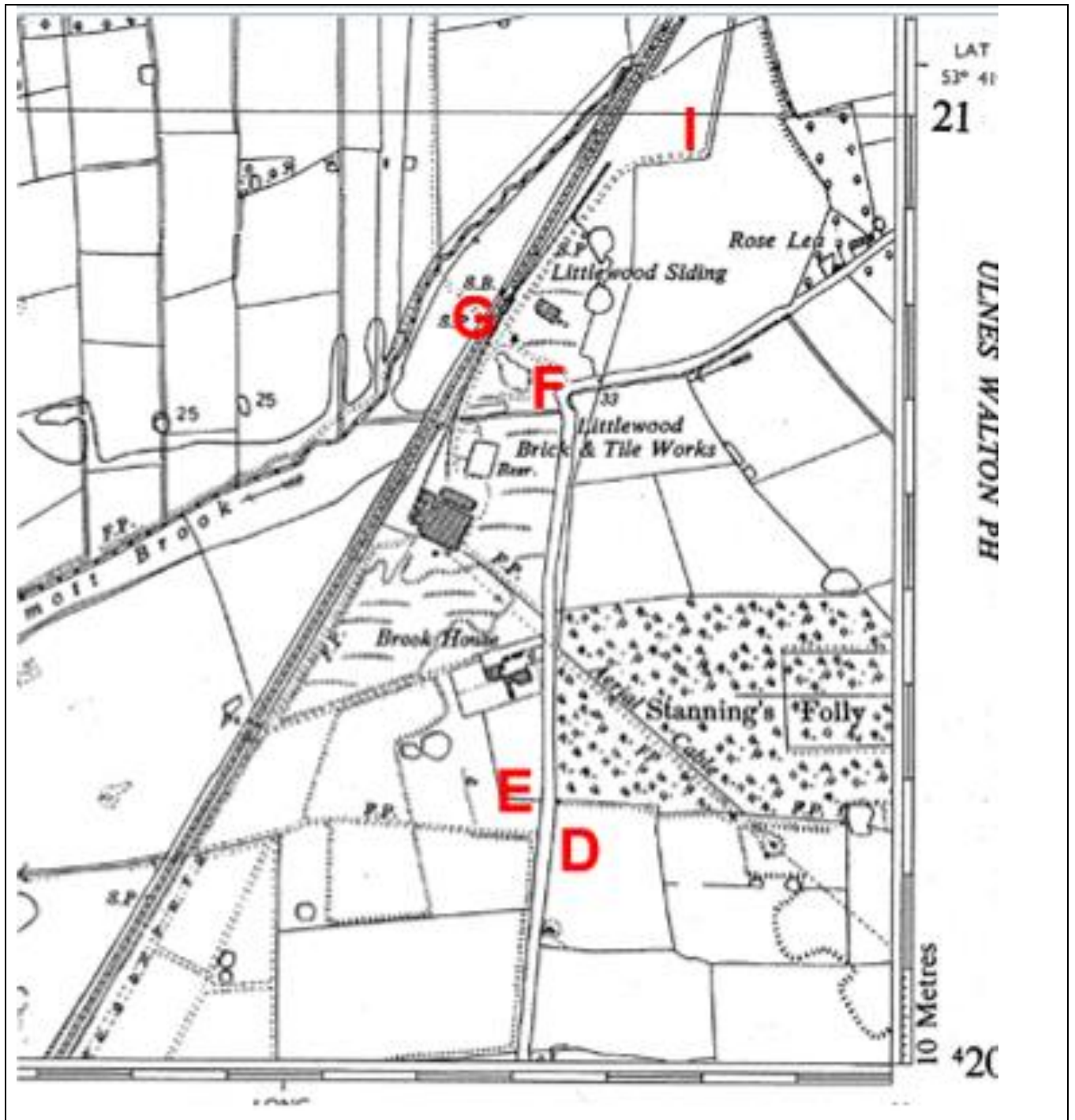
| | |
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| <p>Observations</p> | <p>The aerial photograph clearly shows the application route from point A crossing over Littlewood bridge and continuing north. Where the route splits providing access to Little Wood</p> |
|---------------------|--|

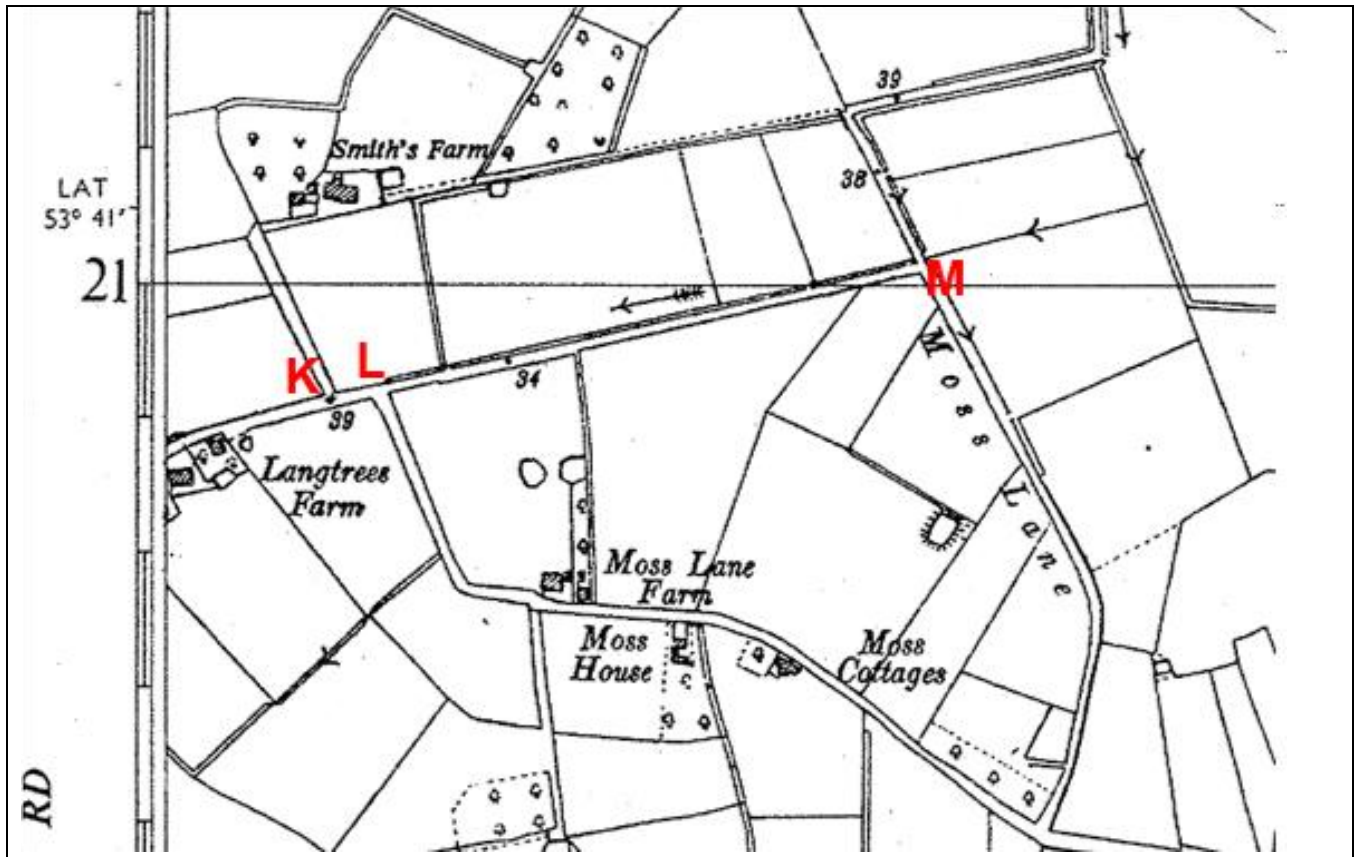


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| | | <p>Hall Farm the more significant looking route appears to be the one leading directly into the farmyard. However, the application route can be seen passing to the east of the farm and continuing north towards the brick works and point F. The route is visible but does not show up clearly on the photograph until it crosses the aerial cable and approaches the brick yard.</p> <p>At point F a significant change can be seen which is not evident on some of the Ordnance Survey maps examined from that time. The direct route from point F through to point J can be seen but its appearance suggests that it is no longer being used as a significant route. Rose Lea is visible but immediately south of it a dark line extends across the route and some new previously unidentified buildings are shown.</p> <p>From point F a clearly visible route can be seen passing through point G and continuing through point I and re-joining the historical route at point J, i.e consistent with the application route.</p> <p>From point J through to point M the application route is visible.</p> |
| Investigating Officer's Comments | | <p>At some point in the 1940s (it is not known exactly when this photograph was taken) it appears that a new route was constructed between point F and point J to the north of the historical route F-J. By the time this photograph was taken this 'new' route appeared much more prominent and shows up on the aerial photograph very clearly – suggesting either that it was in regular use by vehicles accessing the brick works and Rose Lea from Cocker Bar Road via a route heading north east from point I and/or that it was a newly constructed route and showed up as a scar. Between point A and point F the application route is not clearly visible suggesting that use of the full route from point A through to point M had declined and that access from point A was primarily to Little Wood Farm and possibly access to the fields adjacent to the route leading up towards point F.</p> |
| 6 Inch OS Map Sheet 52SW Sheet 42SE Sheet 41NE | 1955 | <p>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). These maps were revised before 1930 with parts revised between 1930 and 1945.</p> |



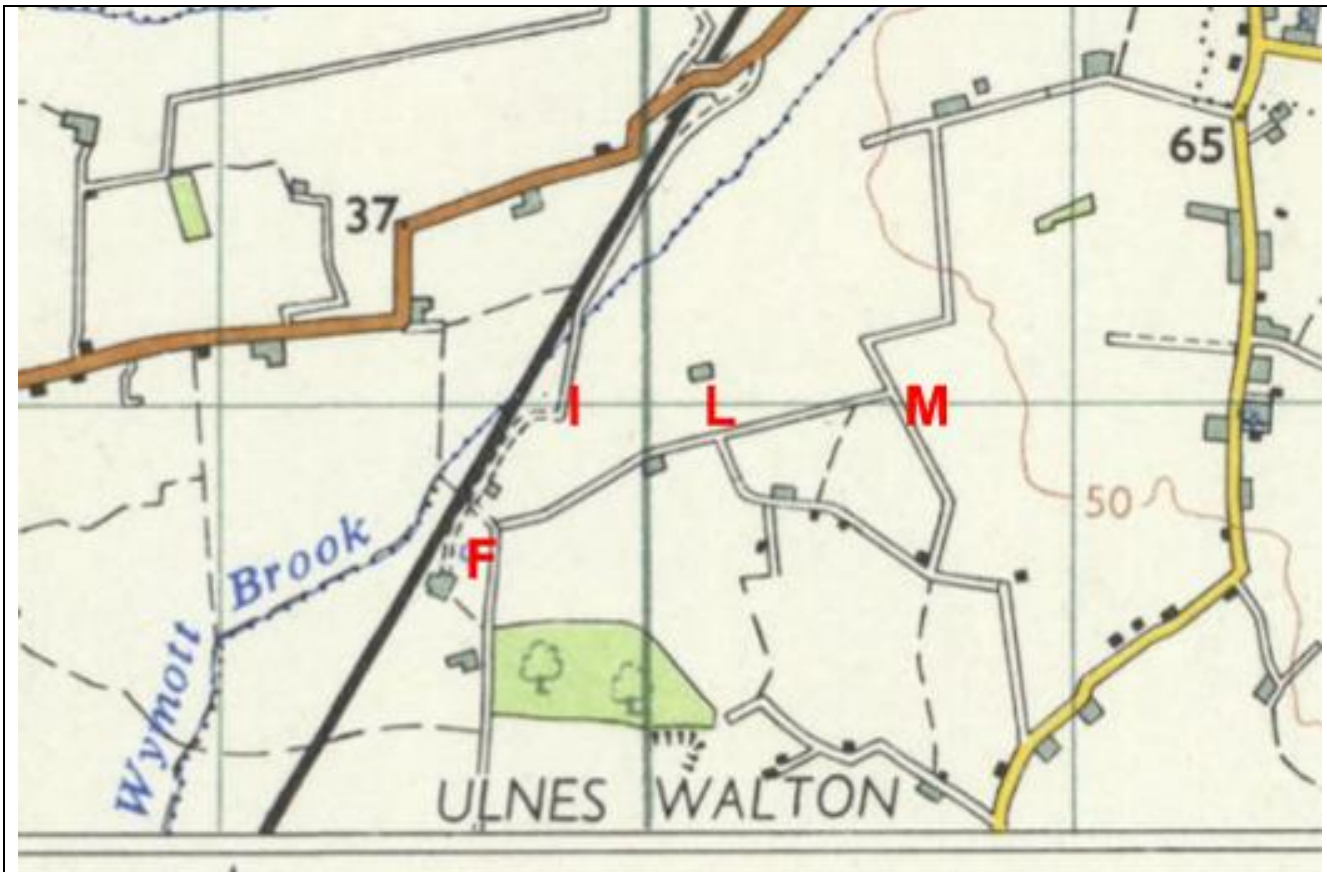






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| Observations | | <p>The six inch OS maps published in 1955 were primarily based on revisions carried out before the 1930s but with some additional revision between 1930 and 1945.</p> <p>The application route is shown as it is shown on earlier editions of OS mapping – as a substantial through route except between points F-J and is not shown with gates across it.</p> <p>From point F a route consistent with the application route is shown passing through point G to point I and then continuing north east to Cocker Bar Road.</p> |
| Investigating Officer's Comments | | The application route existed except section I-J and appeared to be capable of being used on horseback and with vehicles. |
| 1 inch OS Map Sheet 94 - Preston | 1961 | 1 inch OS map revised 1950-1958, published 1961. |





| | | |
|----------------------|---|---------------------|
| Roads | Ministry of Transport, Motorway | <u>M 1 or A6(M)</u> |
| | " " " Trunk } Single & Dual | <u>A 6(T)</u> |
| | " " " Class 1 } Carriageway | <u>A 584</u> |
| | " " " " 2 | <u>B 5269</u> |
| | 14 ft of Metalling & over (not included above) | <u> </u> |
| | Under 14ft of Metalling, Tarred " " | <u>TOLL</u> |
| | " " " " Untarred " " | <u>Gate</u> |
| | Minor Roads in towns, Drives and Unmetalled Roads (Unfenced Roads are shown by pecked lines) | <u> </u> |
| | Under construction | <u> </u> |
| | Steep Gradient 1 in 5 or steeper | <u> </u> |
| Footpaths and Tracks | <u> </u> | |

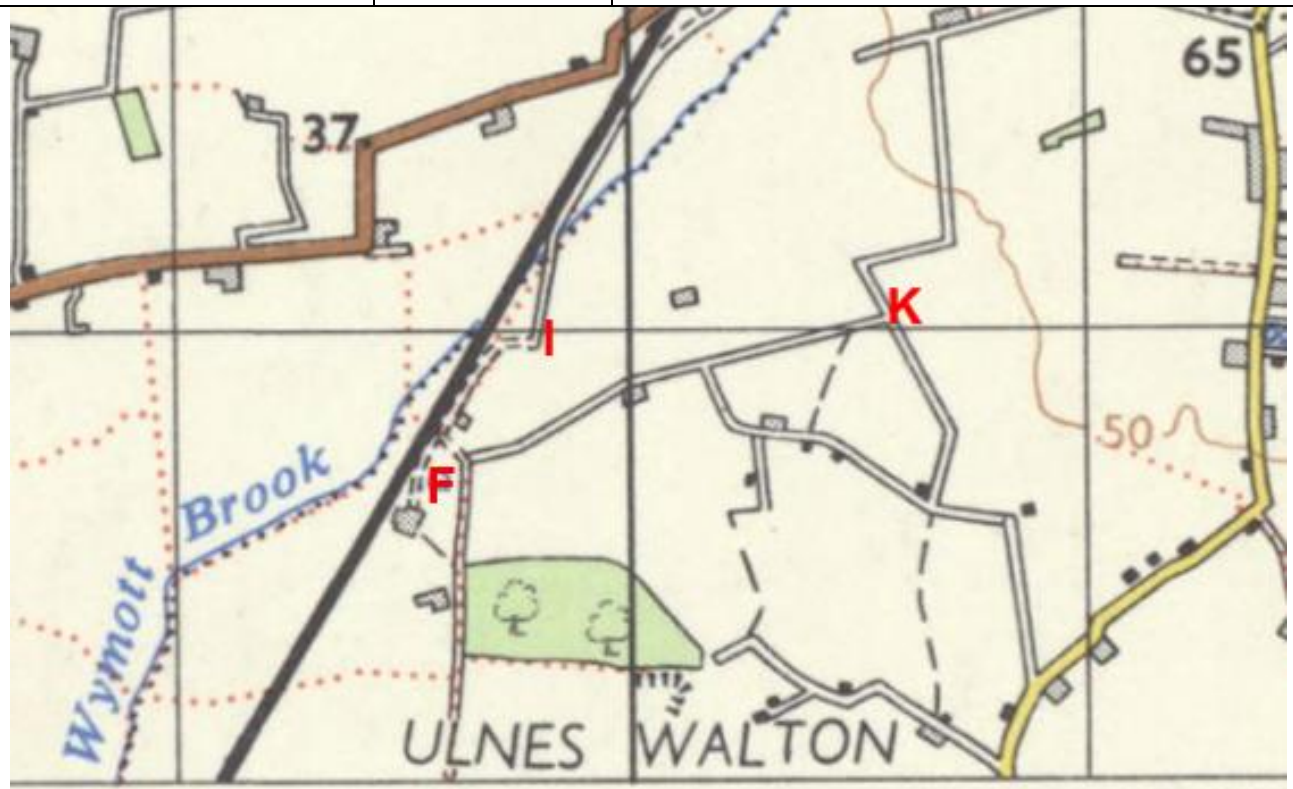
Observations

Sections of the application route A-F and J-M appear to be shown as an untarred or unmetalled road. The route from point F along the application route to point I and then north to Cocker Bar Road is also shown in the same way (with F-I shown as being unfenced).

The map was revised between 1950-1958 but does not show the application route which was clearly visible on the 1940s aerial photograph



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| | | from point I to point J and does not show some of the rectangular buildings shown on that photograph. |
| Investigating Officer's Comments | | It appears that the application route existed along the historical route A-F-J-M in the 1950s and that part of the more modern route existed from point F-G-H-I. It is not apparent from looking at the map why there was a discrepancy between the aerial photograph taken in the 1940s and this map. |
| 1 inch OS map Sheet 94 - Preston | 1964 | 1 inch OS map revised 1950-1963 and published 1964 |

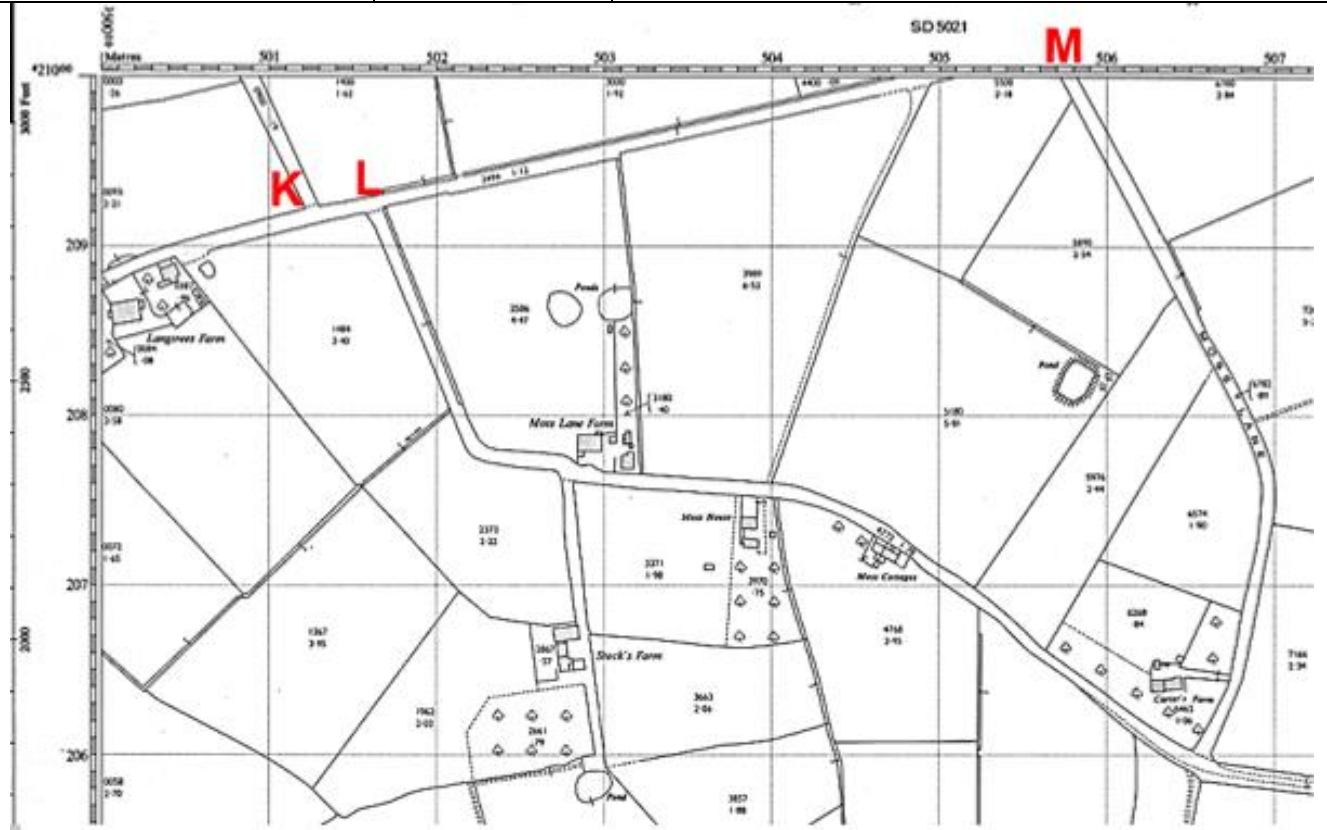


| | | | |
|-------|--|-------------|---------------------------|
| Roads | Ministry of Transport, Motorway | MI or A6(M) | |
| | " " " Trunk | A 6 (T) | |
| | " " " Class 1 | A 584 | Railway |
| | " " " " 2 | B 5269 | |
| | 14 ft of Metalling & over (not included above) | | Wood |
| | Under 14ft of Metalling, Tarred | TOLL | Gate |
| | " " " " Untarred | | Orchard |
| | Minor Roads in towns, Drives and Unmetalled Roads (Unfenced Roads are shown by pecked lines) | | Electricity (with pylons) |
| | Under construction | | Pipe Lines |
| | Steepest Gradient 1 in 5 or steeper | | |
| | 1 in 7 to under 1 in 5 | | |

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| Observations | | This map shows the application route in the same way as the slightly earlier OS map detailed |
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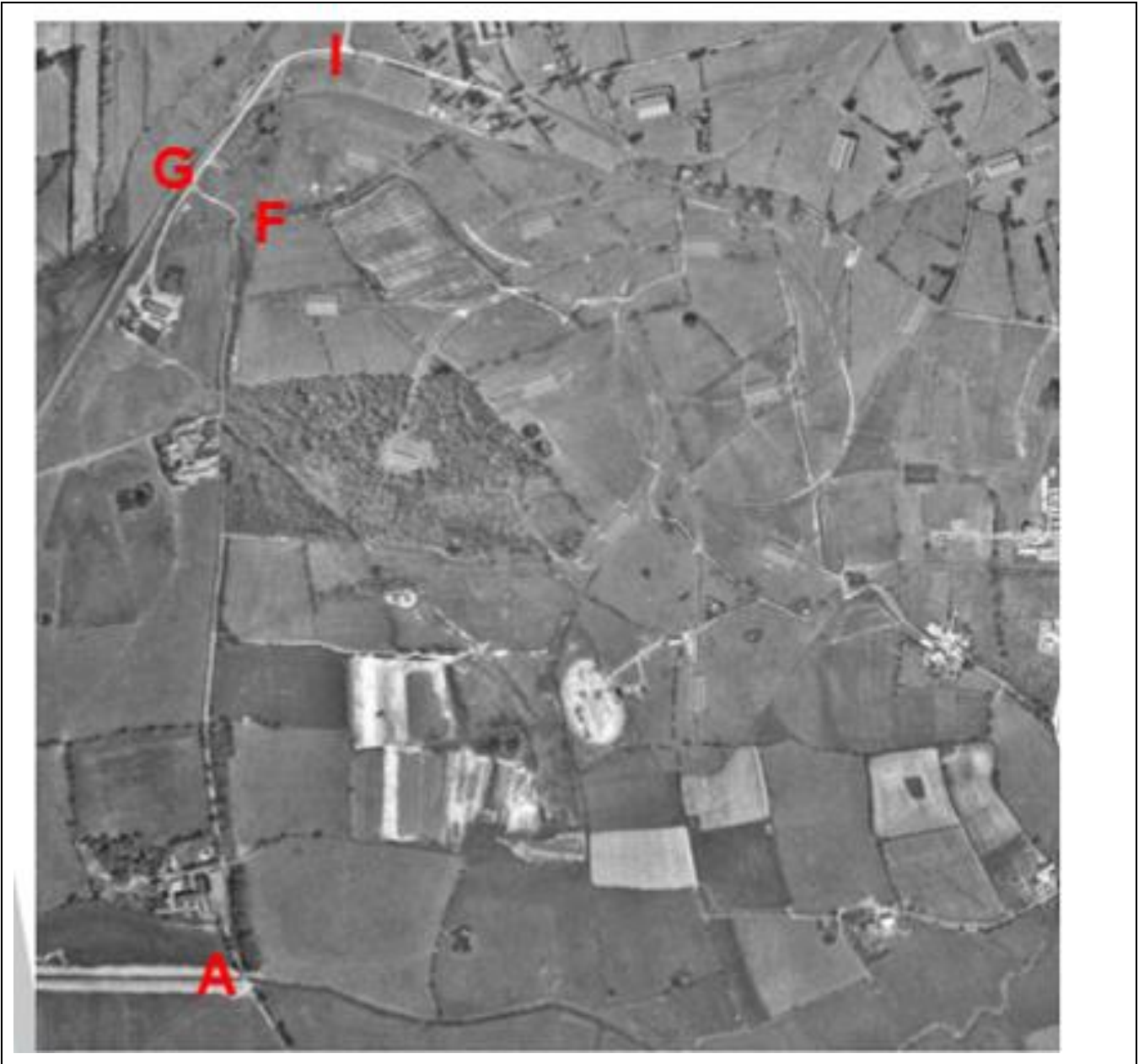


| | | |
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| | | above. |
| Investigating Officer's Comments | | The application route appeared to exist except section I-J and appeared to be capable of being used. |
| 1:2500 OS Map Map sheets SD5120-5021 | 1964 | Reconstituted from former county series plans and revised 1962. |



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| Observations | | Only one OS 1:2500 sheet was found from the 1960s showing part of the land crossed by the application route. It shows the section just east of point J passing Langtree Farm through to point M. Substantial fenced routes leading off the application route are shown at point K and point L and two footpaths (single dashed lines are also show extending from the application route south across the fields to Moss Lane Farm and Moss House. |
| Investigating officer's Comments | | The application route from just past point J to point M existed in 1962 as a substantial route 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 throughout the 1960s. |







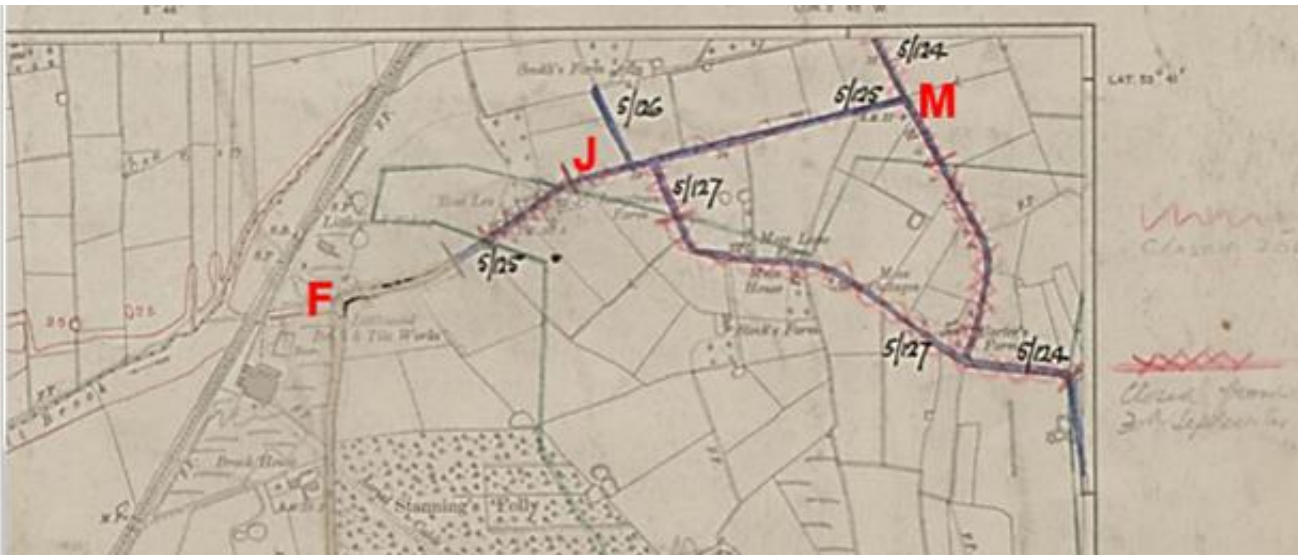
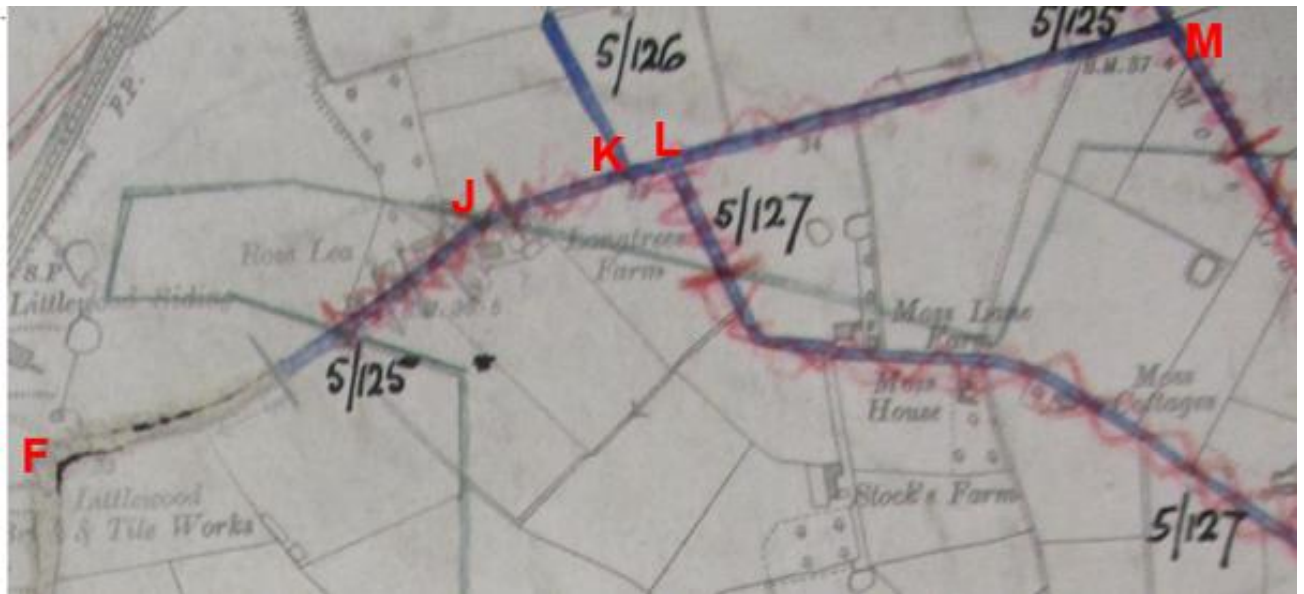
Observations

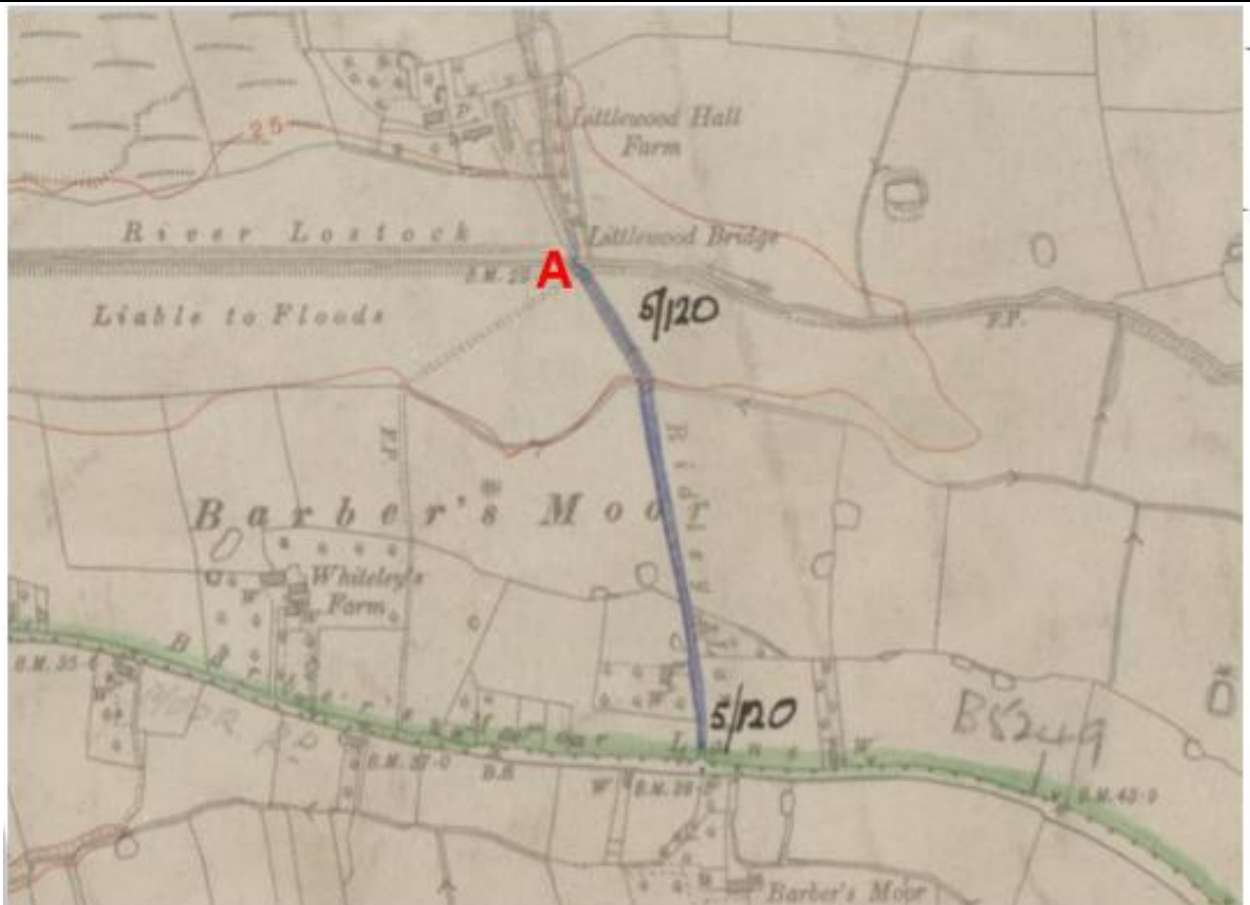
The 1960s aerial photograph clearly shows the full length of the application route as a substantial route between point A and point M consistent with how a route used by vehicles would look. Of significance is the fact that the route between point F-G-H-I-J is very clearly visible as it is the route from point I leading north east to Cocker Bar Road. From point J to point M the route is far less visible although it can still be seen.



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| | | The historical route from point F to point J can be seen predominantly as a tree lined route but there is little evidence of substantial (vehicular use). |
| Investigating Officer's Comments | | <p>The full length of the application route existed in the 1960s and appeared to be capable of being used. There is evidence that much of the route was receiving substantial levels of vehicular use at that time although it is not known whether this use was predominantly public or private use.</p> <p>The photograph is believed to have been taken in 1963 and clearly shows the application route from points F-G-H-I-J (as did the 1940s aerial photograph but it is noted that this part of the route (with the exception of points F-I) is not shown on OS maps published in the 1960s which are based on earlier surveys with partial revisions.</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> |





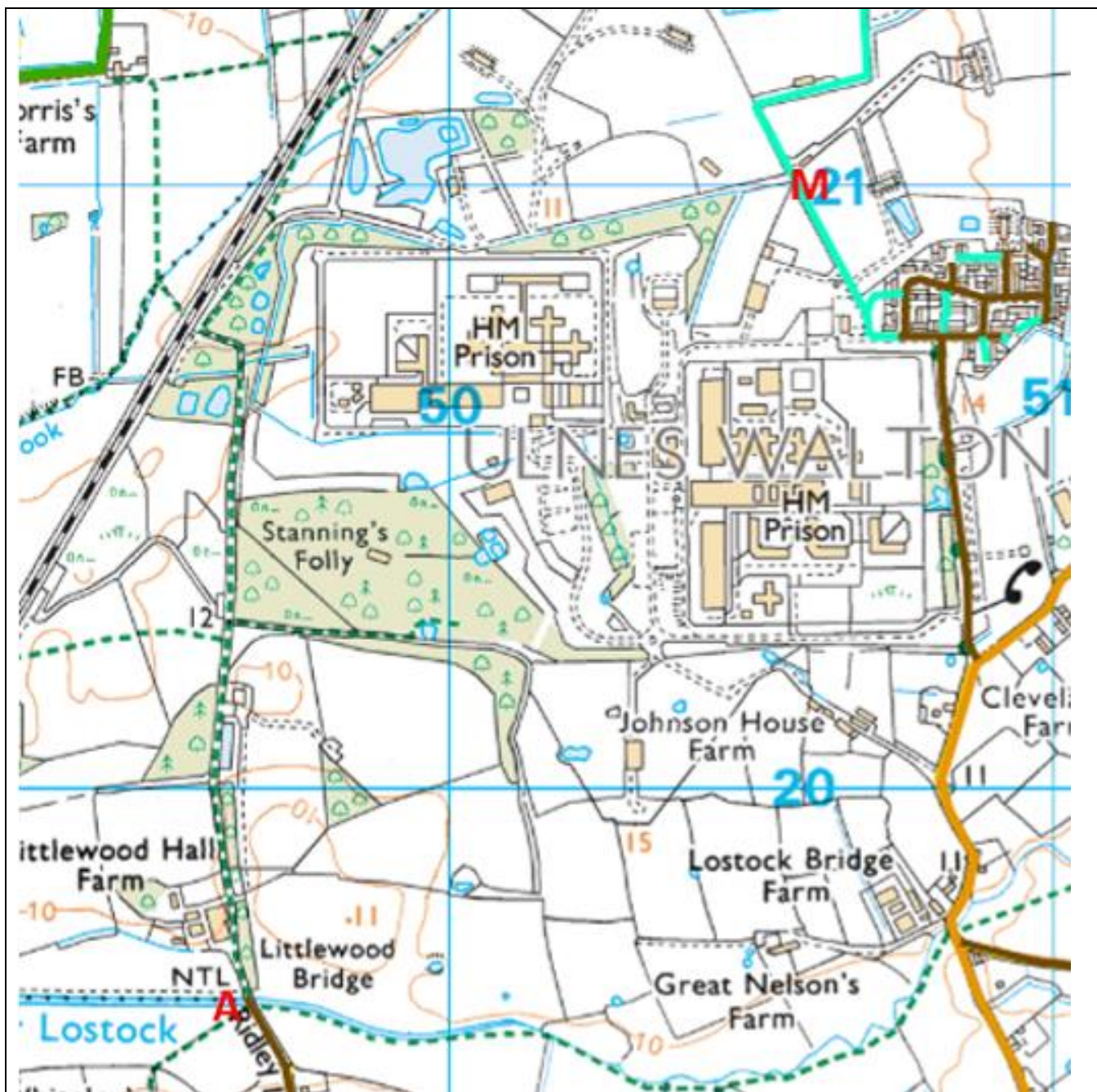


Extracts from Handover Maps for Chorley RDC – OS Sheet 76NE

| | | | | | |
|-------|----------------------|--|------|----------|-----|
| 5/120 | RIDLEY LANE | From Littlewood Bridge to Barber's Moor | 1929 | 523 | .30 |
| 5/124 | MOSS LANE | From III 503 on Cleveland Farm to Winy Harbour. | 1929 | 207 | .22 |
| " | " | " | | 185 | |
| " | MOSS LANE. | } From Winy Harbour to 100' West of Nixon's Farm CLOSED under Emergency Powers (Defence) Orders File 1031/4/2 - 20 Nov 1942. | | 813 | |
| " | NE-LL WABERING LANE | | | 943 | |
| " | NIXON LANE | | | 97 | |
| " | NIXON LANE | From 100' West Nixon's Farm to class III 503 | 1929 | 492 | .28 |
| 5/125 | Road from Moss Lane. | Towards Littlewoods tile works (843') | | | |
| " | CLOSED | 2/11/42 & 30/9/40 Emergency Powers (Defence) Orders (except for 45') | | | .03 |
| 5/126 | ROAD FROM 5/125 | to Smith's farm | 1929 | 148 | .08 |
| 5/127 | " | " - 5/124 CLOSED Emergency Powers (Defence) Orders | | | |
| | | | | 20/11/42 | |
| | | | | 30/11/40 | |

Extract from undated book titled 'Schedule of Unclassified County Roads for Chorley Rural District'





LCC highway records

Observations

The fact that there is an inconsistency between what is shown on the OS maps and aerial photographs dating from the 1940s and 1960s steered the Investigating Officer's investigations towards trying to establish why this was. The County Council current highway records show no part of the application route or historical route F-J. Neither does it record Pump House Lane (passing through point M). However, the 1929 Handover Maps appear to show the route from midway between point J and point F through to point M as an unclassified county road referenced 5/125. It also shows the



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| | <p>route north from point K as an unclassified county road referenced 5/126 and south from point L referenced 5/127 and the route passing through point M (now known as Pump House Lane referenced as 5/124.</p> <p>That part of the application route referenced as highway 5/125 midway between point F and point J through to point M has been crossed out (with a very short section at its western end not crossed out. Drawn onto the map there appears to be some sort of boundary. Pencil notes on the map state that the routes shown crossed out in red pencil had been closed.</p> <p>A handwritten book in the possession of the Public Rights of Way Team – and originally given to them by a former LCC Highways Officer – is titled 'Schedule of Unclassified County Roads in Chorley RD' and lists the routes shown on the Handover Map. Route 5/125 is listed as being a road from Moss Lane towards Littlewood tile works and as being closed with the dates 2/11/42 and 30/9/40 under the Emergency Powers (Defence) Orders with a note that this was except for 45 yards at the western end.</p> <p>The route extending north from point K (5/126) is not detailed in the schedule.</p> <p>The route extending south from point L (5/127) is described in the schedule as being a road from 5/125 (the application route) to the road numbered as 5/124 (Moss Lane) and is also listed as being closed under Emergency Power (Defence) Orders with the dates 20/11/42 and 30/11/40.</p> <p>The route numbered as 5/124 has six separate listings in the schedule as it appears to have been a long route known by 3 different names along different sections (Moss Lane, Nell Waring Lane and Nixon Lane).</p> <p>The section of route to which the application route joins at point M appears to have been named as part of Moss Lane at that time and is shown crossed out on the plan. An entry in the Schedule describes that part of Moss Lane from Windy Arbour to 100 yards west of Nixon Farm as being closed under Emergency Powers (Defence) Orders and includes the route connecting to the application route at point M.</p> <p>The Handover Map also shows Ridley Lane immediately south of point A as a publicly maintainable highway referenced as 5/120. The Schedule describes this route as being from</p> |
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| | | <p>Littlewood Bridge to Barbers Moor.</p> <p>Close inspection of the Handover Map shows that the application route from point A through to point F – and then continuing north east to the junction with the route referenced 5/125 appears to have been originally included on the map but had subsequently been removed.</p> <p>The County Council List of Streets does not show any part of the application route as being a publicly maintainable vehicular highway (parts are recorded as public footpath).</p> |
| Investigating Officer's Comments | | <p>The information provided by the 1929 Handover Map suggests that the application route from point A through to point F was not considered to be a publicly maintained highway in the 1920s – although it does look like this may have been drawn on the map and then removed – although we do not know when it was erased.</p> <p>The route from point F-G-H-I-J did not exist at that time so no inference can be drawn.</p> <p>With regards to the route from midway between point J-F through to point M it is clear that this was considered to be a public highway in the 1920s which is consistent with other maps and documents inspected, as was Moss Lane (Pump House Lane) connecting to the route at point M and routes extending from the application route at points K and L. The records suggest however, that these routes were closed (permanently or temporarily) in the 1940s including that part of the application route between point J and point M.</p> <p>It is noted however that the application route between point J and point M still physically exists today (on the same historical alignment) and the fact that it appears to have been 'closed' in the 1940s and is no longer recorded as a publicly maintainable highway does not mean that it does not carry public rights today which have been dedicated since its closure.</p> |
| <p>The Emergency Powers (Defence) Act 1939 and 1940</p> <p>UK Public General Act 1939 c 62 (2 and 3 Geo. 6 c 62) and UK Public General Act 1940 Act 3 and 4 Geo. 6 c 20.</p> | 1939 and 1940 | <p>Enabling Acts to provide the Government with emergency powers to enable 'the defence of the realm' during the Second World War.</p> |





Overview of area crossed by the application route in the 1940s

Observations

The acts enabled the 'King in Council' to make Defence Regulations as appeared to him to be necessary or expedient for securing the public safety, the defence of the realm, the maintenance of public order, and the efficient prosecution of the war, and for maintaining supplies and services essential to the life of the community.

It is understood that the government had the power to requisition land and to close public highways across that land.

An inspection of the 1940s and 1960s aerial photographs shows a large area to the east of the application route (A-F) and both to the north



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| | <p>and south of the application route F-M was covered by a large number of rectangular buildings which appeared to be connected by singular rail tracks and/or tracks during that time. Very little information has been found about it but many of the buildings still exist and locally people talk about it having been an ammunition store. It is well documented that military related sites such as ammunition stores and explosive works built for specific military purposes were not shown on Ordnance Survey maps and the land was either shown as it was prior to the installation being built or was simply left blank.</p> |
| <p>Investigating Officer's Comments</p> | <p>The evidence available suggests that in the early 1940s the direct route from point F through to point J may no longer have been available to be used by the public as part of a longer through route and that an alternative more circuitous route was constructed along the route applied for (F-G-H-I-J) together with a route through to Cocker Bar Road via point I. Whether the newly created route was available to the public or was purely for private purposes at that time is not known.</p> <p>Public rights appear to have been considered by the Highway Authority to have been stopped up along the application route J-M together with Moss Lane extending both ways from point M. If public rights did exist along the historical route A-F these do not appear to have been stopped up under the defence powers.</p> <p>War Power Closures are considered in 'The Planning Inspectorate Wildlife and Countryside Act 1981 Definitive Map Orders: Consistency Guidelines' (Section 11 – Part 3) where it states that 'The Emergency Powers (Defence) Act 1939 was intended to only operate for one year, but continued in force throughout the whole of the Second World War, and until 24 February 1946. The Act provided for the making of Defence (General) Regulations for a wide variety of topics, including the temporary stopping up or diversion of highways; in addition, the regulations permitted County Agricultural Executive Committees to authorise the ploughing of rights of way, subject to their eventual restoration and the provision of diversions.'</p> <p>After the war, the Requisitioned Land and War Works Act of 1945 provided for orders to be made for the permanent stopping up or diversion</p> |



| | | |
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| | | <p>of highways which had been temporarily stopped up or diverted under the 1939 Regulations. The Requisitioned Land and War Works Act of 1948 extended the scope of this power to encompass highways which had in practice been temporarily closed or diverted but for which no formal order had been made under the Regulations. In both cases, the power to make such orders was intended to be available only until two years after the war period. However their provisions continued to be operative until terminated by the Land Powers Defence Act, 1958 with effect from 31st December 1958. Objections to orders made under the 1945 and 1948 Acts were heard by the War Works Commission; some records survive in both national and local archives.</p> <p>The 1958 Act included a power to vary or revoke orders made under the 1945 Act without any time limitation. However, where such a proposal was published before 31st December 1960 to vary an order made under the 1945 Act (because a condition requiring the provision or improvement of an alternative highway had not been satisfied and therefore the stopping up or diversion had not come into operation) then the highway could remain closed pending the coming into operation of the variation order, or for a further six months if the variation was disputed and subsequently rejected by the War Works Commission.</p> <p>The Land Powers (Defence Act) 1958 also applied the provisions of the Town and Country Planning Act (1947) to situations where the land is required to be used for defence purposes. Any stopping up or diversion proposed under these provisions can be permanent or temporary but introduced the now well-established procedures for advertisement of such proposals.</p> <p>The guidance provided to the Planning Inspectorate makes it clear that unless extended by due process, any temporary closures of rights of way made under emergency powers during the First or Second World Wars would have ceased to have effect on 28 June 1920 or 31 December 1958 as appropriate. In the absence of documentary evidence to the contrary we would assume this to be the case where public rights are shown to have existed prior to the war.</p> |
| The Stopping up of | 1947 | Minister of Transport Stopping up Order dated |



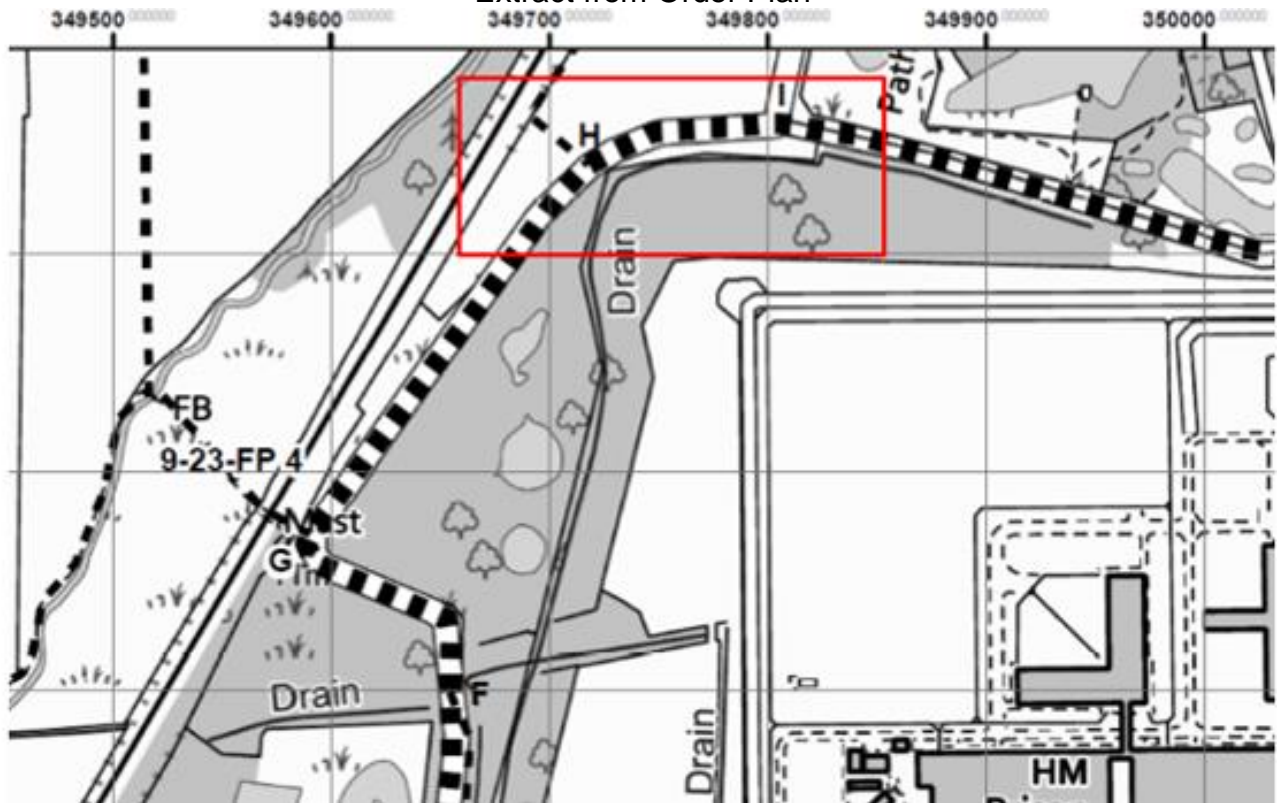
| | | |
|--|--|---|
| Highways (Lancashire) (No. 7) Order, 1947 | | 25th November 1947. |
| Observations | | <p>A search of the War Works Commission records deposited at The National Archives was made and a copy of an Order was obtained titled The Stopping up of Highways (Lancashire) Order, 1947 obtained,</p> <p>The Order was made by the Minister of Transport on 25th November 1947 and specifically refers to a number of roads and footpaths in the parish of Ulnes Walton which had been previously stopped up on a temporary basis under Defence (General) Regulations by virtue of Orders made on 30th September 1940 and 20th November 1942.</p> <p>The Order specifies that the Minister of Transport was satisfied that in the interest of the public those routes previously stopped up under the earlier legislation now be permanently stopped up.</p> <p>There was no plan attached to the Order but details of the routes to be permanently stopped up were clearly detailed in the Schedule to the Order numbered 1 to 10.</p> <p>The first of the routes described was as: <i>'That part of the road leading from Littlewood Hall Farm to Ulnes Walton Lane which extends from a point approximately 1,066 yards north of Littlewood Hall Farm in a general north easterly and northerly direction for a distance of approximately 2,308 yards to a point 100 yards west of Nixon Farm.'</i></p> <p>From measurements taken this accords to that part of the historical route F-J and the application route J-M being part of the road to be permanently stopped up. It did not however include that part of the application route described as a road 'leading from Littlewood Hall Farm' to point J.</p> <p>The Order also permanently stopped up the road the application route meets at point M (Pump House Lane) and other routes no longer in existence since the construction of the prison.</p> <p>No reference was made to the provision of any alternative routes.</p> |
| Investigating Officer's Comments | | <p>Public rights were extinguished along the application route between points F and M (and historical route F-J) in 1947. The route from Littlewood Hall Farm to point J was described as 'a road' in the Order but there is no reference to the existence of public rights along it – which ties</p> |



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| | | into evidence provided by the Tithe Award and highway adoption records. |
| The Stopping up of Highways (County of Lancaster) (No. 2) Order 1963 | 1963 | Order made by the Minister of Transport in exercise of powers under section 49 of the Town and Country Planning Act 1947 as extended by the Land Powers (Defence) Act 1958. |



Extract from Order Plan



Extract from the Committee plan





1960s aerial photograph

Observations

The Order provides for the temporary stopping up of two 'highways' for a period of five years from when the Order came into operation. The 'highways' to be stopped up were described in the Order Schedule and were said to be coloured red on the deposited plan.

The first of the two routes was described as a footpath leading from Dunkirk Lane to Nixon Lane extending from the footbridge over Wymott Brook generally south to a junction with Nixon Lane which was recorded on the Parish Survey Map for Ulnes Walton as FP 25 but was not shown on any further map of the parish and is not recorded on the Revised Definitive Map (First Review).

The second route to be described as being stopped up for a period of five years (from when the Order came into operation) was a length of footpath leading from Littlewood Sidings to Low Moss Farm 'extending from its junction with the private road leading to Littlewood Brick and Tile Works north-eastwards for about 90 yards'. This route appeared to form part of the original footpath numbered Footpath 25 on the Parish Survey Map and subsequently renumbered as Footpath 3. The route through to Low Moss Farm from Littlewood Sidings is not recorded on the

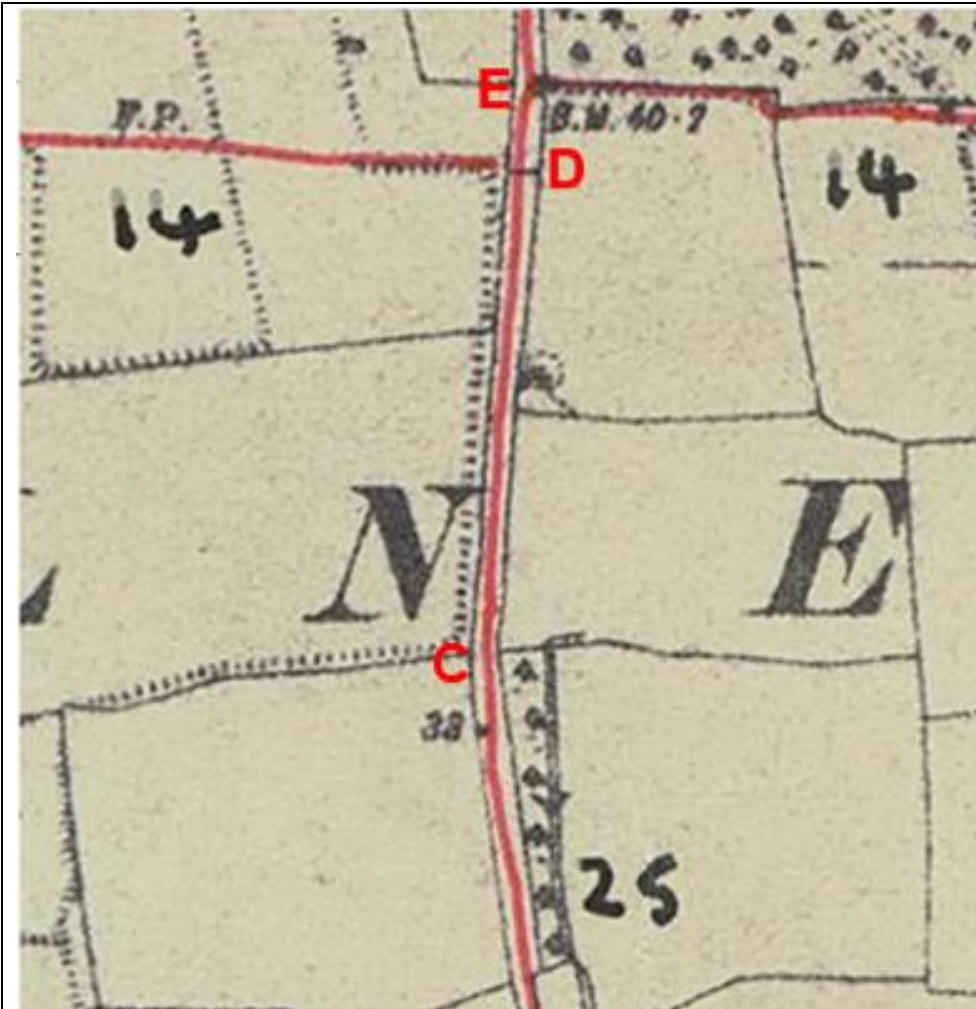


| | | |
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| | | <p>Revised Definitive Map but this particular Order appears to relate to 90 yards (82 metres) from the 'private road' leading to the Brick and Tile works extending north east.</p> <p>The Order plan is of poor quality but the route drawn on it appears to tie into the location of part of the application route between point H and point I.</p> <p>The Order specified that both routes should be reinstated at the end of the specified period and would be maintainable at public expense.</p> <p>No further information relating to this Order was found.</p> |
| Investigating Officer's Comments | | <p>This Order, made in 1963, suggests that further development of the land was taking place that necessitated additional footpath closures. Further investigations would be required to establish whether they were subsequently permanently extinguished or whether they should be recorded as public footpaths.</p> <p>For the purpose of this particular investigation it is the wording of the description of the second route within the schedule that is of relevance. The section of the route to be closed is described as being from the junction with the private road leading to Littlewood Brick and tile works. If the Order plan is correct then the private road referred to appears to be the application route (part of which is recorded as Footpath 3) because although it is not shown on the OS maps published at that time, its existence as a substantial roadway is confirmed by reference to the 1960s aerial photographs.</p> |
| Definitive Map Records | | <p>The National Parks and Access to the Countryside Act 1949 required the County Council to prepare a Definitive Map and Statement of Public Rights of Way.</p> <p>Records were searched in the Lancashire Records Office to find any correspondence concerning the preparation of the Definitive Map in the early 1950s.</p> |
| Parish Survey Map | 1950-1952 | <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</p> |



used, without alteration, as the Draft Map and Statement. In the case of parish council survey maps, the information contained therein was reproduced by the County Council on maps covering the whole of a rural district council area. Survey cards, often containing considerable detail exist for most parishes but not for unparished areas.





DISTRICT *Chorley R.D.C.* PARISH *Ulves Walton* No. *25* 2+3

MAP SHEET No. LENGTH *9.35* miles
(to two decimal places)

BRIEF DESCRIPTION (Field F.P. or otherwise)

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

*Wymott Brook thro' Boulder Stone Farm to Nixon Lane.
Path closed from Nixon Lane to point on Wymott Brook
west of Smiths farm by order of Q. session. Path continues
southwards past Littlewood sidings to join Ridley Lane.*

DISTRICT *Chorley R.D.C.* PARISH *Ulves Walton* No. *14* 1.

MAP SHEET No. LENGTH *0.70* miles
(to two decimal places)

BRIEF DESCRIPTION (Field F.P. or otherwise)

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

*Wymott Brook eastwards over the railway to cross F.P. 25
near Stannings Colly, alongside Stannings Colly to Clay
Pit where path is closed by order of Q. session*

DISTRICT *CHORLEY RURAL* PARISH *ULVES WALTON* No. *4* 4

MAP SHEET No. *3* LENGTH *0.06* miles
(to two decimal places)

BRIEF DESCRIPTION (Field F.P. or otherwise)

F. P.

F. P.

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

*From Parish Boundary across Railway to join footpath
No 3 (25) near Littlewood sidings*

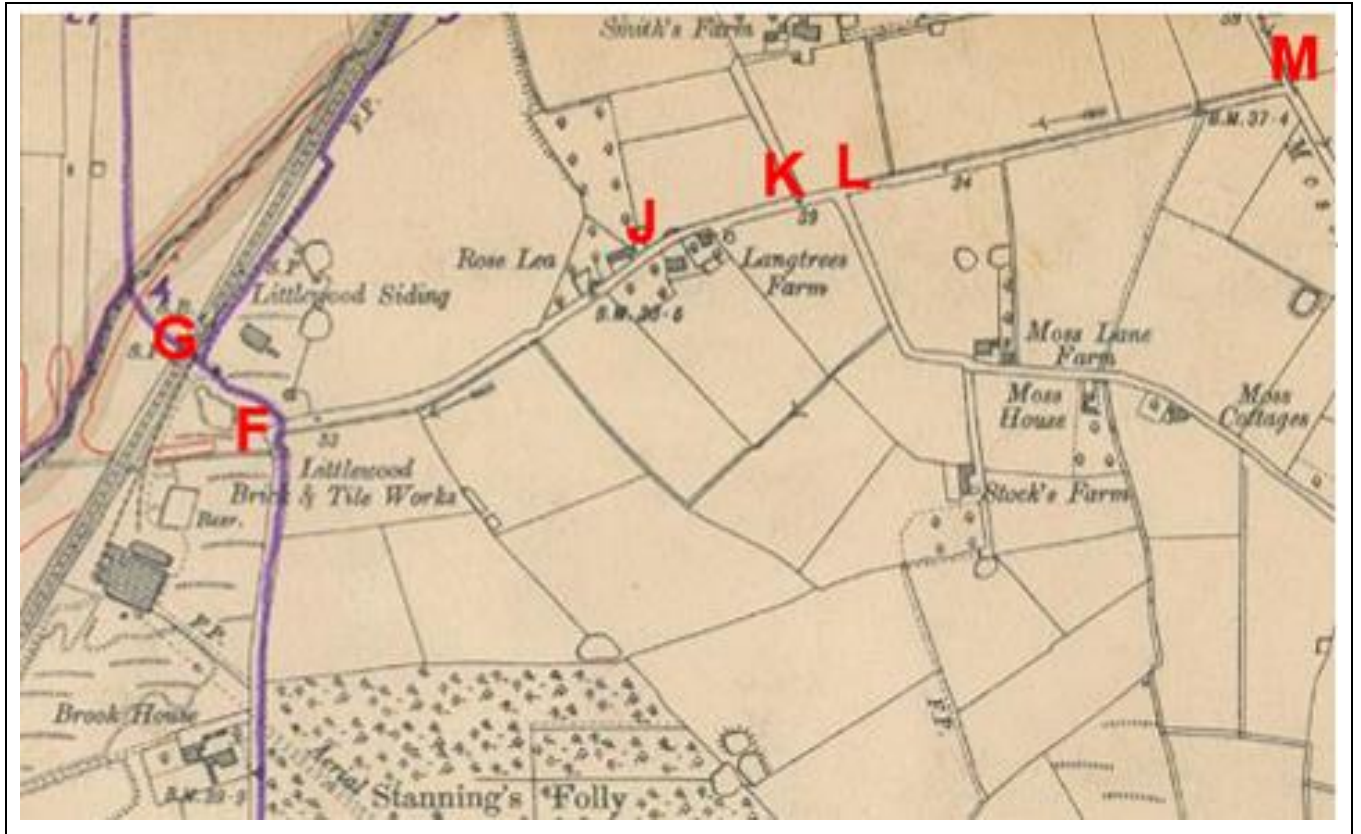
Observations

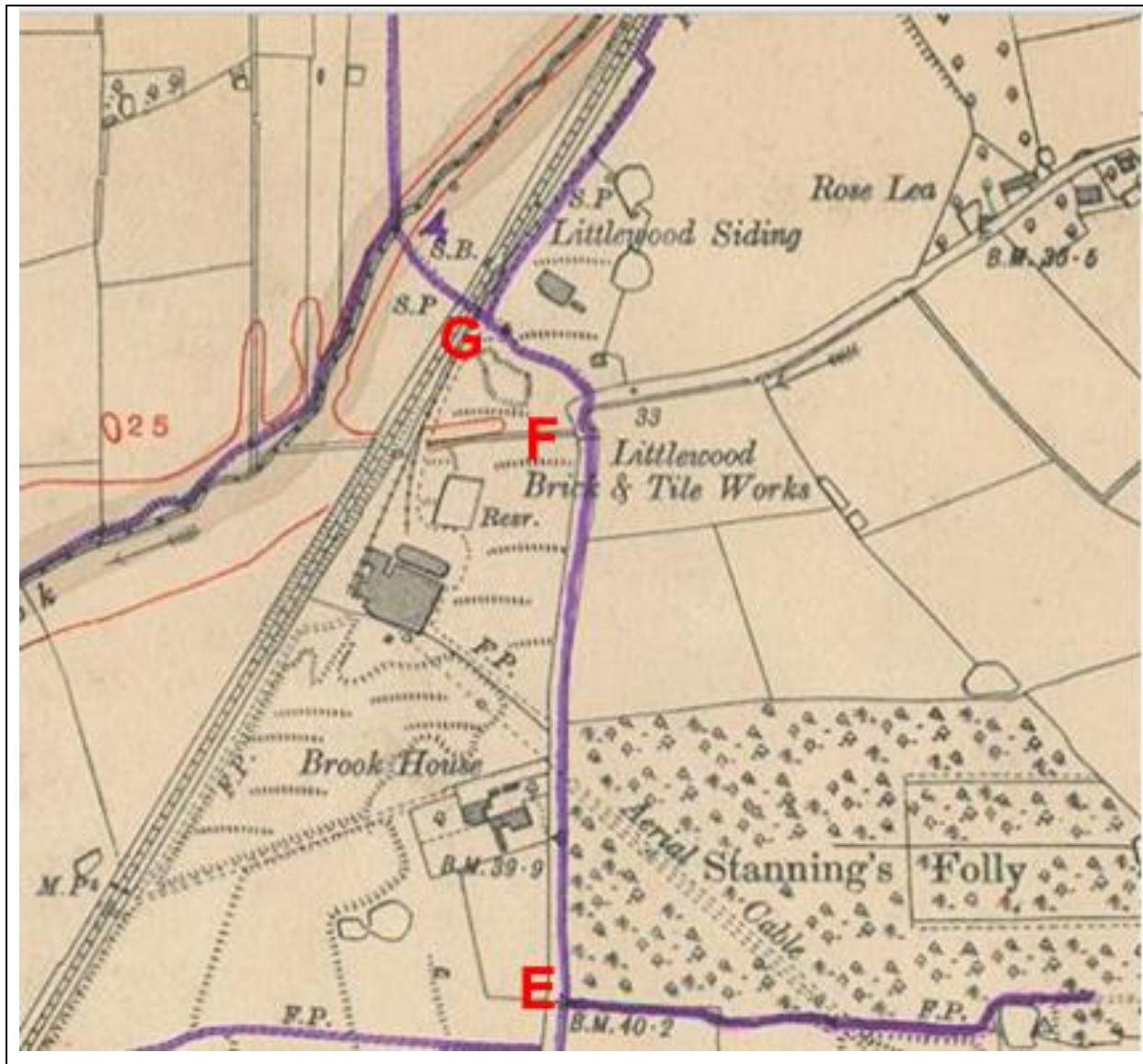
The Parish Survey maps and cards were drawn up in the early 1950s. The map shows the application route from point A through to point F recorded as a public footpath 25. It was described on the survey card as being from

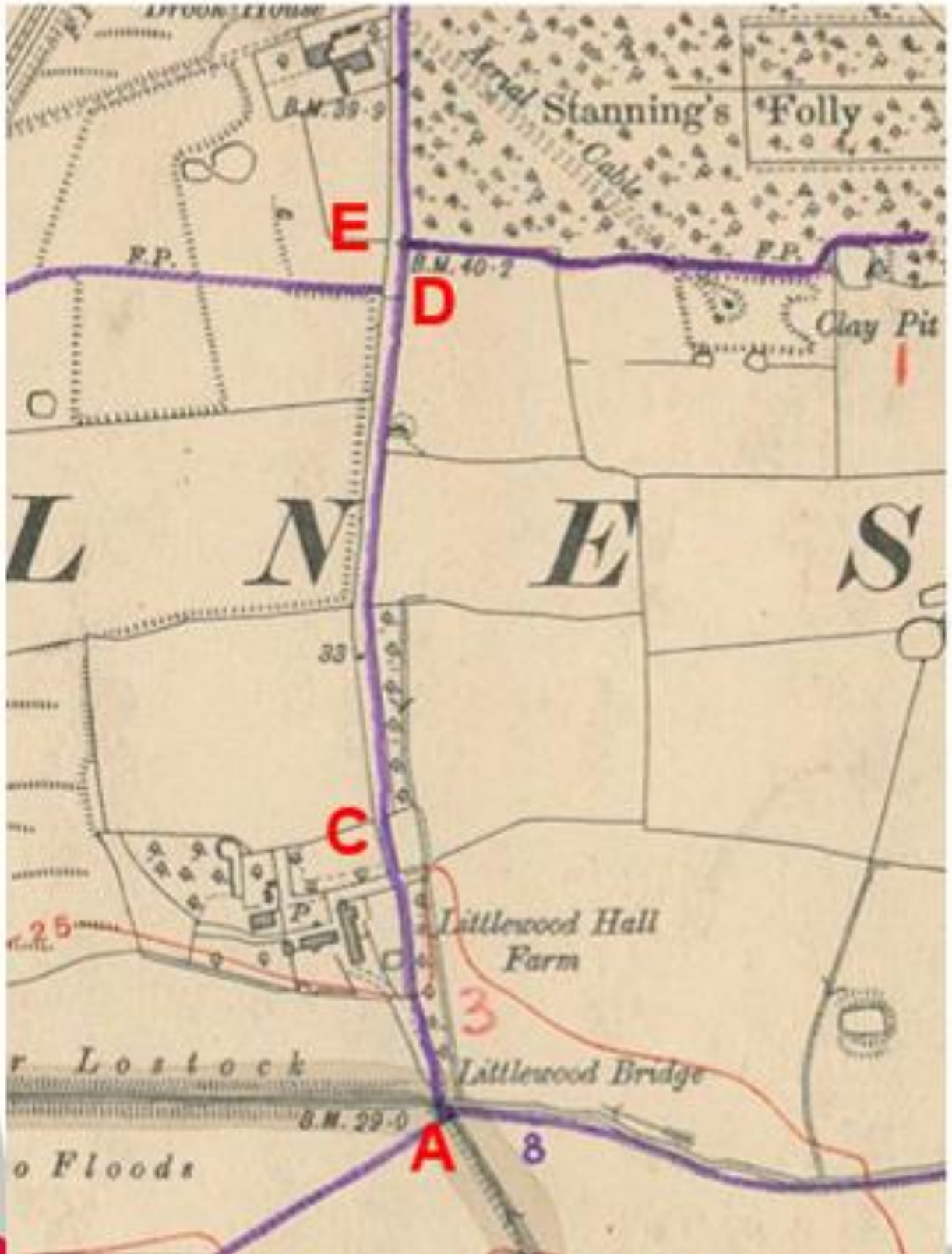


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| | <p>Wymott Brook through Boulder Stone Farm to Nixon Lane and states that the path was closed from Nixon Lane to point on Wymott Brook west of Smith Farm by Order of Quarter Session. Beyond there it states that the path continued southwards to join Ridley Lane.</p> <p>The map also shows the historical route from point F extending north east towards point J as a footpath which would have connected to the western end of the publicly maintainable highway 5/125 which is detailed earlier in the report as having been closed under the Emergency Powers Acts. This route is crossed out on the map with the words 'Closed by O.Q.S' written alongside it.</p> <p>It was also noted that an unnumbered path was shown extending south from the application route between point L and point M but that the application route between point J and point M was not recorded as a footpath and neither was the route from point H through to point J.</p> |
| <p>Draft Map</p> | <p>The parish survey map and cards for Ulnes Walton 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> |









Observations

The Draft Map shows Footpath 3 (renumbered since the parish survey was prepared) running from Point A through to point C. From point C the line drawn on the map is drawn along the east



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| | | <p>side of the application route and the thickness of the pen makes it impossible to tell whether the line was intended to be along the eastern side of the bounded route – but within the width of the route or whether it was on the other side of the boundary running parallel to the application route or whether it was the whole width of the fenced route or whether it was drawn on top of the line in error. The footpath crosses the historical route at point F and then continues along an unbounded track consistent with the application route to point G and then north east through Littlewood siding. The rest of the application route is not 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 be made to the Crown Court.</p> |
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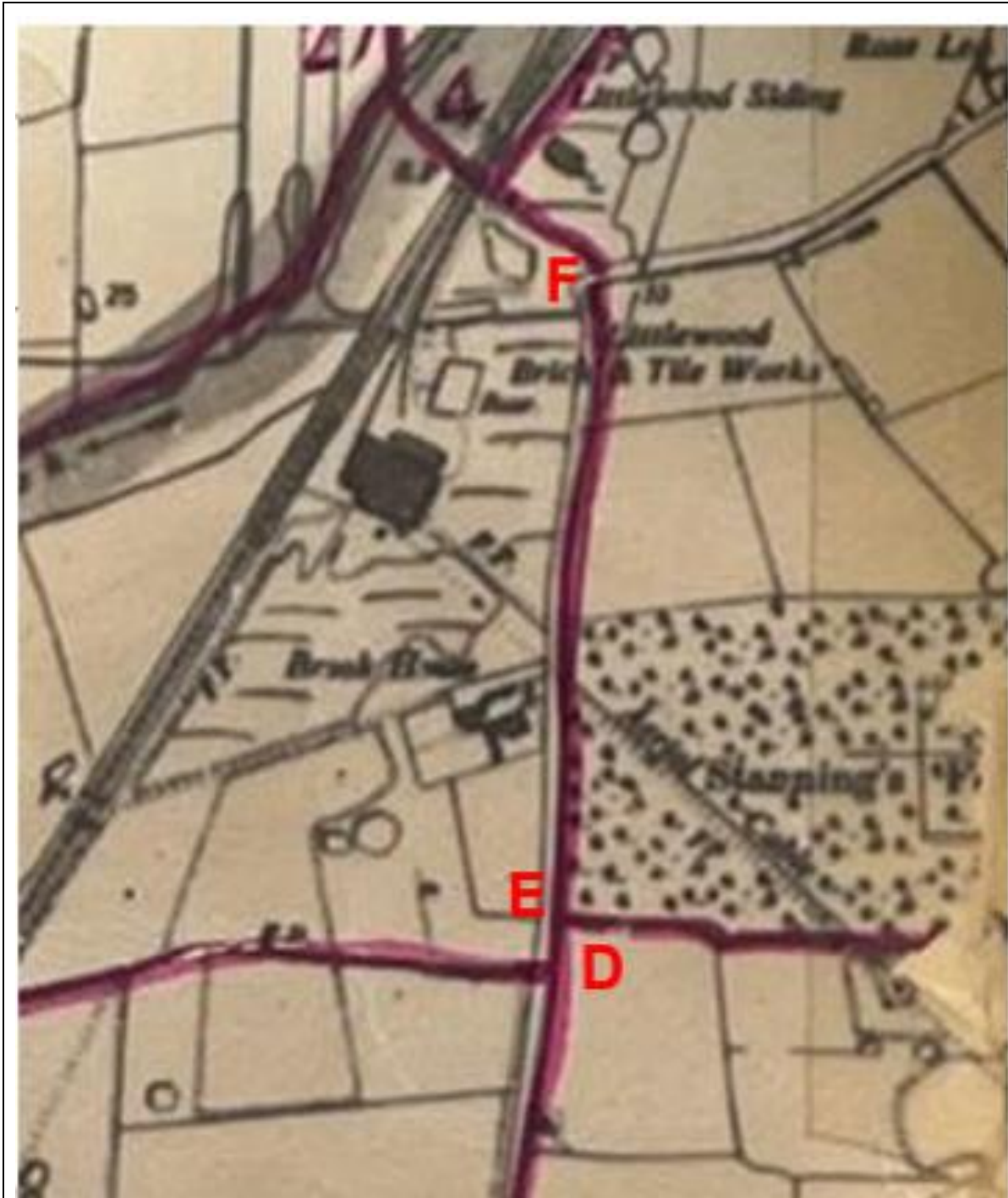


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| <p>Observations</p> | | <p>The Provisional Map for route north of Littlewood farm could not be found. The start of the route from point A is shown as a footpath extending</p> |
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| | | north towards point C but beyond that no inference can be drawn. |
| The First Definitive Map and Statement | | The Provisional Map, as amended, was published as the Definitive Map in 1962. |



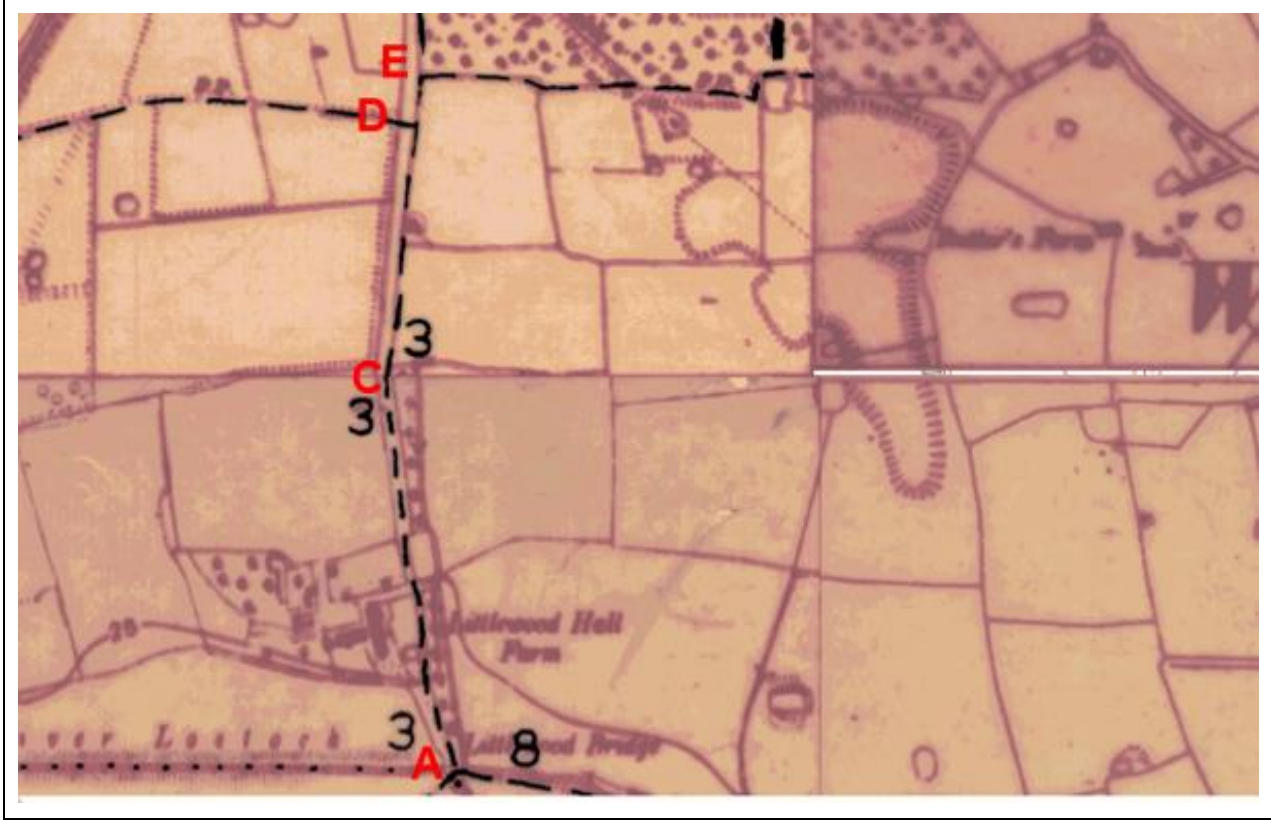


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| <p>Observations</p> | | <p>The application route is shown as a public footpath between point A and point C. From point C through to point F the footpath is shown to run parallel to – but not along the application route. From point F to point G and onwards to point H the application route is recorded as a public footpath. The rest of the application route is not recorded on the First Definitive Map.</p> |
| <p>Revised Definitive Map of Public Rights of Way (First Review)</p> | | <p>Legislation required that the Definitive Map be reviewed, and legal changes such as diversion orders, extinguishment orders and creation</p> |



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.





| 1. No. of Path | 2. Kind of Path | 3. Position | 4. Length in miles to 2 places decimals | DEFINITIVE Other particular |
|----------------------------------|--------------------|---|--|--------------------------------|
| 1 | Footpath | Parish Boundary at Wymott Brook to cross footpath No.3 terminating near clay pit at Stanning's Folly. | 0.70 | |
| 3 | " | Parish Boundary North West of Smith's Farm Southwards to join Ridley Lane at Littlewood Bridge. | 1.04 | |
| 4 | " | Parish Boundary to join footpath No.3, near Littlewood sidings. | 0.06 | |
| 5 | " | Ulnes Walton Lane to Eastern Boundary of Parish and same to join footpath No.6. | 0.41 | |
| 6 | " | Ulnes Walton Lane at Netherfield branching at Folds Farm Eastwards and southwards to Parish Boundary and Holker Lane and North to | | |
| Observations | | | The application route is recorded as part of Footpath 3 between points A-C and F-H. No other part of the route is recorded as a public right of way on the Revised Definitive Map and Statement. | |
| Investigating Officer's Comments | | | <p>Notes on the Parish Survey maps and cards reaffirm the view that land was acquired compulsorily in the 1940s and all public rights of way across it extinguished. Reference is made to closure being by Order of Quarter Sessions but the Quarter Session records at the Lancashire Records Office were searched and no reference to public highway closures was found.</p> <p>The parish survey recorded the application route from A through to point F as public footpath and there is no record of any challenges or representations being made with regards to this. However, the Draft Map appeared to show the route from point C to point F as running just within the boundary of the lane, i.e. to the east of the application route rather than along it. The Provisional Map is missing and the route is shown east of the application route and east of the boundary line between point C and point F on the First Definitive and Revised Definitive Map. No record regarding the change has been found and the map evidence and modern site evidence suggests use of the application route rather than a parallel route.</p> <p>The application route from point F to point H is recorded as a public footpath throughout the process and was not challenged but the remainder of the route – from point H through to</p> | |



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| | | points I-J-K-L-M – does not appear to have been considered to be a public path which should have been recorded on the Definitive Map and Statement during the relevant period. |
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| 1:50,000 OS Landranger Map | 1988 | 1:50,000 OS map revised 1979 with selected changes 1988 and reprinted 1988. |
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about 5 1/2 (98 mils) W of grid north in 1988

To plot the average direction of magnetic north join the point circled on the south edge of the sheet to the point on the protractor scale on the north edge at the angle estimated for the current year

COMPILATION AND REVISION

Base map constructed on Transverse Mercator Projection, Airy Spheroid, OSGB (1936) Datum
Vertical datum mean sea level (Newlyn)

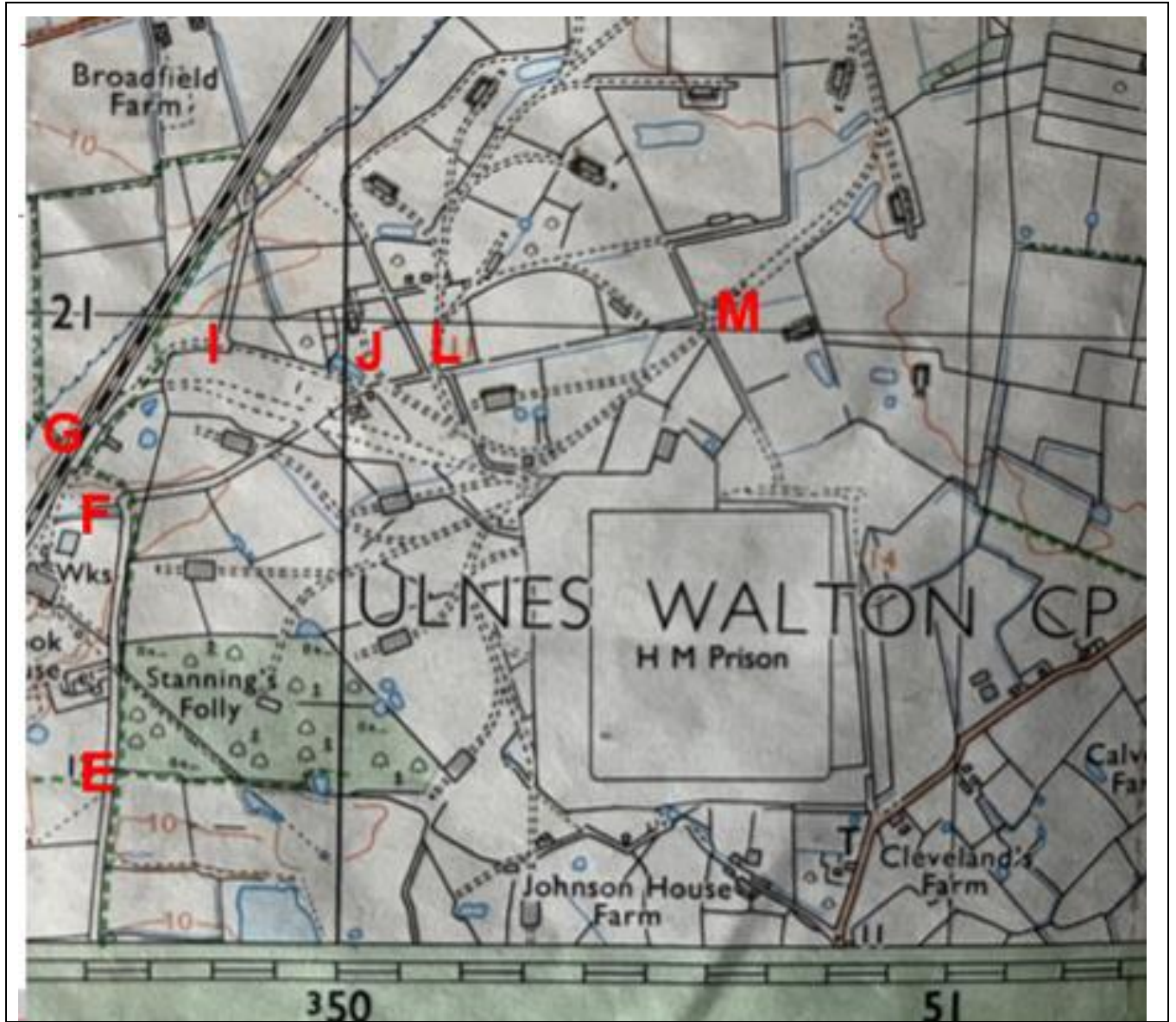
Low water mark plotted from air photographs dated 1964-72
Revised 1979
Reprinted with selected changes 1983, 1985, 1988

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| Observations | | Wymott Prison was opened in 1979 with Garth Prison opening in 1988. This is the earliest map examined that shows the prisons and which shows the full length of the application route via G-H-I-J-K and that makes any reference to the large area over which the rectangular buildings |
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| | | <p>believed to have been an ammunition storage facility was constructed (with the map referring to it as a disused depot). This map was last revised in 1979 with selected changes in 1988 and published in 1988 and shows the locations of the prisons but does not give any detail on the layout (or names).</p> <p>It is the first map inspected that does not show the historical route from point F through to point J and does not show the former road extending south from point L. It does however show the full length of the application route and marks the route of the footpath from point A as being along the application route through to point F.</p> <p>Rose Lea and Langtree Farm are not shown.</p> |
| Investigating Officer's Comments | | <p>The full length of the application route existed in 1986 and appeared to be capable of being used at least on horseback.</p> <p>The scale of the map may account for the fact that the public footpath is shown running along the application route between point A and point F.</p> |
| <p>1:25,000 OS Pathfinder Map Sheet 688 – Preston (South) and Leyland SD 42/52</p> <p>Pathfinder Map Sheet 699 – Chorley & Burscough Bridge SD 41/51</p> | 1988 - 1993 | <p>Sheet 688 - OS Pathfinder map compiled from large scale surveys carried out between 1956 and 1973, revised for significant changes 1977, major roads revised 1978, selected revision 1981, 1986 and published 1988.</p> <p>Sheet 699 – compiled from larger scale surveys dated between 1957 and 1990, revised and printed 1993</p> |







9 780319 206997 (FLAT) ISBN 0 219 10700 2

ISBN 0-319-20699-8

ROADS AND PATHS Not necessarily rights of way

- M1 or A6(M) Motorway
- A31(T) Trunk or Main road
- B3074 Secondary road
- A35 Dual carriageway
- Road generally more than 4m wide
- Road generally less than 4m wide
- Other road, drive or track
- Unfenced roads and tracks are shown by pecked lines
- Path

PUBLIC RIGHTS OF WAY (Not applicable to Scotland)

Public rights of way shown on this map may not be evident on the ground:

| | | |
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| <ul style="list-style-type: none"> Public paths Footpath Bridleway Byway open to all traffic Road used as a public path | <p>Information not available in uncoloured areas</p> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 5px auto;"></div> | <p>DANGER AREA — MOD ranges in the area Danger! Observe warning notices</p> |
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Public rights of way indicated by these symbols have been derived from Definitive Maps as amended by later enactments or instruments held by Ordnance Survey on 1st [blank] and are shown subject to the limitations imposed by the scale of mapping. Later information may be obtained from the appropriate County or London Borough Council

The representation on this map of any other road, track or path is no evidence of the existence of a right of way

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| <p>Observations</p> | <p>The 1:25,000 OS map provides much more detail than the 1:50,000 map published the same year. It shows the full length of the application route.</p> <p>The map sheet showing the start of the route from point A (Pathfinder 699) shows Ridley Lane</p> |
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| | | <p>coloured as a road generally less than 4 metres wide passing through point A and continuing north past Littlewood Hall Farm to the edge of the map sheet before reaching point C. The routes of footpaths 9-11-FP25 and 9-23-FP8 are shown but the route of 9-23-FP3 along the application route is not shown.</p> <p>Pathfinder 688 shows the rest of the route as an uncoloured road defined in the key as 'other road, drive or track' with the route of 9-23-FP3 running immediately parallel to the application route (as it is recorded on the Revised Definitive Map).</p> <p>Most of the historical route from point F to point J can be seen and still appears to be accessible with no lines across it with only one of the two prison sites shown.</p> |
| Investigation Officer's Comments | | <p>The full length of the application route and appeared to be capable of being used at least on horseback.</p> <p>The fact that the route of 9-23-FP3 is not shown on the map sheet showing the southern section of the route appears to be an error as the OS took information about the routes of recorded public rights of way from surveying authorities and there is no record of this footpath having been extinguished or diverted.</p> <p>The map shows the existence of only one of the two prison sites although the smaller scale 1:50,000 OS map published in the same year showed both. Again, it appears that the available route in 1988 was more likely to have been from point F-G-H-I-J rather than via the more direct historical route F-J.</p> |
| Online Research about local area | 2008-2009 | <p>Information was found on the Ulnes Walton Bridleways Association Website https://www.ulneswaltonbridleways.co.uk/routes/</p> <p>The Bridleway Association is a Registered Charity, initially set up by a group of equestrian minded people, who were very concerned about the safety of riders using busy roads in their area and in particular the fact that there were no public or concessionary bridleways for them to use. The Association was set up in 2003 and since that time have managed to secure access agreements to create and to ride a number of routes in the area – particularly on land owned by</p> |



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| | | South Ribble Borough Council. |
| Observations | | <p>The website lists some of the Association's achievements including the fact that a 'new path' was laid from Moss Lane and the prison roundabout, up through the woods at the back of the prison and out onto Ridley Lane.</p> <p>This route coexists with the route recorded as 9-23-FP1 and links to the application route at point E.</p> <p>The work to agree and to surface the route was said to have been done courtesy of Ulnes Walton Parish Council, the Prison Authority and Foresters Estates and was useful to walkers and to horse riders as it provided a circular route around the prison for walkers and horse riders also gave improved access to the SRBC paths for many horse riders from Croston, and vice versa.</p> |
| Investigating Officer's Comments | | No user evidence submitted as part of the application but the applicant (who was the British Horse Society) does refer to the fact that the route has been used and that user evidence could be provided. The information provided on this website suggests that local use was being made of the route from 2008-2009 via a newly constructed link from Moss Lane. |
| Landfill Site and Proposed Concessionary Bridleway | 2004-2012 | Information on LCC files regarding a proposal to enter into a permissive agreement to allow horses to use the application route. |
| Observations | | <p>Linked to the work being done by Ulnes Walton Bridleways Association it appears that there was a proposal to allow equestrian access along the application route and through to Cocker Bar Road via point I linking into the work being carried out to provide a network of concessionary bridleways in Ulnes Walton.</p> <p>Although not shown on any of the maps inspected it is understood that when the brick and tile works ceased to operate the land became a landfill site including the disposal of regulated nuclear waste. The disposal started in 1964 and continued until 1983 and the site located on either side of the application route between point C and point F is under constant monitoring. The date at which work to restore the site was completed is not known.</p> |



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| | | <p>The access road from Cocker Bar Road south to point I and then the application route from point I down to approximately point C was used as access to the site and resulted in it being tarmacked. The roadway between point C and point K is not maintained although speed humps and signs are still evident, and the remains of road markings can be seen in places. No reference to the landfill site was found in relation to the preparation of the Definitive Map but if large wagons were travelling up and down the route between point C and point F this may account for the route of the footpath being recorded adjacent, rather than along the application route.</p> <p>Following the closure of the landfill site and subsequent land reclamation scheme there was a project led by Ulnes Walton Parish Council and a Countryside Officer employed by Lancashire County Council to apply for funding to facilitate the creation of a network of multi-use paths catering for pedestrians, cyclists & horse riders around the prison.</p> <p>The proposed routes of the new multi-use paths consisted of some routes already recorded as public footpaths and other routes with no recorded public legal status.</p> <p>LCC Estates Team provided advice and assistance to the main lead persons (see above) by contacting landowners and proposing concessionary agreements to try to secure multi-use rights over the portions of the route covered by existing public rights, and if possible secure new (concessionary) rights over land between Ridley Lane connecting to the adopted highway at Moss Lane, the idea being to provide an integrated pedestrian, cycle and bridleway route. The principal landowners were the Worden Estate, HM Prisons (Secretary of State) and SITA although ownership of some of the land crossed by the proposed routes was unknown.</p> <p>Negotiations started in approximately 2004 and continued through to 2012 when the proposal lapsed and no agreements were completed.</p> <p>Plans of the proposed concessionary routes were obtained and confirm that the whole of the application route was included.</p> |
| Investigating Officer's Comments | | It appears that use of the route by the public may have been restricted when the land on either side of the route between points A-F was being used |



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| | | <p>as a landfill site and this may have accounted for why the route of 9-23-FP3 was recorded along the eastern side of the application route (landfill access road) rather than along it.</p> <p>The fact that concessionary bridleway rights were being considered along the application route between 2004 and 2012 suggests that the landowners did not acknowledge the existence of public bridleway (or vehicular) rights at that time.</p> |
| Cycle Route promoted by South Ribble Borough Council | 2021 | Details found on South Ribble Borough Council website of a cycle route promoted by them. |



https://www.southribble.gov.uk/media/538/2020-Cycle-Routes-Seven-Stars-West/pdf/2020_Cycle_Routes_Seven_Stars_West.pdf?m=637426088687470000

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| Observations | | A leaflet promoting a cycle route to members of |
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| | | the public was located on the South Ribble Borough Council website although the original date of publication is not known. The route includes use of the application route from point A through to point I but gives no indication regarding the legal status of the route or whether permission to use it has been given by the relevant landowners or whether use is considered to be as of right or whether anyone actually did use the leaflet. |
| Investigating Officer's Comments | | No information has been found regarding permission granted for the inclusion of the route in the cycling leaflet. No inference can be drawn regarding existing rights but it was very likely to have been accessible and used by the public. |
| Highway Stopping Up Orders | 1835 - 2014 | Details of diversion and stopping up orders made by the Justices of the Peace and later by the Magistrates Court are held at the County Records Office from 1835 through to the 1960s. Further records held at the County Records Office contain highway orders made by Districts and the County Council since that date. |
| Observations | | No other legal orders relating to the creation, diversion or extinguishment of public rights have been found, other than those detailed earlier in the report. |
| Investigating Officer's Comments | | Between point F-J-M public rights were stopped up temporarily in 1940-1942 under the emergency powers detailed earlier in this report and then permanently in 1947. No other legal orders relating to the creation, diversion or extinguishment of public rights along the application route have been found. |
| 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</p> |



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| | | 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). |
| 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

It is rare to find one single piece of map or documentary evidence from which it is strong enough to conclude that public rights exist along a route and it is often the case that we need to examine a body of evidence, often spanning a substantial period of time, from which public rights can be inferred.

In this particular case no user evidence was submitted and although recent site inspection suggests that it can and is being used on bicycle and on horseback such use is not being considered here. Investigations have however been carried out into negotiations that appear to have taken place with regards to agreeing concessionary equestrian access along the route, although should unrecorded public bridleway rights already have existed prior to this happening then such negotiations would not be relevant to this case.

The map and documentary evidence examined shows that a through route did exist from at least 1818 extending north from Moor Road along Ridley Lane and passing through point A to continue to the east of Littlewood through to point F and then east. This route is also shown on Hennet's Map of 1830 and then in much more detail on the Tithe Map published in 1837.

The Tithe Map provides some key information about the routes that existed at that time, ownership of the land and connectivity to other routes.

At that time the application route from point A to point F was in private ownership and was not considered to be a public road. The route from point F-G-H-I did not exist but rather a more direct route from point F to point J existed. Part of that direct



route was considered to be a public road passing through point J and continuing to point M.

Maps and documents from over the following 100 years all showed the route originally shown on the Tithe Map and do not show the application route between points F-G-H-I-J.

Highway records from 1929 concur with what was recorded on the Tithe Map – in that the application route from point J to point M was part of a publicly maintained highway but no evidence was found to suggest that the rest of the route which existed at that time (A-F) was considered in the same way or that the route F-G-H-I-J physically existed at that time.

The maps and documents examined do however confirm the physical existence of a route passing through point A to point M (and beyond) via the direct route F-J which appeared to be capable of being used at least on horseback.

In the 1940s it appears that a large area of land was requisitioned by the Government under special defence powers and public rights along the application route between point J and point M extinguished – together with rights along the route now known as Pump House Lane connecting to the application route at point M. The land appears to have been used as an ammunition storage facility - details of which were not mapped by the OS until many years later.

The key evidence relating to changes on the ground at this time are the 1940s aerial photograph and annotations made to the 1929 Handover Map and notes made on the Public Rights of Way Parish Survey Map.

From the 1940s onwards it appears that the whole of the application route may have been available to use - via the route F-G-H-I-J as evidenced by the 1940s and 1960s aerial photographs. However, it is not known whether the route F-G-H-I-J was created for private use only or whether it was created for use by the public. Given that public rights had been extinguished along the route J-M as part of the requisition of land it appears more likely that this route was created as a means of private access to and from properties that appear still to have existed.

OS maps published from this time do not show the application route F-G-H-I-J but continued to show the historical route.

The Definitive Map records concur with the fact that land had been requisitioned and public rights extinguished.

The route from point A-F does not appear to have been directly affected by the land requisition and the route remained unaltered. By the 1950s it appeared that there was a belief that public footpath rights existed along the route A-F and also F-G but this is further muddled by the fact that the Draft Map shows the footpath from point C-F running parallel to the application route, the Provisional Map is missing and the First Definitive and Revised Definitive show the route adjacent but not along the application route even though current site evidence shows no real trace of this route existing.



There is recent anecdotal evidence of use of the full length of the route from the 1940s onwards suggesting that even if the route A-F came into being as a private access road, the route F-G-H-I-J did not exist until at least the 1940s and was constructed for private purposes and that public rights had been extinguished at that time over the route J-M, that public bridleway rights could have come into being along the whole route since that time if there was evidence of sufficient quality and quantity although it is noted that discussions regarding use of the route by horses and cyclists on a concessionary basis took place between 2004-2012.

However, on balance, given the evidence available, the Investigating Officer concludes that there is insufficient map and documentary evidence from which historical or more recent dedication can be inferred.

Head of Service – Legal and Democratic Services Observations

Landownership

The section of the application route from A to F crosses land which is unregistered, The land crossed by the application route from F to J is in the ownership of the Worden Estate and the land crossed by the application route from J to K is land owned by the Secretary of State for Justice. The historical route from point F to K crosses land owned by the Secretary of State for Justice.

Information from the Applicant

The applicant provided the following maps in support of their application;

- OS First edition 6 inch map published 1847
- Map described by the applicant as 'Highways Map' showing 'modern route in full' (extract from LCC Mario online mapping showing road status information)
- Extract of Smith's Map which was not located in the application bundle but has been considered by the county council earlier in this report (Smiths Map published 1804)
- Extract of Hennet's Map published 1829-1830
- OS 1 inch map published 1896
- Bartholomew ½ inch maps published in 1904 and 1941
- 25 inch OS map published in 1911
- 6 inch OS map published 1929
- 1 inch OS map published 1961 and overlay showing application route and route prior to the construction of the prison
- Finance Act Map 1910
- Tithe Map 1838 and extracts from Tithe Award

The maps and documents listed above have all been considered earlier in the report. The applicants considered that according to historical map evidence the route applied for was from Moor Road in Croston, through Littlewood Hall Farm to the Littlewood Brick and Tile Works and was a through road for traffic, meeting up with Moss Lane to the east (now known as Pump House Lane). They submitted that in the more recent past a prison was built over some of the original route, but that an



alternative route was made to ensure a continuous route and submitted the application for the alternative route to be recorded.

The applicants have not provided any user evidence other than providing the following information:

"The husband of a volunteer, born in 1952 used to fish in the pits near the brick and tile works when he was a child. He remembers accessing them via the routes being claimed as he lived on Slater Lane (it was a direct route for them). He remembers the brick works being demolished to create the landfill site. The tarmac road, which makes up some of this application, was laid to facilitate access to the landfill site from Cocker Bar Road to the north. Whilst the road is unadopted and not recorded on maps, it is line marked, has speed humps and road signage, all installed by LCC. The local bin wagons used this road for over 20 years until the landfill site was completed and grassed over."

The applicants state that the Ulnes Walton Bridleways Association has used the route for pleasure rides since 2004 (2 per year on average) and that local Livery and many private yards use these tracks daily, as do walkers and cyclists. We have asked them for user evidence but none has been forthcoming.

Information from Others

Cadent Gas and Atkins Global responded to consultation to state that they have no objection to the application

Information from the Landowner

John Forrester Limited responded to consultation as agent for Worden Estate, they advised that they would provide title plans to clarify the land in their client's ownership but these plans have yet to be sent.

The Secretary of State for Justice responded to consultation with a detailed report from a public rights of way consultant. Their research revealed Orders temporarily stopping up highways in the area between Ridley Lane and Pump House Lane and between Willow Road and Nixon Lane, made under the Emergency Powers (Defence) Act 1939 and that these were followed up by a permanent stopping up order. The effect of this was to close, from November 1947, parts of the routes which the DMMO applications are now claiming to be public bridleways. Copies of the Order were provided and are included below.



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1017/57

STATUTORY RULES AND ORDERS

1947 No. 2520

HIGHWAY, ENGLAND

THE STOPPING UP OF HIGHWAYS (LANCASHIRE) (No. 7) ORDER, 1947,
DATED *November 25*, 1947, MADE BY THE MINISTER OF
TRANSPORT.

Whereas by virtue of Orders made on the 30th day of September, 1940, and the 20th day of November, 1942, by the Minister of Supply in exercise of the powers conferred upon him by Regulation 16 of the Defence (General) Regulations, 1930, the highways consisting of the roads and footpaths within the parish of Ulnes Walton in the County of Lancaster (hereinafter referred to as "the said highways") which are specified in the Schedule to this Order were stopped up;

And whereas the said highways have not ceased to be so stopped up,

And whereas the Minister of Transport (hereinafter referred to as "the Minister") is satisfied that in the public interest it is expedient that the said highways should be permanently stopped up;

And whereas the provisions of subsections (1) to (3) of section 17 of the Requisitioned Land and War Works Act, 1945 (which provide for the publication of orders proposed to be made under section 15 of the said Act) have been complied with;

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c. 43.

And whereas no written objection to the draft Order so published has been received by the Minister within the time limited by the notice thereof given in accordance with the said provisions;

Now, therefore, the Minister in exercise of the powers conferred upon him by section 15 of the said Act and of all other powers him enabling hereby makes the following Order:—

1. The permanent stopping up of the said highways is hereby authorised.
2. The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.
3. This Order may be cited as "The Stopping up of Highways (Lancashire) (No. 7) Order, 1947".

52 & 53
Vict. c. 63.

Given under the Official Seal of the Minister of Transport this
Kensley 8/12 day of *November* 1947.

G. Midman

An Under Secretary of the
Ministry of Transport.

THE SCHEDULE

HIGHWAYS TO BE STOPPED UP

1. That part of the road leading from Littlewood Hall Farm to Ulnes Walton Lane which extends from a point approximately 1,066 yards north of Littlewood Hall Farm in a general north easterly and northerly direction for a distance of approximately 2,308 yards to a point 100 yards west of Nixon's Farm.

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2. That part of the footpath leading from a point on the road described in paragraph 1 of this Schedule approximately 372 yards east of Smith's Farm to Cocker Bar Road which extends from the above-mentioned point in a general north westerly direction to the footbridge over Wymott Brook.

3. That part of the footpath from Littlemoor Siding to Low Moss Farm which extends from a point approximately 170 yards north east of the Wymott Brook culvert under the L.M.S. Railway in a general north easterly direction to its junction with Nell Wareing Lane at Low Moss Farm.

4. The footpath extending in a north westerly direction from Smith's Farm to its junction with the footpath described in paragraph 3 of this Schedule.

5. That part of the footpath from Nell Wareing Lane to Ulmes Walton Lane which extends in an easterly direction from its junction with Nell Wareing Lane for a distance of approximately 405 yards.

6. The road extending in a general north westerly direction from Carter's Farm to its junction with the road described in paragraph 1 of this Schedule at a point approximately 130 yards east of Langtrees Farm.

7. That part of Moss Lane which extends from Windy Harbour in a westerly direction for approximately 175 yards to Carter's Farm and thence in a general north westerly direction to its junction with the road described in paragraph 1 of this Schedule at a point approximately 567 yards east of Langtrees Farm.

8. That part of the footpath from Moss Lane to Ulmes Walton Lane which extends in a general easterly direction from its junction with Moss Lane for a distance of approximately 400 yards.

9. That part of the footpath from Carter's Farm in Moss Lane to Johnson's House which extends in a general southerly direction from Carter's Farm to a point approximately 130 yards north of Johnson's House.

10. That part of the road from Ulmes Walton Lane to the Clay Pit south of Stanning's Folly which extends from a point 66 yards north west of Johnson's House in a general north westerly and south westerly direction for a distance of approximately 550 yards, more particularly delineated and coloured red on the plan numbered R.L.A. 20/1-4 marked "Highways at Ulmes Walton in the County of Lancaster" a copy of which has been deposited at the offices of the Ministry of Transport, Berkeley Square House, London, W.1, and at the offices of the Chorley Rural District Council, Council Offices, Gillibrand Street, Chorley, Lancashire.

all

C.H.

Assessment of the Evidence

The Law - See Annex 'A'

Conclusion

The application is that the route be recorded on the Definitive Map and Statement as a bridleway. Part of the route under consideration is currently recorded as a public footpath. The application is to upgrade this footpath to a bridleway, as it is suggested the public footpath carries higher public rights.

There is no express dedication in this case. Committee is therefore advised to consider whether there is sufficient evidence from all the circumstances to infer at common law that owners of this route intended dedicating or whether there is evidence of twenty years use by sufficient users without sufficient evidence of a lack of intention to dedicate from which dedication could be deemed under S31 Highways Act 1980 (but bearing in mind S31 cannot be used re Crown Land).



No user evidence was submitted as part of the application.

The evidence to be deliberated therefore is historical documentation and whether there is sufficient evidence from which to infer, on balance, that the owner/s of this route intended the route to be a bridleway or other highway open to the public. Inference of dedication at common law is possible on land held by Government Departments

The evidence has been summarised and evaluated earlier within the report.

Part of the application route from A-F was in private ownership on the Tithe Map 1837 and was not considered to be a public highway.

Part of the application route F-G-H-I is not shown on Tithe Map 1837 or any maps and documents for next 100 years indicating it did not physically exist at this time.

Highway records from 1929 show that the application route from point J to point M was publicly maintained highway.

During World War 2 an area of land was requisitioned by the Government under special defence powers for an ammunition storage facility. Committee is referred to a temporary stopping up order in 1939 and a permanent stopping up order 1947 that extinguished in law the public rights along the application route between point J and point M

Committee is advised that the evidence points to F-G-H-I-J being constructed as a private access road to buildings in the 1940s.

It is advised that on balance the evidence of the application route having become a public bridleway is insufficient.

The recommendation is that the application be not accepted and no Order be made.

Risk management

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

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



Paper

Date

Contact/Directorate/Tel

All documents on File Ref:
804-731

Simon Moore, 01772
531280, County Secretary
and Solicitors Group

Reason for inclusion in Part II, if appropriate

N/A

