

Application for a Modification Order
Wildlife and Countryside Act 1981
The Definitive Map and Statement of Public Rights of Way for the
County of Lancashire

To: The Director of Corporate Services, Lancashire County Council.
Of: PO Box 78, County Hall, Fishergate, Preston, Lancashire, PR1 8XJ

I: D Brooksbank, for and on behalf of The British Horse Society
Of: C/O Access and Rights of Way Department, The British Horse Society, Abbey Park, Stareton,
Kenilworth, Warwickshire, CV8 2XZ

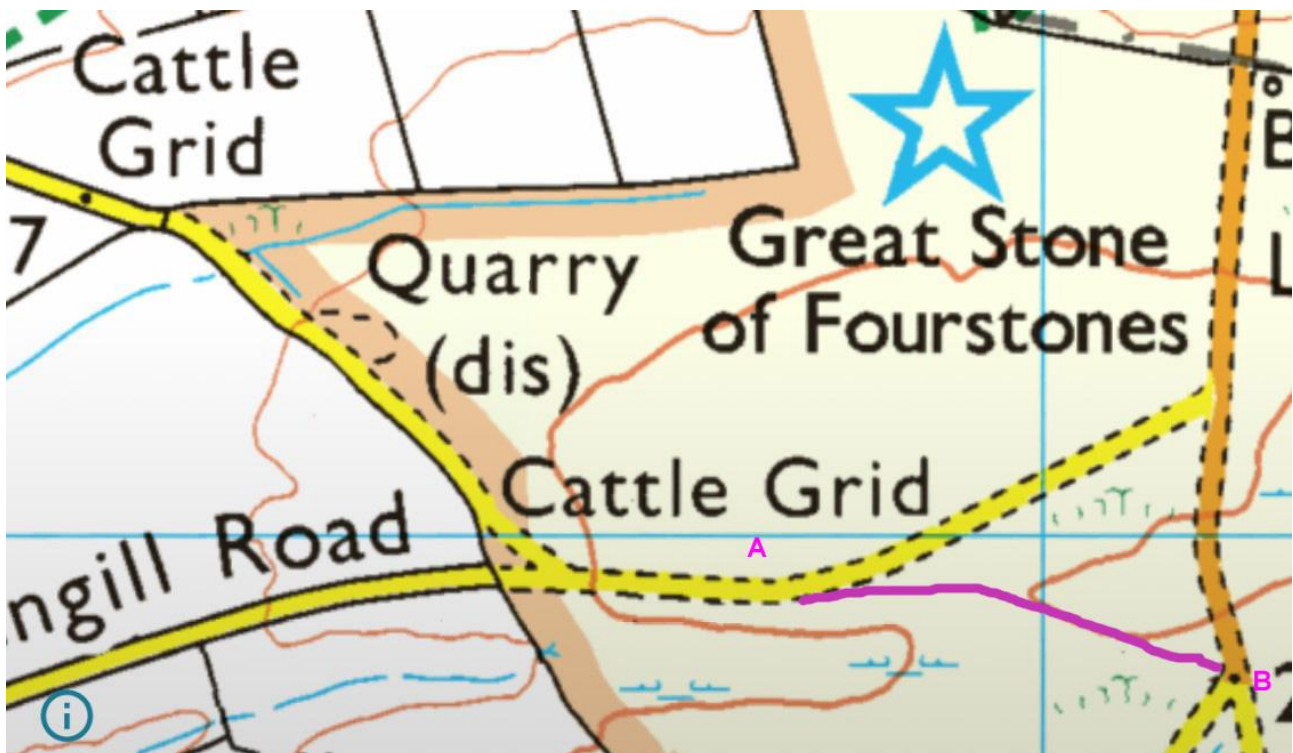
Hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and statements for the area by:

2. Adding the bridleway SANDY LANE, Parish: Tatham

FROM: Aikengill Road (A) SD66806596

TO: Slaidburn Road(B) SD67106592

AS SHOWN ON THIS MAP:



This map should print at 1:5,000 scale when printed on A4 paper.

Description of Application Route:

The Application Route is approximately 250m long and the track bed is around 3 to 4m wide throughout. It is entirely unenclosed, running across open moorland which is Access Land. The western section is partly overgrown with rushes, but the way is obvious. The eastern section is short grass, eroded in places by users and livestock. There are no stiles or gates on the route.

It is clear the route has been in regular use by walkers and horse riders for several years and there are no signs prohibiting this use.

Current Recorded Status:

The route is not recorded on the Definitive Map.

The route is not recorded on the List of Streets.

Notes:

The entire route is regularly used by the public, walkers and riders.

Summary and Statement of Reasons:

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

All evidence, spanning over 200 years, points to this being a public highway of status equal to Bridleway, even though it is not recorded on the Definitive Map.

1. The application route is shown as a road on old county maps – on Greenwood 1818 and Hennet 1829. These maps were developed for sale to horse riders and coach drivers and so would strive to accurately show usable routes. They show the application route rather than the present road as the only continuation of Aikengill Road to the Slaidburn Road.
2. The route is clearly shown as a road on all historic Ordnance Survey Maps inspected, from 1848 to 1961 – including the 6 inch 1st Edition (1847) which shows the application route rather than the present road as the only continuation of Aikengill Road to the Slaidburn Road, and the 1895 and 1911 editions show it having equal status with the present surface road.
3. The Ordnance Survey 25 inch Map First Edition 1891 and the 1913 Edition, both show a benchmark along the route, which is good evidence that this was considered a public highway. Benchmarks were always placed in readily accessible locations – on buildings and along-side roads.
4. On the 1858 Tatham Inclosure Award Map (Annual General Act 1853) the route is clearly shown and coloured the same as other roads in the area, which are public roads to the present day.
5. There are no stopping up orders found.

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

A: Evidence from Maps

A1: Greenwood Map (1818)

Map developed for sale to coach drivers and horse riders. The Applicant route is shown in the same way as other minor roads in the area, and the present road is not shown.

Source: Lancashire County Council Environment Directorate's Archaeology Service

<https://www3.lancashire.gov.uk/environment/oldmap/index.asp>

A2: Hennet Map (1829)

Map developed for sale to coach drivers and horse riders. The Applicant route is shown in the same way as other minor roads in the area, and the present road is not shown.

Source: Lancashire County Council Environment Directorate's Archaeology Service

<https://www3.lancashire.gov.uk/environment/oldmap/index.asp>

A3: Ordnance Survey Maps – 6 inch England and Wales (Drawn scale 1:10,560)

1847 - shown as unfenced road; **1895** - shown as unfenced road; **1911** - shown as unfenced road

The 1847 map shows the applicant route as the only access to Slaidburn Road from Aikengill Road and Whitepits Lane.

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

A4: Ordnance Survey Maps - 25 inch England and Wales (Drawn scale 1:2,500)

First Edition **1891** the route is shown as an unfenced road; **1910** Edition the route is shown as an unfenced road. Both editions show a bench mark on the application route towards A.

Source: National Library of Scotland Online Map database <https://maps.nls.uk/> And: Lancashire CC Maps and Related Information Online (MARIO) system <http://mario.lancashire.gov.uk/agsmario/default.aspx>

A5: Ordnance Survey Maps - One-inch England and Wales (Drawn scale 1:63,360)

1898 shown as unfenced road; **1947** shown as unfenced, unmetalled road; **1955** shown track

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

A6: Ordnance Survey, 1:25,000 maps of Great Britain

1948 & 1951 shown as unfenced road; **1961** shown as track.

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

B: Primary Evidence

B1: Inclosure Act (Annual General Act 1853) Map; Tatham Inclosure Award 1858

shown as a road in the same manner as other roads in the area.

Source: Lancashire Archive Ref AE/5/12

C: Other Evidence:

C1: The Gazette – Stopping Up

Stopping Up Order - search returned no records.

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

D: Map and Photographs of the Application Route:

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

Approximate scale when printed on A4 paper – 1:5,000

Source: OS Maps App personal subscription. Map data: Ordnance Survey, Crown copyright

D2: Aerial photo of Applicant Route

Shows the route is clearly visible as a track.

Source: Lancashire CC Maps and Related Information Online (MARIO) system

<http://mario.lancashire.gov.uk/agsmario/default.aspx>

D3: Recent Photograph of the route looking east

Showing an obvious historic road with the track bed levelled across the slope.

Source: Applicant's own image

D4: Recent Photograph of route looking west

Showing regular use by horseriders and walkers.

Source: Applicant's own image

DATED:

SIGNED:

THE FOLLOWING DOES NOT MAKE UP PART OF THE ABOVE FORM

Please return the completed application form to:

The County Secretary and Solicitors Group, Lancashire County Council, PO BOX 78

County Hall, Fishergate, Preston, PR1 8XJ (REF: LSG4/PROW/SK)

NOTE: Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.

NOTE: Lancashire County Council is obliged to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicants name and address would, or would be likely to, cause substantial damage distress to the applicant or to another person and such damage would be or would be unwarranted, please contact Lancashire County Council who can remove these details from the register and from any documents contained on the register.