

SEFTON METROPOLITAN BOROUGH COUNCIL

REGISTER OF APPLICATIONS MADE UNDER SECTION 53(5) OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

Reference No.	Applicant	Intended Effect of Application	Location	Parish	Definitive Map	Date Application Received	Date Application Validated	Determination Due Date	Secretary of State Direction	Date Application Determined	Decision	Date Order Made	Order Opposed	Order Confirmed	Date Order Confirmed
DC0005	R O'Sullivan	Add a Footpath	School Lane to Canal Towpath Adjacent to 2 School Lane, Aintree, L10 8LH SJ37919851 SJ37879847 & SJ37889848 SJ37889846	Aintree	Sefton MBC Area 3	18/08/2006	N/A	18/8/2007	N/A	22/3/2007	Make Order	9/3/2010	No	Yes	21/9/2010
DC0093	Formby Civic Society	Add two Footpaths	Continuation of Lunts Lane (east) to Liverpool Road and Altcar Road, Little Altcar, L37 SJ 330801,405738 SJ 331272,406781 & SJ 330693,406053 SJ 330938,405979	Little Altcar	Sefton MBC Area 3	28/02/2007	N/A	28/2/2008	N/A	10/1/2008	Make Order				
DC0620	C Cooper, P Liddiard, A & A Williamson, R Cunningham, G Cunningham, E Conway, M Turner	Add a Footpath	Path between St Jerome's Church Hall and Presbytery, Formby, L37 2LX SD 328315,407101 SD 328321,407169	Formby	Sefton MBC Area 3	18/02/2010	N/A	18/2/2011	N/A	16/6/2011	Make Order	13/9/2011	Yes		
DC1041	Mr K Sharpe	Add Footpaths	Cross Barn Lane, Moor Lane and Back O' Th Town Lane, Ince Blundell, L36 6JD SD 332515,402675 SD 332716,403127 & SD 332401,403051 SD 332611,402996 & SD 332313,402963 SD 332405,402814 & SD 332371,402777 SD 332595,402874	Ince Blundell	Sefton MBC Area 3	11/12/2012	2/1/2013	2/1/2014	N/A	9/1/2014	Not to make an order	N/A	N/A	N/A	N/A

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DC2088	Formby Parish Council	Add several Byways Open to All Traffic and Footpaths	Routes along and adjacent to St Luke's Church Road, Formby, L37 2EB SD 328113,406586 SD 328156,406256 & SD 328156,406256 SD 328374,405550 & SD 328374,405550 SD 328680,405163 & SD 328155,406257 SD 327462,405773 & SD 327575,405584 SD 327420,405456 & SD 327929,406061 SD 327575,405584 & SD 327592,405854 SD 327691,405715 & SD 327526,405809 SD 327641,405660 & SD 328157,406260 SD 328538,406245 & SD 328135,406461 SD 328177,406443	Formby	Sefton MBC Area 3	7/08/17	-	-	Application to be determined by 14 October 2020	7/9/2020	Make Order	14/4/2021			
DC1837	Mr P Anderson	Add a Footpath	Lonsdale Road to Long Lane between 77 & 41 Lonsdale Road, Formby, L37 3HD SD 329457,407492 SD 329456,407524	Formby	Sefton MBC Area 3	27/02/18	30/04/18	30/04/19	N/A	24/09/18	Make Order	2/4/2019	No	Yes	25/6/2019

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Definitive map Modification Order application details

This information is prescribed by Statutory Instrument 2005 No.2461

Application Reference:	DC1837
Name of Applicant:	Mr P Anderson
Address of Applicant:	
Description of Claimed Route:	Lonsdale Road to Long Lane between 37 & 41 Lonsdale Road, Formby.
Grid Reference:	SD 329457,407492 SD 329456,407524
Parish:	Formby
Ward:	Harrington
Date Application Received:	27th February 2018
Date Set for Determination:	27th February 2019
Date Application Determined:	24 th September 2018
Decision Made:	Yes
Decision:	Make Order
Public Objections Made:	No
Applicant Appealed:	-
Outcome of Appeal:	-
Date Submitted to Secretary of State:	-
Order Confirmed:	Yes
Date Order Confirmed:	25 th June 2019
Copy of Application:	-
Comments:	Confirmed as Formby Restricted Byway No.65



Minicom: 0151 934 4657

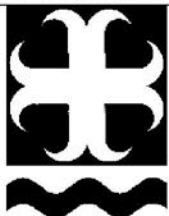
Alan Moore, F.R.I.C.S.
Strategic Director of Regeneration & Deputy Chief Executive
Technical Services is part of the Regeneration Directorate



INVESTOR IN PEOPLE



SEFTON M.B.C.



HIGHWAYS DEVELOPMENT & DESIGN

Jim Black
Locality Services - Commissioned
Magadalen House
Trinity Road
Bootle L20 3NJ

Definitive Map Modification Order
Wildlife and Countryside Act 1981 section 53



Lonsdale Road, Formby

Drawn By: BG

Scale: 1:1000 at A4

Date: 6 July 2018

Checked: B Mason

Ward: Harrington

Os Sheet Name: SD2907NW

DC1837

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**APPLICATION FOR MODIFICATION ORDER TO DEFINITIVE MAP AND STATEMENT OF
RIGHTS OF WAY
WILDLIFE AND COUNTRYSIDE ACT, 1981**

To: Director of Locality Services - Commissioned
Sefton Metropolitan Borough Council
Magdalen House
Trinity Road
BOOTLE
Merseyside, L20 3NJ

I/We (i) PETER FREDERIC ANDERSON

Of (ii) [REDACTED]

hereby apply for an Order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement of Public Rights of Way for the area by*:

- (a) **Adding** the *footpath / bridleway / byway open to all traffic / restricted byway** which runs
from: LONSDALE ROAD TO LONG LANE
to: BETWEEN 37 & 41 LONSDALE ROAD FORMBY
- (b) **Deleting** the *footpath / bridleway / byway open to all traffic / restricted byway** which runs
from:
to:
- (c) **Upgrading/downgrading** to a *footpath / bridleway / byway open to all traffic / restricted byway** the
*footpath / bridleway / byway open to all traffic / restricted byway** which runs
from:
to:
- (d) **Varying/adding** to the particulars relating to the the *footpath / bridleway / byway open to all traffic / restricted byway** which runs
from:
to:
by providing that:

and shown on the map accompanying this application (see overleaf)

N.B. PLEASE DESCRIBE ROUTE AND STATE WIDTHS WHERE APPROPRIATE

*I/We attach copies of the following documentary evidence (including statements of Witnesses) in support of this application.

- (iii) PLEASE REFER TO MY LETTER DATED 27/3/2018
ENCLOSING 21 SIGNED FORM E'S.

Signed [REDACTED] Date 27/3/2018

(i) Insert name of applicant(s)
*delete as applicable

(ii) Insert address of applicant(s)

(iii) Insert list of documents

NOTES FOR GUIDANCE

[Please read carefully]

1 TO THE APPLICANT

Schedule 14 to the Wildlife and Countryside Act 1981 establishes a procedure whereby applications may be made to the surveying authority (i.e. the Council) for a modification to be made to the Definitive Map and Statement of rights of way. A number of forms are involved in the procedure and it is important that you comply with the various guidelines included with this pack to avoid invalidating your application.

2 APPLICATION FORM - FORM A

- 2.1 This form, correctly completed, describes the modification that is being sought for the map. You should read through all the options and decide which is the most appropriate. Definitions of the different types of right of way are given below. If (b) describes your proposed modification for example, you should cross through the other options and then complete (b) in full. An example is given below:

- (b) **Deleting the** ~~footpath / bridleway / restricted byway / byway open to all traffic~~ which runs
from: Scratchy Face Lane, Newtown [SS 2345 6789]
to: Cut Throat Lane, Poppington [SS 2376 6745]

2.2 Definitions

- Footpath:** A highway over which the public have a right on foot only, other than such a highway at the side of a public road.
- Bridleway:** A highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway.
- Restricted byway:** A highway over which the public may have restricted byway rights, with or without a right to drive animals of any description along the highway, but no other rights of way.
"Restricted byway rights" means –
(a) a right of way on foot,
(b) a right of way on horseback or leading a horse, and
(c) a right of way for vehicles other than mechanically propelled vehicles.
- Byway:** (i.e. byway open to all traffic) A highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used mainly for the purpose for which footpaths and bridleways are so used.

2.3 Map

One of the most important requirements of this form is for a map, with the subject route of the application marked clearly and precisely. The scale of the map should be not less than 2½ inches to 1 mile, or 1:25,000. However, you are strongly advised to use a larger scale such as 1:10,000 or, ideally, 1:2,500. If you are submitting more than one application, a separate map will be required for each route.

2.4 Documentary Evidence

The Schedule requires that an application should be accompanied by copies of any documentary evidence (including statements of witnesses) which the applicant wishes to adduce in support of the application. Copies of documents should include certified photocopies (coloured photocopies where the originals are coloured or the detail unclear) or photographs. Exemption will be made where photocopying or photography is prohibited by the document custodian, but this should be confirmed in writing. The documents submitted in evidence should be listed, together with their sources and reference, on FORM G.

3 DETERMINATION OF APPLICATION

If the Council has not determined the application within 12 months of receipt of **FORM C** duly completed, the applicant may refer the matter to the Secretary of State and she, after consulting the Council, may direct the latter to determine the application within a specified period. Appeal may also be made to the Secretary of State within 28 days if the Council decides not to make an Order.

**APPLICATION FOR MODIFICATION ORDER TO DEFINITIVE MAP AND STATEMENT OF
RIGHTS OF WAY
WILDLIFE AND COUNTRYSIDE ACT, 1981**

To: Director of Locality Services - Commissioned
Sefton Metropolitan Borough Council
Magdalen House
Trinity Road
BOOTLE
Merseyside, L20 3NJ

I/we (i) PETER FREDERICK ANDERSON

Of (ii) 

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with in relation to the attached application.

Signed 

Date 27/3/2013

NOTES FOR GUIDANCE
[Please read carefully]

This certificate should be completed only when notice of the application has been served on all owners and occupiers affected by the proposal. A list of the names and addresses of all individuals notified should be provided below. Please indicate if you have been unable to identify all owners and occupiers of any land to which the application relates.

Notice of Application Sent To:

	Name	Address
1
2
3
4
5
6
7

- (i) Insert name of applicant(s)
(ii) Insert address of applicant(s)

**APPLICATION FOR PERMISSION TO NOTIFY LANDOWNERS
BY SITE NOTICE
WILDLIFE AND COUNTRYSIDE ACT, 1981**

To: **Director of Locality Services - Commissioned**
Sefton Metropolitan Borough Council
Magdalen House
Trinity Road
BOOTLE
Merseyside, L20 3NJ

PATH LOCATION DETAILS:

PARISH: FORMBY DISTRICT:

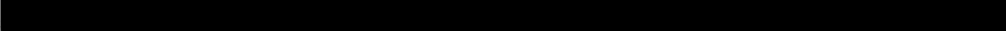
CLAIMED STATUS OF WAY: Footpath / Bridleway / ~~Restricted Byway~~ / ~~Byway Open to All Traffic~~ *[delete as appropriate]*.

DESCRIPTION OF PATH *[include a map]:*

FROM: LONSDALE ROAD FORMBY T.
TO: LONG HALL (BETWEEN 37 & 41)

CURRENT RECORDED STATUS ON DEFINITIVE MAP: No status recorded / ~~Footpath~~ / ~~Bridleway~~ / ~~Restricted Byway~~ / ~~Byway Open To All Traffic~~ *[delete as appropriate]*

I/WE (i) PETER FREDERICK ANDERSON

of (ii) 

have carried out an investigation in an attempt to discover the owners and occupiers of the land affected by the application. I have made enquiries of: *[delete those that are not applicable]*.

- Adjoining landowners
- Local inhabitants
- ~~Post Office~~
- Parish Council
- ~~Register of Electors~~
- Land Registry
- ~~Other appropriate sources~~ *[please state]*.

I have been unable to discover ownership of the land, and I request the Council to direct that Notice may be served by posting said Notices at either end of the way claimed.

Signed  Date 27/3/2012

(i) Insert name of landowners(s) (ii) Insert your name(s)

NOTES FOR GUIDANCE

[Please read carefully]

- 1 It is a requirement of Para 2 of Schedule 14 to the Wildlife and Countryside Act 1981 that an applicant for a modification order shall serve a Notice on every owner and occupier of any land to which the application relates stating that the application has been made.
- 2 The form of Notice, defined by the regulations, is set out in the Council's **FORM B**, which should be addressed and sent to every owner and occupier of any land to which the application relates.
- 3 It is the duty of the applicant to investigate the ownership and occupation of the land so that the necessary Notice may be served.
- 4 Where it proves impossible for the applicant to discover the owner and occupier, **if after reasonable enquiries have been made**, the Council is satisfied that it is not practicable to ascertain the name and address of all the owners or occupiers, the Council may direct that the Notice may be served by addressing it to the owner or occupier of the land [describing it] and by affixing it to some conspicuous object or objects at either end of the route concerned.
- 5 Before the Council can direct that a Notice be posted on the land, the Council must be satisfied that reasonable enquiries have been made. The applicant must, therefore, give details of the enquiries made, which may be conveniently done by completing the details overleaf **[FORM D]**.
- 6 Failure to serve Notice on any owner and occupier may invalidate the application.

Sefton Council
Locality Services- Commissioned
Third Floor
Magdalen House
30 Trinity Road
Bootle
L20 3NJ



Your Ref LSC/BG/HDC/ROW/0161/Lonsdale

27/03/2018

For the attention of Mr B Goodwin

By Hand

Re Footpath adjacent to 37/41 Lonsdale Road

Dear Sirs

Further to your letter dated 14/02/2018 as referenced above, enclosing an application pack to claim the above path as a Public Right of Way. I would advise that I have obtained 21 No. signed Form E's to assist you with the process.

You will note from the attached, that one or two have for whatever reason been returned to me in joint name. However, the number of attached forms I feel clearly demonstrates in accordance with the 20 year rule, that this path is used daily and regularly not just by the signatories, but by others who have not been contacted, or by pupils of the nearby High School. I can advise that at least 20-30 pupils use this path twice daily during school terms and I believe have done since the late 1940's

With regard to the width in Q9 The land take width is (average) 2.60 m. The footpath itself 1.30 m

The names and addresses of the signatories are as set out below.

- | | | | |
|----|------------|------------------|---------------------------------------|
| a) | [Redacted] | 1 Lonsdale Road | |
| b) | [Redacted] | 2 Lonsdale Road | |
| c) | [Redacted] | Ditto | (2 Names on one form + 2 signatures) |
| d) | [Redacted] | 7 Lonsdale Road | |
| e) | [Redacted] | 7 Ditto | |
| f) | [Redacted] | 9 Lonsdale Road | |
| g) | [Redacted] | Ditto | |
| h) | [Redacted] | 10 Lonsdale Road | |
| j) | [Redacted] | 12 Lonsdale Road | |
| k) | [Redacted] | 15 Lonsdale Road | |
| l) | [Redacted] | Ditto | |
| m) | [Redacted] | 18 Lonsdale Road | |
| n) | [Redacted] | Ditto | |

p)	[REDACTED]	20 Lonsdale Road	(2 Names on one form)
r)	[REDACTED]	22 Lonsdale Road	(Failed to return forms)
s)	[REDACTED]	32 Lonsdale Road	
t)	[REDACTED]	34 Lonsdale Road	
u)	[REDACTED]	36 Lonsdale Road	
v)	[REDACTED]	37 Lonsdale Road	
w)	[REDACTED]	63 Lonsdale Road	
x)	[REDACTED]	71 Lonsdale Road	
y)	[REDACTED]	159 Lonsdale Road	
z)	[REDACTED]	Ditto	

In total 21 Forms (one of which is twice signed)

You will note from the attached all residents are from Lonsdale Road .As previously stated there will be numerous other residents in the immediate locality who use this footpath. I would imagine this was a reason for the Authority to install a street light (some years ago) halfway along . The residents of 37 & 41 have to the best of their knowledge, no paperwork indicating who is the owner of this strip of land. I believe a storm water drain runs directly under the footpath and I would imagine that an easement to allow the appropriate Authority onto that land to effect repairs (should this deem necessary) would have at some stage been drawn up.

I trust that the attached and foregoing is sufficient for you to proceed. Should however you require any further assistance, please do not hesitate to contact me.

Yours faithfully

P F Anderson