

**CLAIM FOR A PUBLIC FOOTPATH UNDER SECTION 53  
WILDLIFE AND COUNTRYSIDE ACT 1981 –  
MOUNT PLEASANT, NANGREAVES, BURY**

**1.0 List of Submitted and Collected Evidence**

**1.1 Evidence Forms**

- i) 26 completed evidence forms were submitted by the claimant. 15 of these claimed over 20 years use of the path. 8 of the 15 specifically refer to the path being 5 feet from the gable end of Number 28 Mount Pleasant. None of the forms refer to having been stopped from using the path or having seen notices relating to the status and/or usage of the route.
- ii) All 26 forms had identical location maps attached and very similarly worded descriptions of the path.
- iii) Several of the forms refer to:
  - a) The path having been constructed in the 1850s for use of the mill workers who lived in the village. Many of the properties in Mount Pleasant are built on the site of a mill.
  - b) The path is the only access to the allotments owned by Peel Holdings.
  - c) The villagers use the path to visit the pub (Lord Raglan), to visit friends and to catch the bus. The route is used by the public as part of walks to and from Ramsbottom.
- iv) One person claims that the path is an extension of the path behind numbers 14 to 28 Mount Pleasant.

**1.2 Residents of Mount Pleasant**

- i) The 69 properties in the village which had not already submitted evidence were contacted by letter on 19 May 2004 and asked for relevant information and comments. Only 4 replies were received.

The information in the 4 responses can be summarised as follows:

- a) The land adjacent to number 28 claimed as part of the path had been used for car parking for the 10 years one respondent had lived in the village.
- b) Another respondent claimed to have used the route for 16 years, but did not see a problem with the access moving “a few feet sideways“ away from the gable end of No 28.
- c) The third letter suggested that even with the fenced area which has brought the status of the path into question, there is land available which is “9 feet at the narrowest point” for access.
- d) The final letter claimed to have used the route since 1975.

### **1.3 The Owners of Number 28 Mount Pleasant**

The owners of No 28 have responded to the claim with the following points:

- a) Previous owners of No 28 have parked their cars on the land abutting the gable end.
- b) The proposed right of way is a private access for users of the allotments.
- c) The path is in a “poor” and “dangerous” condition. If it is well used, why has no one complained about its state?
- d) The shortest route from the bottom to the top of the village to the mill gates would have been via the road.
- e) The majority of the residents of the village are not concerned about the matter.
- f) Some of the evidence forms were filled in by people who had not visited the site since the alterations which brought about the claim had taken place.

### **1.4 Photographs**

The Authority holds a photograph from June 2000 showing a car parked on the claimed line of the path adjacent to No 28. A second photograph from 1989 appears to show a large object adjacent to the gable end.

## **1.5 Peel Investments (North) Limited**

Peel Investments (North) Limited own the allotments served by the path. They submitted a letter on 24 August 2004. It confirmed that they do not own the path but is contradictory when describing use of the route. However, the letter does suggest that the path is an extension of the path which runs to the rear of Numbers 14 to 28 Mount Pleasant.

## **2.0 Conclusions**

- 2.1 The similarity of descriptions of the route and the identical maps included in the 26 submitted evidence forms suggests that there has been some discussion between the individuals completing the forms. 8 people claim the route ran 5 feet from the gable end of Number 28 Mount Pleasant when the area available is much wider.
- 2.2 If the mill workers did use the path to access the mill, they may have done so at the invitation of the mill owner and not as a member of the public. As the mill owner built the path, it would act as a private access for the workers to the mill.
- 2.3 Peel Holdings claim that the allotment owners are also using the path as a private access.
- 2.4 There is no evidence that anyone has ever been challenged whilst walking between the top and bottom of the village and beyond. However, there is no evidence on site that the route walked would have followed a line 5 feet from the gable end of Number 28 Mount Pleasant.
- 2.5 Evidence suggests that vehicles have been parked beside the gable end of Number 28 Mount Pleasant on a regular basis for many years. This would regularly obstruct the claimed line of the path. Parked cars are not mentioned in any of the evidence forms.
- 2.6 Only 4 of the 69 properties in Mount Pleasant felt it necessary to comment on this matter when asked by the Authority for information. None of their comments assist in forming a view as to the line of the proposed right of way.
- 2.7 Given the lack of evidence to substantiate the claimed line of the path or any other route I am minded to propose refusal of the application.

**DAVID CHADWICK  
PUBLIC RIGHTS OF WAY OFFICER**