

**CLAIMED PUBLIC FOOTPATH, STUBBINS LANE, RAMSBOTTOM**

**FACTS:**

1. There is a trodden route on site on the line claimed. It only disappears where materials have been placed by the current landowner to hinder passage along the route.
2. Seven people claim over twenty years use of the path.
3. Four people claim less than twenty years use of the path.
4. Usage covers the period 1972 to 2006. This is 34 years.
5. Part of the land was in single ownership for all but the last few months of this 34 year period – the owner died in 2006; the other part by the Greater Manchester Fire Authority who have objected to the claim but have not presented any evidence.
6. There are the remains of a concrete post and plain wire fence on site which appears to have crossed the path, but has been out of repair for some time.

**EVIDENCE PRESENTED/COLLECTED INDICATES THAT:**

1. The route was used by paper boys, postmen and people living on the estate who worked at the Fire Station.
2. A sign stating “Private Land – No Trespassing” was erected on the land in 1995.
3. No one witnessed the landowner informing people that they could not use the path, although it is claimed by those opposing the application that he did so.
4. Those who support the application state that either they saw the owner whilst using the path and had pleasant conversations with him or that they never saw him whilst using the path.
5. Mr Topping lived at a nearby property from 1993 to 2001. He claims he challenged people using the path.
6. A resident of Coniston Close, claims that he challenged people using the path. He does not own any of the land crossed by the claimed route.
7. Someone was given a Police Warning for cutting a newly erected barbed wire fence on the land in the 1980’s. This may have been 1987 or 1988. The fence was erected to control livestock, which escaped onto Stubbins Lane as a result of the fence being cut.
8. None of the evidence forms submitted by the applicant refer to a fence across the path.
9. The remains of the concrete post and plain wire fence which crosses the path are the same as the fencing that surrounds the “Fireman’s Houses” on Stubbins Lane which were built in the late 1960s or early 1970s.

## **METHOD OF COLLECTION OF EVIDENCE**

1. Applicant submitted witness statements.
2. Landowners contacted and asked for evidence.
3. Local residents (all on Heatherside Road, Cedar Crescent, Coniston Close, Troutbeck Drive, Buttermere Drive and Windermere Drive) written to and asked for evidence.
4. Interviews carried out with some of the people who submitted evidence – both for and against the application.