

**FORM OF APPLICATION FOR A MODIFICATION ORDER**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR THE BOROUGH OF BLACKPOOL**

**TO: Chief Corporate Solicitor, Blackpool Borough Council**

**OF: P O Box 11, Town Hall, Blackpool, FY1 1NB.**

**I/We Mr L Boileau & Mrs S Boileau**

**of 5 Whittam Ave, Blackpool, FY4 4BU**

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

~~1. [deleting the {footpath} {bridleway} {restricted byway} {byway open to all traffic}]~~

from

to

2. [adding the {footpath} {bridleway} {restricted byway} {byway open to all traffic}]

From Whittam Ave, FY4 4BU

to Ryburn Ave

3. [[upgrading] {downgrading} to a {footpath} {bridleway} {restricted byway} {byway open to all traffic}] the {footpath} {bridleway} {restricted byway} {byway open to all traffic}]

from

to

~~4. [[varying] {adding to} the particulars relating to the {footpath} {bridleway} {restricted byway} {byway open to all traffic}]~~

from

to

by providing that

and shown on the map accompanying this application.

Continued overleaf....

We attach copies of the following documentary evidence (including statements of witnesses) in support of this application:-

List of Documents

witness statements of  
Mr L D Bouleau  
Miss D Hardman  
Miss A Talbot  
Mrs K Trafford.

2 x Aerial Images of Highway 2000 and 2005

EMAIL AND Council map indicating status AS Highway.  
Declaration of notice (WCAT)

Dated:

12/3/16

THE FOLLOWING DOES NOT MAKE UP PART OF THE ABOVE FORM

Please return the completed application form to: Chief Corporate Solicitor, Blackpool Borough Council, P O Box 11, Town Hall, Blackpool, FY1 1NB

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

NOTE: The 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 applicant's name and address would, or would be likely to, cause substantial damage or distress to the applicant or to another person and such damage would be or would be unwarranted, please contact the Council who may remove these details from the register and any documents contained on the register.

<b>H.M. LAND REGISTRY</b>		<b>TITLE NUMBER</b>	
		<b>LA 499309</b>	
<b>ORDNANCE SURVEY PLAN REFERENCE</b>	<b>SD 3234</b>	<b>SECTION E</b>	<b>Scale 1:1250</b>
<b>COUNTY LANCASHIRE</b>	<b>DISTRICT BLACKPOOL</b>	© Crown copyright 1995	



BLACKPOOL BOROUGH COUNCIL

FORM W.C.A.7

FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR A  
MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993 (Schedule 9)

DEFINITIVE MAP AND STATEMENT

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

BOROUGH/DISTRICT OF.....BLACKPOOL.....

COMMUNITY .....

We.....Mr & Mrs Boileau.....

Of.....5 WHITTAM AVE BLACKPOOL, FY4 4BU.....

Telephone N° (Home) ..... (Business).....

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with. (Paragraph is printed below).

Details of Modification.....Adding the byway open to all traffic leading from...WHITTAM AVE to.....  
RYBURN AVE.....BLACKPOOL.....

List of Owners and Occupiers Notified:- by using WCA6

MICHAEL HAITH.(Smiley). Smiley's One Stop Shop 439 Waterloo Road, Blackpool FY4 4BW.(By Hand).

LAND OWNER..OF HIGHWAY LEADING FROM WHITTAM AVE TO RYBURN AVE, posted on land  
After enquiring with Land Registry (unregistered+no.....quires with people living  
in area.

Dated.....21.MARCH.....2016..... Signer.....

WILDLIFE AND COUNTRYSIDE ACT 1981  
Schedule 14 Paragraph 2

- (1) Subject to sub-paragraph (2), the applicant shall serve a notice (W.C.A.6.) stating that the application has been made on every owner and occupier of any land to which the application relates.
- (2) If, after reasonable inquiry has been made, the authority are satisfied that it is not practicable to ascertain the name or address of an owner or occupier of any land to which the application relates, the authority may direct that the notice required to be served on him by sub-paragraph (1) may be served by addressing it to him by the description "owner" or "occupier" of the land (describing it) and by affixing it to some conspicuous object or objects on the land.
- (3) When the requirements of this paragraph have been complied with, the applicant shall certify that fact to the authority.
- (4) Every notice or certificate under this paragraph shall be in the prescribed form.

**Public Rights of Way Evidence Form (Use on foot)**

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential. It may be disclosed to third parties.

Name of Witness: ...MR L D BOILEAU.....

Address ...5 WHITTAM AVE, BLACKPOOL, FY4 4BU.....

Date of Birth .....

Occupation ...ELECTRICAL ENGINEER.....

**Description of Claimed Way:**

From ...HIGHWAY TO SIDE OF 3 WHITTAM AVE, FY4 4BU.....

Grid Reference ...SD323344.....

To .....RYBURN AVE.....

Grid Reference ..... SD323344.....

Width ..... 12 feet at side of 3 Whittam and 22 feet at rear of 3 - 13 Whittam ave

1. How long have you known the route? 32 YEARS, I HAVE USED IT SINCE 1984 BUT BACK ROAD IS ON A 1910 PLAN OF LAND.....

2. Have you used the above way on foot? YES/NO

If so:-

(a) During which years? .....1984-2016.....

(b) Where were you going to and from... Ryburn ave as well as local shops and amenities to Whittam Ave.....

(c) For what purpose?...

ALL PURPOSES BOTH BUSINESS AND PLEASURE

(d) How many times a year? .....DAILY.....

(e) Have you used the way by other means? During which years?

Please fill in all that apply:

On motorcycle/in vehicle..... 1984-2010.....

On horseback.....

Other (please specify) Cycle 1984-1994.....

3. Has the way always run over the same route? If not, give details and dates of any changes. Mark any changes or variations on the attached plan.

SAME ROUTE SINCE 1950/60's WHEN ROUTE WAS MADE WIDER FROM 12 FOOT TO 22 FOOT.

4. (a) Have there, to your knowledge, been any stiles, gates or fences across the way? If so, states where the stiles, gates or fences stood and mark their locations on the attached plan.

...COUNCIL GATES AT EACH END SINCE 2006.....

(b) Were any of the gates locked? If so, state when and where they were and mark them on the attached plan

GATES CAN BE LOCKED BUT ARE USUALLY OPEN AND I HAVE A KEY

(c) Did any of the stiles, gates or fences prevent you from using the way on foot? If so, when?

.....NEVER.....

5. (a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer.

.....NO.....

(b) Have you been a tenant of any land over which the route passes? If so, give dates of tenancy and mark land rented on attached plan.

.....NO.....

6. If you have answered yes to 5 (a) or 5 (b), did you ever receive any instructions from the landowner as to the use of the way by the public? If so, what were they?

N/A.....  
.....  
.....

7. (a) Have you ever been stopped or turned back when using this way on foot?

.....NEVER.....  
.....

(b) Do you know or have you heard of anyone else having been stopped or turned back using the way on foot? If so state when the interruption took place and give particulars and dates

.....NEVER.....  
.....

8. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not a public right of way on foot? If so, state when and give dates and particulars

NEVER.....  
.....  
.....

9. Have you ever seen notices such as "Private" or "No Road" or "No thoroughfare" or "Trespassers will be Prosecuted" on or near the way? If so, what did the notices say? Mark the location of the notices on the attached plan

NEVER.....  
.....

10. Have you ever asked permission to use the way? If so, whom did you ask?

.....NEVER.....  
.....

11. Please give any other information that you think is relevant. Use a separate sheet if necessary

.....  
... THIS HIGHWAY HAS BEEN IN USE SINCE 1910 UNTIL 2008 WITHOUT ANY RISTRATION AT ALL, AND BY ALL.

ONCE THE GATING ORDER IN 2008 HAD BEEN PLACED, ALL RESIDENTS AND OTHER PEOPLE WITH REASON TO USE HAVE HAD CONTINUED UNINTERUPTED USE OF THEIR PUBLIC RIGHT OF WAY.

THE ORIGINAL DEVELOPER HAD INTENDED THE ROAD TO BE OPEN FOR COUNCIL ADOPTION AND THE ROAD TO BE A COMMON HIGHWAY AS STATED ON DOCUMENTS FROM 1910.

THE COUNCIL HAS HAD THIS ROAD CLASSSED AS A HIGHWAY FOR DECADES, I BELIEVE SINCE BEFORE THE 1970'S AND WAS USED FOR DUSTMEN, COAL DELIVERIES, ACCESS TO GARAGES, OFF STREET PARKING BAYS AND MANY OTHER USES.

.....  
THIS ROUTE HAS BENIFITED FROM PUBLIC STEET LIGHTING SINCE AT LEAST 1984 THAT I KNOW OF AND HAS BEEN RENEWED IN 2013. THESE STREETLAMPS AND REPLACEMENT STREETLAMPS AND ALL RUNNING COSTS ARE PAYED BY THE PUBLIC.....

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

I am/~~am not~~ willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary

Signature.....



..... Dated.....

12/3/16.....



H.M. LAND REGISTRY		TITLE NUMBER	
		LA 499309	
ORDNANCE SURVEY PLAN REFERENCE	SD 3234	SECTION E	Scale 1:1250
COUNTY LANCASHIRE		DISTRICT BLACKPOOL	© Crown copyright 1975



**Public Rights of Way Evidence Form (Use on foot)**

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential. It may be disclosed to third parties.

Name of Witness: KAREN TRAFFORD

Address 18 WHITTAM AVENUE  
BLACKPOOL FY4 4BU

Date of Birth: 

Occupation: TYRUS WIFE

**Description of Claimed Way:**

From THE ALLEYWAY AT SIDE OF NO 3 WHITTAM

Grid Reference

To RYBURN AVENUE

Grid Reference

Width SIDE 12' WIDE REAR ALLEYWAY 22' WIDE

1. How long have you known the route? 57 years

2. Have you used the above way on foot? YES ~~NO~~

If so:-

(a) During which years? 1967 - 2006

(b) Where were you going to and from WHITTAM AVE TO LOCAL STOPS & FRIENDS LIVING IN RYBURN AVE

(c) For what purpose? SOCIAL & SHOPPING - DOG WALKING TO LOCAL PARK

(d) How many times a year? ALL THE TIME - USUALLY DAILY

(e) Have you used the way by other means? During which years?

Please fill in all that apply:

On motorcycle/in vehicle..... CUT THROUGH

On horseback..... NO

Other (please specify)

BIKE + CAR. 1967 - 2006.

3. Has the way always run over the same route? If not, give details and dates of any changes. Mark any changes or variations on the attached plan.

YES

4. (a) Have there, to your knowledge, been any stiles, gates or fences across the way? If so, states where the stiles, gates or fences stood and mark their locations on the attached plan.

COUNCIL GATES 2006.

- (b) Were any of the gates locked? If so, state when and where they were and mark them on the attached plan

LOCKED AT RYBURN

WHITTAM ALWAYS OPEN - BACK WHITTAM ALWAYS

- (c) Did any of the stiles, gates or fences prevent you from using the way on foot? If so, when?

NEVER (GOT KEY)

5. (a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer.

NO

- (b) Have you been a tenant of any land over which the route passes? If so, give dates of tenancy and mark land rented on attached plan.

NO

6. If you have answered yes to 5 (a) or 5 (b), did you ever receive any instructions from the landowner as to the use of the way by the public? If so, what were they?

N/A.

7. (a) Have you ever been stopped or turned back when using this way on foot?

No.

(b) Do you know or have you heard of anyone else having been stopped or turned back using the way on foot? If so state when the interruption took place and give particulars and dates

No.

8. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not a public right of way on foot? If so, state when and give dates and particulars

No

9. Have you ever seen notices such as "Private" or "No Road" or "No thoroughfare" or "Trespassers will be Prosecuted" on or near the way? If so, what did the notices say? Mark the location of the notices on the attached plan

No

10. Have you ever asked permission to use the way? If so, whom did you ask?

No

11. Please give any other information that you think is relevant. Use a separate sheet if necessary

NEVER BEEN RESTRICTED IN YEARS THAT I  
HAVE LIVED IN WHITTMAN AVE = 1957 MY FAMILY  
HAS BEEN IN WHITTMAN AVE - No 18 & No 14.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

I am/am not willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary

Signature..



Dated

29/2/16

H.M. LAND REGISTRY		TITLE NUMBER	
		LA 499309	
ORDNANCE SURVEY PLAN REFERENCE	SD 3234	SECTION E	Scale 1:1250
COUNTY LANCASHIRE	DISTRICT BLACKPOOL		(c) Crown copyright 1973



**Public Rights of Way Evidence Form (Use on foot)**

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential. It may be disclosed to third parties.

Name of Witness: DEBRA HARDMAN

Address: 9 WHITTAM AVENUE BLACKPOOL FY4 4SU

Date of Birth: 

Occupation: MEDICAL SECRETARY

**Description of Claimed Way:**

From: HIGHWAY TO SIDE OF 3 WHITTAM AVE

Grid Reference: SD 323344

To: RYBURN AVE

Grid Reference: SD 323344

Width: 12' AT SIDE 3 WHITTAM AVE + 22' ROAD 3-13

1. How long have you known the route? 39 YEARS SINCE 1977

2. Have you used the above way on foot?  YES  NO

If so:-

(a) During which years? 1977 - 2016

(b) Where were you going to and from RYBURN AVE -  
WHITTAM AVENUE

(c) For what purpose? PLEASURE

(d) How many times a year? DAILY

(e) Have you used the way by other means? During which years?

Please fill in all that apply:

On motorcycle/in vehicle..... 1977 - 2016

On horseback..... 1979 - 1982

Other (please specify)

CYCLE 1977 - 1986

3. Has the way always run over the same route? If not, give details and dates of any changes. Mark any changes or variations on the attached plan.

SAME ROUTE

4. (a) Have there, to your knowledge, been any stiles, gates or fences across the way? If so, states where the stiles, gates or fences stood and mark their locations on the attached plan.

GATES SINCE 2006

- (b) Were any of the gates locked? If so, state when and where they were and mark them on the attached plan

USUALLY OPEN - LOCKABLE

- (c) Did any of the stiles, gates or fences prevent you from using the way on foot? If so, when?

NO

5. (a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer.

NO

- (b) Have you been a tenant of any land over which the route passes? If so, give dates of tenancy and mark land rented on attached plan.

NO



6. If you have answered yes to 5 (a) or 5 (b), did you ever receive any instructions from the landowner as to the use of the way by the public? If so, what were they?

N/A

7. (a) Have you ever been stopped or turned back when using this way on foot?

NO

- (b) Do you know or have you heard of anyone else having been stopped or turned back using the way on foot? If so state when the interruption took place and give particulars and dates

NO

8. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not a public right of way on foot? If so, state when and give dates and particulars

NO

9. Have you ever seen notices such as "Private" or "No Road" or "No thoroughfare" or "Trespassers will be Prosecuted" on or near the way? If so, what did the notices say? Mark the location of the notices on the attached plan

NO

10. Have you ever asked permission to use the way? If so, whom did you ask?

NO

11. Please give any other information that you think is relevant. Use a separate sheet if necessary

THIS ROUTE HAS BEEN OPEN/UNRESTRICTED FROM 1977 UNTIL 2006 TO MY KNOWLEDGE. IT HAS ALWAYS HAD LIGHTING AND SINCE BEING GATED IN 2006 CONTINUES TO BE USED AS THE GATES ARE MOSTLY UNLOCKED & OPEN.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~/am not willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary

Signature...

Dated

6/3/16

<b>H.M. LAND REGISTRY</b>		<b>TITLE NUMBER</b>	
		<b>LA 499309</b>	
<b>ORDNANCE SURVEY PLAN REFERENCE</b>	<b>SD 3234</b>	<b>SECTION E</b>	<b>Scale 1:1250</b>
<b>COUNTY LANCASHIRE</b>	<b>DISTRICT BLACKPOOL</b>	<b>© Crown copyright 1975</b>	



FILED PLAN  
H.M. LAND  
REGISTRY

Public Rights of Way Evidence Form (Use on foot)

Please note that information supplied will be used in accordance with the processes under Statute and will not be confidential. It may be disclosed to third parties.

Name of Witness: Alison Talbot

Address: 30 FAIRWAY RD

BLACKPOOL

RYUBURN AVE

Date of Birth: [REDACTED]

Occupation: Pharmacy technician

**Description of Claimed Way:**

From: HIGHWAY TO SIDE OF 3 WHITTAM AVENUE

Grid Reference: SD 323344

To: RYBURN AVENUE

Grid Reference: SD 323344

Width: 12 FEET AT 3 WHITTAM AVE 22 FEET REAR 3-13

1. How long have you known the route? SINCE 1979

2. Have you used the above way on foot? YES

If so:-

(a) During which years? 1979 till Present

(b) Where were you going to and from FROM Whittam Ave to Ryburn Ave

(c) For what purpose? All purposes

(d) How many times a year? DAILY

(e) Have you used the way by other means? During which years?

Please fill in all that apply:

On motorcycle/in vehicle..... DAILY .....

On horseback.....

Other (please specify)  
.....  
.....

3. Has the way always run over the same route? If not, give details and dates of any changes. Mark any changes or variations on the attached plan.

YES  
.....  
.....

4. (a) Have there, to your knowledge, been any stiles, gates or fences across the way? If so, states where the stiles, gates or fences stood and mark their locations on the attached plan.

Gated in 2006  
.....  
.....

- (b) Were any of the gates locked? If so, state when and where they were and mark them on the attached plan

2006 Gated  
.....  
.....

- (c) Did any of the stiles, gates or fences prevent you from using the way on foot? If so, when?

No  
.....  
.....

5. (a) Have you worked for any landowner over which the route passes? If so, give dates of employment and name of employer.

No  
.....  
.....

- (b) Have you been a tenant of any land over which the route passes? If so, give dates of tenancy and mark land rented on attached plan.

No  
.....  
.....

6. If you have answered yes to 5 (a) or 5 (b), did you ever receive any instructions from the landowner as to the use of the way by the public? If so, what were they?

No

7. (a) Have you ever been stopped or turned back when using this way on foot?

No

(b) Do you know or have you heard of anyone else having been stopped or turned back using the way on foot? If so state when the interruption took place and give particulars and dates

No.

8. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not a public right of way on foot? If so, state when and give dates and particulars

No

9. Have you ever seen notices such as "Private" or "No Road" or "No thoroughfare" or "Trespassers will be Prosecuted" on or near the way? If so, what did the notices say? Mark the location of the notices on the attached plan

No

10. Have you ever asked permission to use the way? If so, whom did you ask?

No

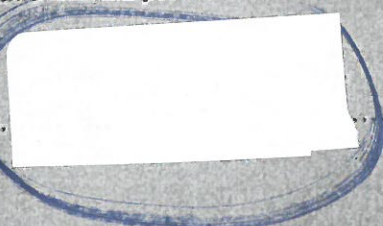
11. Please give any other information that you think is relevant. Use a separate sheet if necessary

THIS HAS ALWAYS BEEN A WAY THROUGH ROAD AND HAVE ALWAYS USED IT

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

I ~~am~~/am not willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary

Signature.

A rectangular area of the document is completely redacted with a white box. This area is circled in blue ink.

Dated

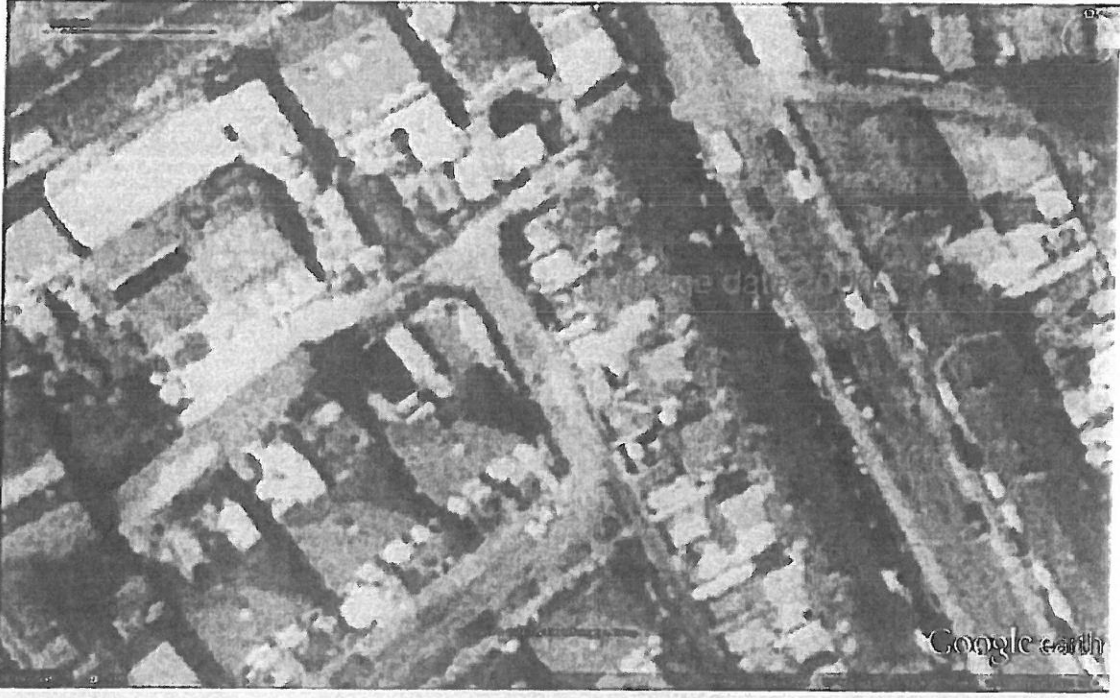
7.3.16

<b>H.M. LAND REGISTRY</b>		<b>TITLE NUMBER</b>	
		<b>LA 499309</b>	
<b>ORDNANCE SURVEY PLAN REFERENCE</b>	<b>SD 3234</b>	<b>SECTION E</b>	<b>Scale 1:1250</b>
<b>COUNTY LANCASHIRE</b>		<b>DISTRICT BLACKPOOL</b>	
			© Crown copyright 1975

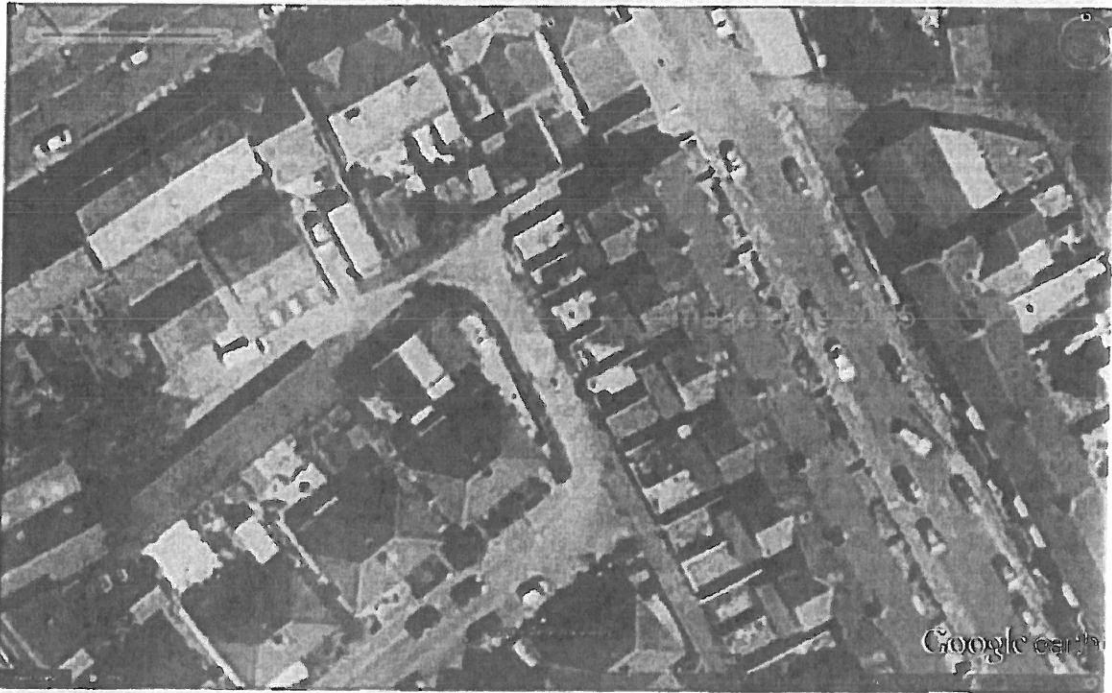


FILED PLAN  
H.M. LAND REGISTRY



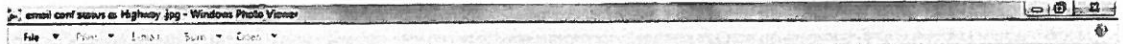


pic highway 2001.jpg - Windows Photo Viewer



Windows Photo Viewer interface showing navigation controls (back, forward, home, search, print, zoom) and a taskbar with various application icons.





**Re: information regarding status of highway**

**Hi Mr. Butler,**

I have received the information regarding the status of the highway. The information indicates that the highway is currently closed to traffic. This information was received from the Highway Maintenance Office.

**Best Regards,**

**Mr. [Redacted]**  
 Highway Maintenance Office  
 Highway & Public Services - General Services Department of the State of Illinois

**From:** [Redacted] <[Redacted]@redacted.com>  
**Sent:** 11 August 2018 10:11  
**To:** Mr. Butler  
**Subject:** Re: information regarding status of highway

**Dear Mr. Butler,**

But to state/clarification is as a Highway not national road or public expense (unimproved), is this correct?

**Dear [Redacted] Mr. Butler**

