

Addendum (continued...)

Following the circulation of the draft report a detailed response was received from the Chairman of Silverdale Parish Council. This consisted of a letter and report, supported by a telephone conversation confirming receipt of the same.

The key points from the submission being annotated with response at:

2.1... in which the parish council posit that the application plan should in fact have included the section across the field at Hulme Close. Your officers have looked at this and compared it to the digital representation of the application route on the S53 Register of Applications. As this is the plotted route of the application it is the one officers are bound to consider. This indeed matches the route confirmed by the applicant in the written correspondence contained in the report and as such does not join the highway at any point – the section across the Hulme close field being absent.

2.2... through to 2.4 ...the absence of legal support for those completing evidence forms is noted although officers can only reiterate that the burden is on the applicant in all respects to prove his case.

2.5... the access points on the northern boundary of the alleged route although suggested as linking to the alleged circular route are when viewed on the digitally plotted map (which is taken from the application map) detached by some distance from the route. Any official footpath signage likely related to PF20 Silverdale, official fingerposts or waymarks would not have been legitimately erected on a non-definitive right of way. The obstructions highlighted on the definitive routes do not confer any legal status on the alleged route.

2.6... The user evidence can only consider the 20-year relevant period and anything happening before this or after this relevant period has to be discounted.

2.7... Again the burden is on the applicant to prove the case

2.8... The application was based on user evidence within the set 20-year relevant period, the historical background would not have added to the probity of the case unless it included a significant document like an Inclosure Award.

2.9... Conjecture.

3.1...through to 3.4...the physical features of the land and the routes depicted on OS maps offer no indication of legal status. The Borough Council plans are only indicative of what they were aiming to show at the time.

3.5(i)... Conjecture.

3.5(ii) through to 3.6...A greater consistency of the alleged route as depicted in the plan is posited – although this is open to interpretation. Your officers have reviewed the position and still feel that the differences are significant enough to be fatal to the claim.

4.1...again the OS maps hold little probity

4.2...the junior golf course may have constituted an obstruction if it had any bearing on the route claimed, and as such may have been fatal to the claim – as may the flooding issue.

5.1...through to 5.5 Much evidence is posited to suggest the route meets the lesser test of reasonable allegation. Your officers maintain after reading this submission that the two fundamental flaws in the claim i) that it doesn't join a highway and ii) that its route was not consistent remain fatal to the claim.