

<b>Report to:</b>	Licensing and Regulatory Committee	<b>Date of Meeting:</b>	Monday 13 June 2022
<b>Subject:</b>	St Luke's Church Road, Formby Definitive Map Modification Order		
<b>Report of:</b>	Head of Highways and Public Protection	<b>Wards Affected:</b>	Harington;
<b>Portfolio:</b>	Locality Services		
<b>Is this a Key Decision:</b>	N	<b>Included in Forward Plan:</b>	Yes / No <b>Please delete as appropriate and remove this text.</b>
<b>Exempt / Confidential Report:</b>	N		

### Summary:

To report the receipt of further correspondence regarding the Definitive Map Modification Orders, that relate to several routes in the Ravenmeols area of Formby; to consider the issues raised within the latest correspondence and seek authority to make a new, alternative Definitive Map Modification Order as a replacement to Order No.1 2021.

### Recommendation(s):

It is requested that the Committee

- (i) notes the receipt of additional correspondence relating to the Definitive Map Modification Order No.1 – 2021 and its subsequent alternative;
- (ii) authorises the making of new Modification Orders by the Chief Legal and Democratic Officer to add the following ways to the Definitive Rights of Way Map and Statement for the area:
  1. Albert Road, A-B on DC2165a – Restricted Byway,
  2. Alexandra Road, A-B on DC2166a – Restricted Byway,
  3. St. Luke's Church Road, Bushby's Lane to Alexandra Road, A-B on DC2167a – Restricted Byway,
  4. St. Luke's Church Road, Alexandra Road to Range Lane, A-B on DC2168a – Restricted Byway,
  5. St. Luke's Church Road, Range Lane to Altcar Footpath 5, A-B on DC2171 – Public Footpath,
  6. Cambridge Road, A-B on DC2169a – Restricted Byway,
  7. Range Lane, A-B on DC2170a – Restricted Byway,
  8. Two tracks connecting Albert Road to Alexandra Road, A-B on DC2126

and DC2127 – Public Footpaths,  
9. Extension of Albert Road to Shore, A-B on DC2124 – Public Footpath.

- (iii) authorise the Chief Legal and Democratic Officer to give notice of the Authority's decision to the applicant and the landowners;
- (iv) if following the making of the Orders no objections are received, give authority to the Chief Legal and Democratic Officer to confirm the Orders;
- (v) if following the making of the Orders, objections are received, submit a further report to the Licencing and Regulatory Committee to consider the objections raised;
- (vi) in the event of authorising the making of new Definitive Map Modification Orders, authorise the Chief Legal and Democratic Officer to refer the Definitive Map Modification Order No.1 – 2021 to the Secretary of State for the Environment, Food and Rural Affairs, alongside the new Orders, with the request to not confirm the Order;
- (vii) reaffirm the Council's decision to adopt a neutral stance during any determination of the Orders by the Secretary of State for the Environment, Food and Rural Affairs.

### **Reasons for the Recommendation(s):**

The Council, as Surveying Authority, is under a statutory duty, imposed by Section 53(2) of the Wildlife and Countryside Act 1981, to keep the Definitive Map and Statement of Public Rights of Way under continuous review. Under the provisions of Schedule 14 of the Act applications can be made to the Surveying Authority for a Modification Order to amend the Definitive Map and Statement of Rights of Way by way of adding, deleting, upgrading or downgrading a route.

The Licensing and Regulatory Committee has delegated powers to approve the making of Orders, under the Highways Act 1980 and the Wildlife and Countryside Act 1981, that affect the Public Right of Way network.

### **Alternative Options Considered and Rejected: (including any Risk Implications)**

Sefton Council has a duty to consider and determine Schedule 14 applications and make Modification Orders when it is considered that there is sufficient evidence to suggest that a public right of way is reasonably alleged to subsist.

### **What will it cost and how will it be financed?**

#### **(A) Revenue Costs**

Financial implications are not a consideration when determining this application as the Authority has a statutory duty to make an Order if it believes that there is sufficient evidence to support it.

Should objections to the Order be received and not withdrawn, the Authority will have to refer the Order to the Secretary of State. The Secretary of State has a choice of how to preside over the matter, they are; by written representations, an informal hearing or by way of a public inquiry. The costs associated with facilitating any of these will be met from the existing Highways and Public Protection revenue budgets and staff revenue budgets.

**(B) Capital Costs**

Nil.

**Implications of the Proposals:**

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> Costs will be met from existing Highways and Public Protection budgets and staff revenue budgets.
<b>Legal Implications:</b> See body of the report
<b>Equality Implications:</b> There are no equality implications.
<b>Climate Emergency Implications:</b> The recommendations within this report will Have a positive impact N Have a neutral impact Y Have a negative impact N The Author has undertaken the Climate Emergency training for report authors Y This report seeks to inform Members of the receipt of objections to an Order and to seek authority to make a new Order. It does not include any Climate Change implications, positive or negative.

**Contribution to the Council's Core Purpose:**

Protect the most vulnerable: Not applicable
Facilitate confident and resilient communities: Not applicable

Commission, broker and provide core services: Not applicable
Place – leadership and influencer: Not applicable
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: An improved Rights of Way network will help provide sustainable transportation and encourage sustainable travel options.
Greater income for social investment: Not applicable.
Cleaner Greener: An improved Rights of Way network will provide better access for all to Sefton’s visitor attractions and promote healthier and more sustainable modes of transport.

**What consultations have taken place on the proposals and when?**

**(A) Internal Consultations**

The Executive Director of Corporate Resources and Customer Services (FD 6789/22) and Chief Legal and Democratic Officer (LD4989/22) have been consulted and any comments have been incorporated into the report.

**(B) External Consultations**

N/A

**Implementation Date for the Decision**

Immediately following the Committee meeting.

<b>Contact Officer:</b>	Brian Goodwin
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**Appendices:**

The following appendices are attached to this report:

**Background Papers:**

Licensing and Regulatory Committee – 10 January 2022 - St Luke’s Church Road, Formby Definitive Map Modification Order – Receipt of Objections

Licensing and Regulatory Committee – 7 September 2020 - Wildlife and Countryside Act 1981, section 53, application to modify the Definitive Map and Statement to include various public rights of way on and around St Luke’s Church Road, Formby.

Planning Inspectorate Direction Decision Ref FPS/M4320/14D/1 – 14<sup>th</sup> October 2019.

Licensing and Regulatory Committee - 18 June 2018 - St. Luke's Church Road, Formby Public Path Creation Agreements.

Certificate of service of notice of application for a Modification Order under Section 53(2) of the Wildlife and Countryside Act 1981 by Formby Parish Council on 13<sup>th</sup> February 2018.

49 public rights of way witness evidence forms submitted with the claim.

Formby Area Committee – 23<sup>rd</sup> September 2004 Wildlife and Countryside Act 1981, Section 53, Application for Modification Order to Definitive Map and Statement in respect of St. Luke's Church Road and Associated Ways.

Transportation (General Purposes) Sub-Committee – 12 February 1996 - Wildlife and Countryside Act 1981 s53 Application for the Alleged Public Footpaths West of St Luke's Church Road, Formby to be recorded on the Definitive Rights of Way Map and Statement.

Highways Committee report - 6th March 1995 - Public rights of way claim made by The Formby Society On 5<sup>th</sup> December 1991 - Result of consultation.

Highways Committee report - 5th September 1994 - Public rights of way claims made by the Formby Society on 5th December 1991.

## **1. INTRODUCTION**

- 1.1 At the meeting of this Committee dated 10 January 2022, a report was considered regarding the receipt of objections to Definitive Map Modification Order No.1 – 2021.
- 1.2 The Committee resolved to make new Definitive Map Modification Orders as effective replacements to Order No.1 – 2021, authorise the Chief Legal and Democratic Officer to notify the applicant and landowners of the Committee's decision, confirm the replacement Orders if no subsequent objections were received, if objections were received refer the matter back to the Committee, refer the 2021 Order to the Secretary of State for the Environment, Food and Rural Affairs, alongside the new Orders and with the request to not confirm the Order and authorise the Council to adopt a neutral stance during any determination of the Orders by the Secretary of State for the Environment, Food and Rural Affairs.
- 1.3 Prior to notifying the applicant and landowners of the Committee's decision, correspondence from a representative of one of the affected landowners was received by the Council. A copy of which is appended to this report.
- 1.4 The letter suggested that should the Council make Orders for Byways Open to all Traffic, they would likely be considered fatally flawed and have no reasonable chance of success. The reasons given for this, were that there are possible procedural flaws with the original application submitted by the Formby Civic Society and with the Council's interpretation of the impact the Natural Environment and Rural Communities Act 2006 had on any unrecorded public rights of way for mechanically propelled vehicles.

## **2. REVIEW OF CORRESPONDENCE**

- 2.1 In view of the potential impact the points raised within the letter from the landowner's representative could have on any replacement Orders, it was considered appropriate for the Council to fully review the points raised before formerly notifying the applicant and landowners of the Committee's decision at its meeting in January and making the replacement Orders.
- 2.2 The letter, as shown in Appendix A, raises a number of points. Firstly, it infers that the original application made by the Formby Civic Society in 1991 for the section of St Luke's Church Road between Bushby's Lane and Alexandra Road, may not have complied with the statutory requirements, as set out in paragraph 1(a) of Schedule 14 of the Wildlife and Countryside Act 1981, being that any such application shall be accompanied by a map drawn to the prescribed scale and showing the way or ways to which, the application refers.
- 2.3 If the original application failed to include a map it should not be considered as a valid application.
- 2.4 The original application for the section of St Luke's Church Road between Bushby's Lane and Alexandra Road was received in 1991 as part of a series of applications for a number of interconnected routes in the area. The copies of this

application, that the Council now has, does not include a plan for the route but does include the plans for the other interconnecting routes.

- 2.5 The applications from the Civic Society were originally put to the Highways Committee on the 5th September 1994. The report did not include a copy of the application but it did include a plan that the Council had created showing the route. It is unclear whether a plan did accompany the original application, but the Council had subsequently taken the view that it would be unlikely for the matter to be referred to the Highways Committee if the application did not comply with the statutory requirements set out in Schedule 14 of the Wildlife and Countryside Act 1981.
- 2.6 Should the Council continue to make a Modification Order for the section of St Luke's Church Road between Bushby's Lane and Alexandra Road, in relation to the Civic Society's application, it is likely that this will be challenged on the basis that the application was not duly made in the absence of evidence that a plan did in fact accompany that application.
- 2.7 Should the Committee agree that the Council should not make a Modification Order for this section of St Luke's Church Road as a result of the question of whether the Civic Society's application was duly made, it should be noted that the Formby Parish Council's application in 2018 included the same route.
- 2.8 The evidence provided by the Civic Society and that which was discovered by Sefton Council Officers in relation to this route is still applicable and has previously been considered by this Committee. The evidence submitted by the Parish Council for this route, within their application primarily consisted of user evidence forms and references to evidence previously submitted by the Civic Society. All the submitted forms related to pedestrian use although there was reference to cycle and motor vehicle use in a number of them.
- 2.9 Given that a subsequent application for the same route has been received by the Council, from the Formby Parish Council and it is considered that this application has been duly made, it would be appropriate to make any Modification Order relating to this section of St Luke's Church Road in respect to the Parish Council's application rather than the Civic Society's application.
- 2.10 The other issues raised in the letter relate to the intention of the original application and the Council's interpretation of the impact the Natural Environment and Rural Communities Act 2006 (NERCA) has had on any unrecorded public rights of way for mechanically propelled vehicles.
- 2.11 The original applications submitted by the Civic Society that were considered by the Highways Committee in 1994 and 1995, sought to add several routes on the Definitive Map & Statement as Footpaths, including that of St Luke's Church Road between Bushby's Lane and Alexandra Road. During the Council's review of the application and other relevant evidence it was considered there was sufficient evidence to reasonably allege that higher public rights subsisted. This led to the Highway Committee resolution that Orders should be made and that they should be to record a number of the routes as Byways Open to all Traffic.

- 2.12 Section 67 of NERCA makes provision for the “ending of certain existing unrecorded public rights of way”. Section 67(1) provides that “an existing public right of way for mechanically propelled vehicles is extinguished if it is over a way which, immediately before commencement (a) was not shown in a Definitive Map and Statement, or (b) was shown in a Definitive Map and Statement only as a Footpath, Bridleway or Restricted Byway”. That extinguishing provision is subject to a number of following sub-sections of section 67.
- 2.13 Sub-section 2(a) provides that “subsection (1) does not apply to an existing public right of way if (a) it is over a way whose main lawful use by the public during the period of 5 years ending with commencement [2 May 2006] was used for mechanically propelled vehicles”.
- 2.14 Subsection 67(3)(a) disapplies the extinguishment provision under section 67(1) where “before the relevant date [20 January 2005], an application was made under section 53(5) of the Wildlife and Countryside Act 1981 for an order making modifications to the definitive map and statement so as to show the way as a Byway Open to all Traffic”. And subsection 67(3)(b) disapplies the extinguishment provision where “before commencement [2 May 2006], the surveying authority has made a determination under paragraph 3 of Schedule 14 to the 1981 Act in respect of such an application”.
- 2.15 On reviewing the user evidence submitted at the time of the original application, the majority of users used the routes on foot. Whilst other evidence suggested that vehicle use was present it does indicate that the main lawful use by the public was by other means and not by mechanically propelled vehicles. There is no direct information relating to the type of public use for the 5 years leading up to May 2006 but again when reviewing the user evidence submitted in 2018 with the Formby Parish Council application, the majority of users again used the routes on foot. From this it is reasonable to assume that the primary use by the public in the 5 years leading up to May 2006 was on foot and not by mechanically propelled vehicles.
- 2.16 This means that that the exemption to the ending of public rights for mechanically propelled vehicles under Sub-section 2(a) does not apply in this case.
- 2.17 The 1991 Civic Society Application was to record the section of St Luke’s Church Road between Bushby’s Lane and Alexandra Road as a footpath in a Definitive Map and Statement. Defra’s guidance *entitled “Part 6 of the Natural Environment and Rural Communities Act 2006 and Restricted Byways: A guide for local authorities, enforcement agencies, rights of way users and practitioners” (Version 5 – May 2008)* says at paragraph 47 “all of the exceptions in sub-section 67(3) are dependent on an application having been made for a Definitive Map Modification Order to show the highway as a Byway open to all traffic on the Definitive Map and Statement. Therefore, an outstanding application for a Definitive Map Modification Order to show the highway as a Footpath or Bridleway would not qualify under the exemptions in sub-section 67(3), even where the Local Highway Authority had subsequently decided to make a Definitive Map Modification Order for a Byway open to all traffic”.
- 2.18 Given that the Orders associated with the application submitted by the Civic Society had not been made prior to the relevant dates within NERCA and that the



application from the Civic Society sought to add footpaths, rather than Byways Open to all Traffic, the exemptions to the extinguishments of the rights to use mechanically propelled vehicles do not apply. It is therefore now the Council officers' view that pursuant to Section 67(1) of NERCA any right of way for mechanically propelled vehicles along the claimed footpaths within the Civic Society's application have been extinguished.

- 2.19 When considering the application submitted by Formby Parish Council, it is important to note that this application did seek to record the section of St Luke's Church Road between Bushby's Lane and Alexandra Road as a Byway Open to all Traffic but that it was submitted after the commencement dates of NERCA. Therefore, unless it can be demonstrated that any of the exemptions to the extinguishment of rights for mechanically propelled vehicles apply, the route cannot be recorded as a Byway Open to all Traffic by virtue of the Parish Council's application
- 2.20 In respect to the Parish Council's application and as reviewed in paragraph 2.15 above, it is not considered that the primary public use of the route prior to 2006, was by mechanically propelled vehicles and therefore, this exemption to the statutory extinguishment does not apply.
- 2.21 The result of the above being that it would be incorrect for the Council to make the proposed replacement Modification Orders as previously resolved at the meeting of this Committee in January of this year as it included routes as Byways Open to all Traffic.
- 2.22 Within Part 6 of NERCA there is a provision for Restricted Byways to be established and recorded on the Definitive Map and Statement on the basis of either historic evidence or evidence of a qualifying period of use. Therefore, where a route carries historic vehicular rights, but rights for mechanically propelled vehicles are extinguished by section 67(1) of NERCA it is possible to record that route as a Restricted Byway, rather than a Byway Open to all Traffic.
- 2.23 In respect to the routes within both the Civic Society and Parish Council's applications, the rights for mechanically propelled vehicles will have been extinguished by section 67(1) of NERCA but given that the Council has previously taken the view that the evidence suggests that historical vehicle rights subsisted, it would be appropriate in this case to record the routes as Restricted Byways, rather than a Byways Open to all Traffic.

### **3. SUMMARY AND RECOMMENDATIONS**

- 3.1 Following the meeting of this Committee in January 2022, correspondence was received on behalf one of the affected landowners that raised issues relating to chances of any Modifications Orders being successful.
- 3.2 On reviewing the matters raised, it is the Officers' view that the conclusions in the correspondence from the landowner's representative are valid and to continue with making the Modification Orders detailed in the previous Committee report and resolution would not be appropriate.

- 3.3 The first matter, that of whether the Civic Society's application was duly made, would be overcome by the making of any Order relating to the section of St Luke's Church Road between Bushby's Lane and Alexandra Road being subsequent to the later Formby Parish Council application.
- 3.4 In regards to the second matter, that of whether NERCA exemptions to the extinguishment of rights to use mechanically propelled vehicles, it is the Officers' view that the exemptions do not apply and that the proposed Modification Orders should be for Restricted Byways rather than Byways Open to all Traffic.
- 3.5 Therefore, the new Definitive Map Modification Orders should be made to add the following ways (as shown in Appendix C) to the definitive rights of way map and statement for the area:
1. Albert Road, A-B on DC2165a – Restricted Byway,
  2. Alexandra Road, A-B on DC2166a – Restricted Byway,
  3. St. Luke's Church Road, Bushby's Lane to Alexandra Road, A-B on DC2167a – Restricted Byway,
  4. St. Luke's Church Road, Alexandra Road to Range Lane, A-B on DC2168a – Restricted Byway,
  5. St. Luke's Church Road, Range Lane to Altcar Footpath 5, A-B on DC2171 – Public Footpath,
  6. Cambridge Road, A-B on DC2169a – Restricted Byway,
  7. Range Lane, A-B on DC2170a – Restricted Byway,
  8. Two tracks connecting Albert Road to Alexandra Road, A-B on DC2126 and DC2127 – Public Footpaths,
  9. Extension of Albert Road to Shore, A-B on DC2124 – Public Footpath.
- 3.6 Following the making of the new Orders and completion of the associated consultation, they should be confirmed if no objections are received or referred back to this Committee to review the objections subsequent to any referral to the Secretary of State for determination if there are objections.
- 3.7 As part of any referral to the Secretary of State, the Council must state why the Order has been referred, what the request is for, i.e to confirm an Order and what position the Council is taking. In regards to Order No.1 - 2021, the Council should refer it to the Secretary of State with the request that the Order is not confirmed and effectively abandoned as the new Orders will be in its place.
- 3.8 If objections to the new Orders are received, the Council's request, whether to confirm the Orders or not, will largely depend on the content of the objections and information received.
- 3.9 The position the Council should take, when the matter is considered by the Secretary of State, is influenced by the role the Council has had and whether it fully supports the view that the Orders should be confirmed. Given that the Council has been the landowner for areas over which some of the claimed routes cross and that it played a role in the use of routes, it can be considered that there is a conflict in the determination of the Orders. Also, Green Sefton, the department of the Council that previously managed the land has objected to Order No.1 - 2021 and for these reasons it would be considered appropriate for the Council to take a neutral stance at a Public Inquiry.

3.10 Irrespective of whether the new Orders are objected to or not they should be issued to the Secretary of State, alongside the previous Order No.1 - 2021, so that the appointed Inspector can consider the request to not confirm the Order.

**SEFTON M.B.C.**

## Appendix A



**ROBIN CARR ASSOCIATES**  
Public Rights of Way Management & Consultancy Services



Your Ref:  
My Ref: [REDACTED]  
Date: 20<sup>th</sup> January 2022

Brian Goodwin  
Senior engineer – Highways Development & Design  
Sefton Metropolitan Borough Council  
Magdalen House  
Trinity Road,  
Bootle  
L20 3NJ

By email only

Dear Brian

**Wildlife & Countryside Act 1981**  
**The Metropolitan Borough of Sefton Modification Order No 1, 2021**  
My Clients [REDACTED]

Thank you for your emails dated 10<sup>th</sup> January 2022 enclosing a copy of the Schedule 14 Application that the Order Making Authority is relying upon in respect of the above Order, and more particularly in relation route Formby No 57. Thank you also for the point of clarification in your email of 20<sup>th</sup> January 2022.

For the record I note that:

- a) whilst the Schedule 14 application refers to a plan “annexed hereto” you do not have a copy of such a plan, and indeed other than the above reference you have no evidence that such a plan was actually attached to the application;
- b) the Application is question sought to add a **footpath** to the Definitive Map and Statement. The application itself did not seek to record a public right of way for mechanically propelled vehicles; and
- c) that the Council is of the view that the transitional arrangements contained within Section 67(3)(b) of the Natural Environment and Rural Communities Act 2006 act to save public rights for mechanically propelled vehicles.

Based upon the above matters, and more particularly points b) and c) I must advise that the Order to record Byway Open to All Traffic (BOAT) rights over Formby No 57 is, as a matter of law, fatally flawed, and as such it has no reasonable chance of success. I must put you on notice of this without delay as it may have future cost implications if the Council decides to pursue confirmation of the Order at BOAT status.

Section 67(3) of the Natural Environment and Rural Communities Act 2006 must be read and interpreted in its entirety. Section 67(3)(b) cannot be taken in isolation. Section 67(3) states:

*(3) Subsection (1) does not apply to an existing public right of way over a way if—*

*(a) before the relevant date, an application was made under section 53(5) of the Wildlife and Countryside Act 1981 (c. 69) for an order making modifications to the definitive map and statement so as to show the way as a byway open to all traffic,*

*(b) before commencement, the surveying authority has made a determination under paragraph 3 of Schedule 14 to the 1981 Act in respect of **such an application**, [my emphasis] or*

*(c) before commencement, a person with an interest in land has made such an application and, immediately before commencement, use of the way for mechanically propelled vehicles—*

*(i) was reasonably necessary to enable that person to obtain access to the land, or*

*(ii) would have been reasonably necessary to enable that person to obtain access to a part of that land if he had had an interest in that part only.*

You will note that Section 67(3)(b) provides a saving where the Surveying Authority has made a determination of “**such an application**”, and the nature of the application referred to is defined within Section 67(3)(a), namely an application “*for an order making modifications to the definitive map and statement so as to show the way as a byway open to all traffic*”.

It is therefore clear, from a proper reading of the legislation that the saving within Section 67(3)(b) **only applies** to the determination of an application to record BOAT rights. The Council has already acknowledged that the application relied upon only sought to record public footpath rights, and as such the savings of Section 67(3)(b) do not, as a matter of law apply to this case. The consequence of this is that any rights for mechanically propelled vehicles which may have existed (and we dispute that such rights did exist) were extinguished by virtue of Section 67(1) of the Natural Environment and Rural Communities Act 2006. The maximum rights that can exist are those set out in the dedication agreement which established Formby No 57 as a Restricted Byway.

The position is further clarified at paragraph 44 of the Defra publication “*Part 6 of the Natural Environment and Rural Communities Act 2006 and Restricted Byways A guide for local authorities, enforcement agencies, rights of way users and practitioners*” [Version 5 - May 2008] which advises:

“44. Subsection 67(3)(b) excepts highways that are the subject of **an application** [my emphasis] under the Wildlife and Countryside Act 1981 for a definitive map modification order, **to show a highway as a byway open to all traffic** [my emphasis], in cases where the local highway authority determined the application before 2 May 2006, even if the application was made after 20 January 2005 (19 May 2005 in Wales). ‘Determined’ means that the local authority has, under Schedule 14 of the Wildlife and Countryside Act 1981, decided either to make such a definitive map modification order, or decided not to.”

The same principle will, of course apply to any other route in the area where the Council has relied upon Section 53(3)(b) and where the Schedule 14 Application only sought the registration of footpath rights. The Council will be legally obliged to act upon this regardless of whether objections to such route have been duly lodged or not. To do otherwise would leave the confirmation open to Judicial

Review and its associated costs. This will particularly apply to any route proposed for BOAT status which leads off or relies upon access from Formby No 57.

At this stage of the proceedings the Council has an opportunity to reconsider its position and put a further report to the relevant Committee seeking to rectify the situation. If an Orders have been Confirmed following the Committee meeting on 10<sup>th</sup> January 2022 it is essential that the Council ensure that such confirmation is quashed without undue delay. This will hopefully avoid unnecessary costs for all parties by way of judicial review proceedings.

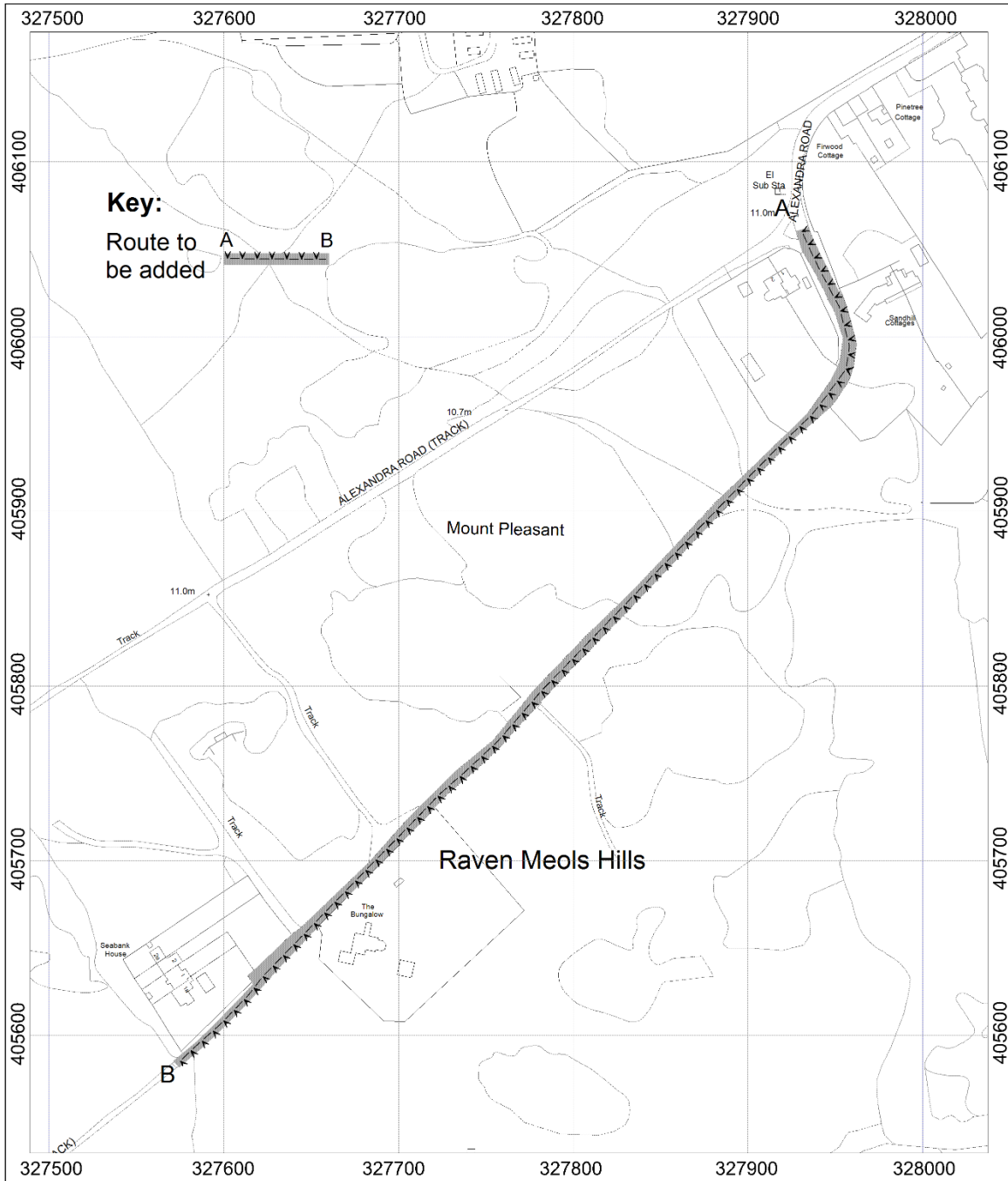
I should be obliged if you would review the above and provide a response to the issues raised as a matter of urgency, and also put a stop to any confirmation of Orders until this issue has been properly considered.

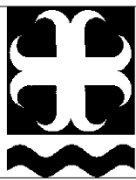


Yours sincerely

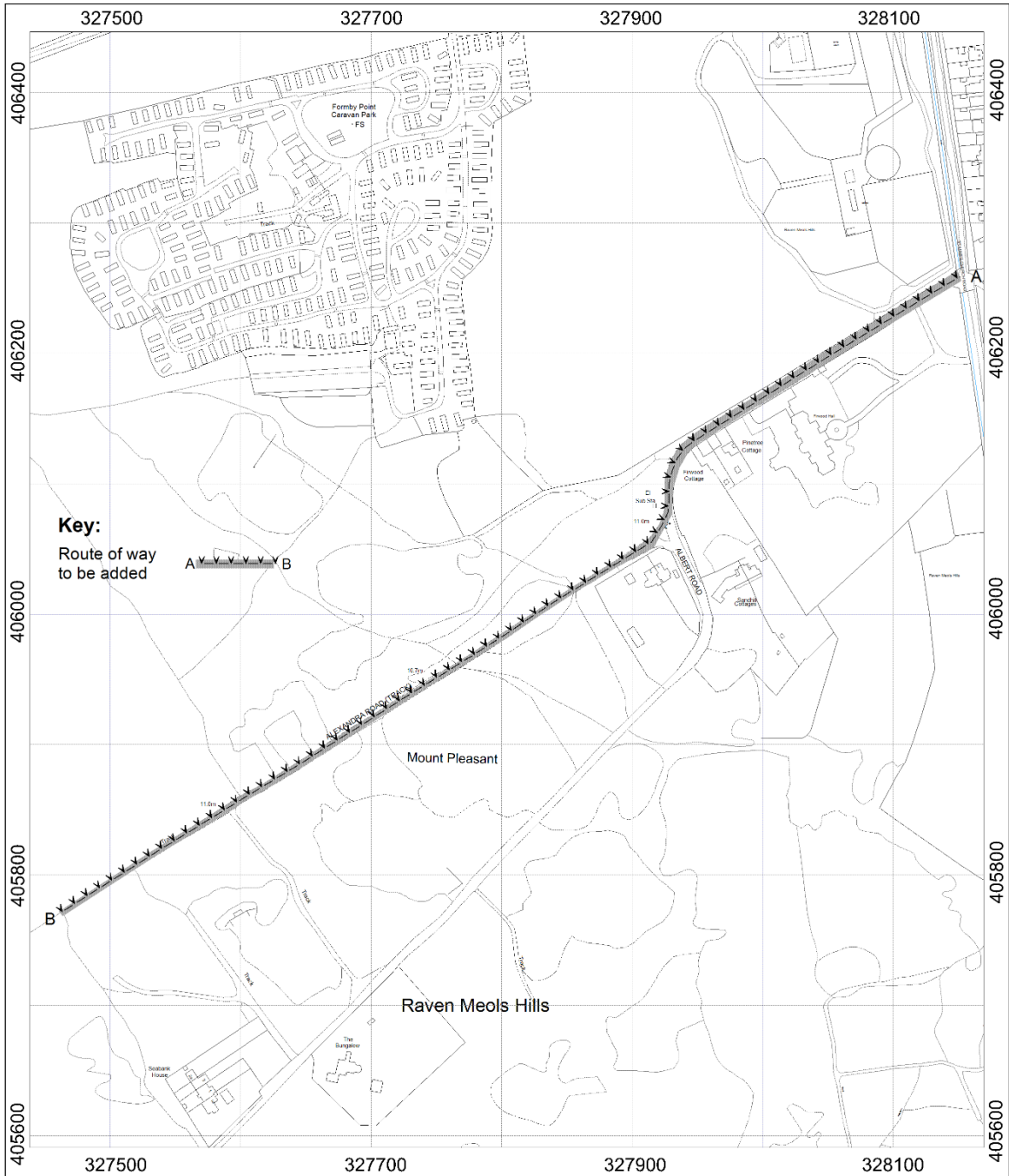
A black rectangular redaction box covering the signature of Robin Carr.

Robin Carr FIPROW  
Principal Consultant

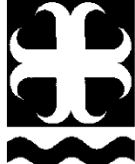
# APPENDIX B



<p>SEFTON M.B.C.</p>  <p>HIGHWAYS DEVELOPMENT CONTROL</p>	<p><b>Public Path Modification Order</b>  <b>Section 53 Wildlife and Countryside Act 1981</b></p> <p>Formby No.62</p> <p>Route to be Added </p>			
<p>Peter Moore          Head of Highways &amp;          Public Protection          Magdalen House          Trinity Road          Bootle L20 3NJ</p>	<p>Drawn By: BG</p>	<p>Scale: 1:3000 on A4</p>	<p>Date: 6/5/22</p>	<p>Checked:</p>
	<p>Ward: Harington</p>	<p>Os Sheet Name: SD2805ne</p>		<p>Plan: <b>DC2165a</b></p>
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**SEFTON M.B.C.**





HIGHWAYS DEVELOPMENT CONTROL

Peter Moore  
Head of Highways &  
Public Protection  
Magdalen House  
Trinity Road  
Bootle L20 3NJ

**Public Path Modification Order**  
**Section 53 Wildlife and Countryside Act 1981**

Formby No.58

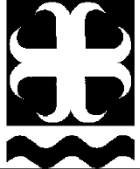




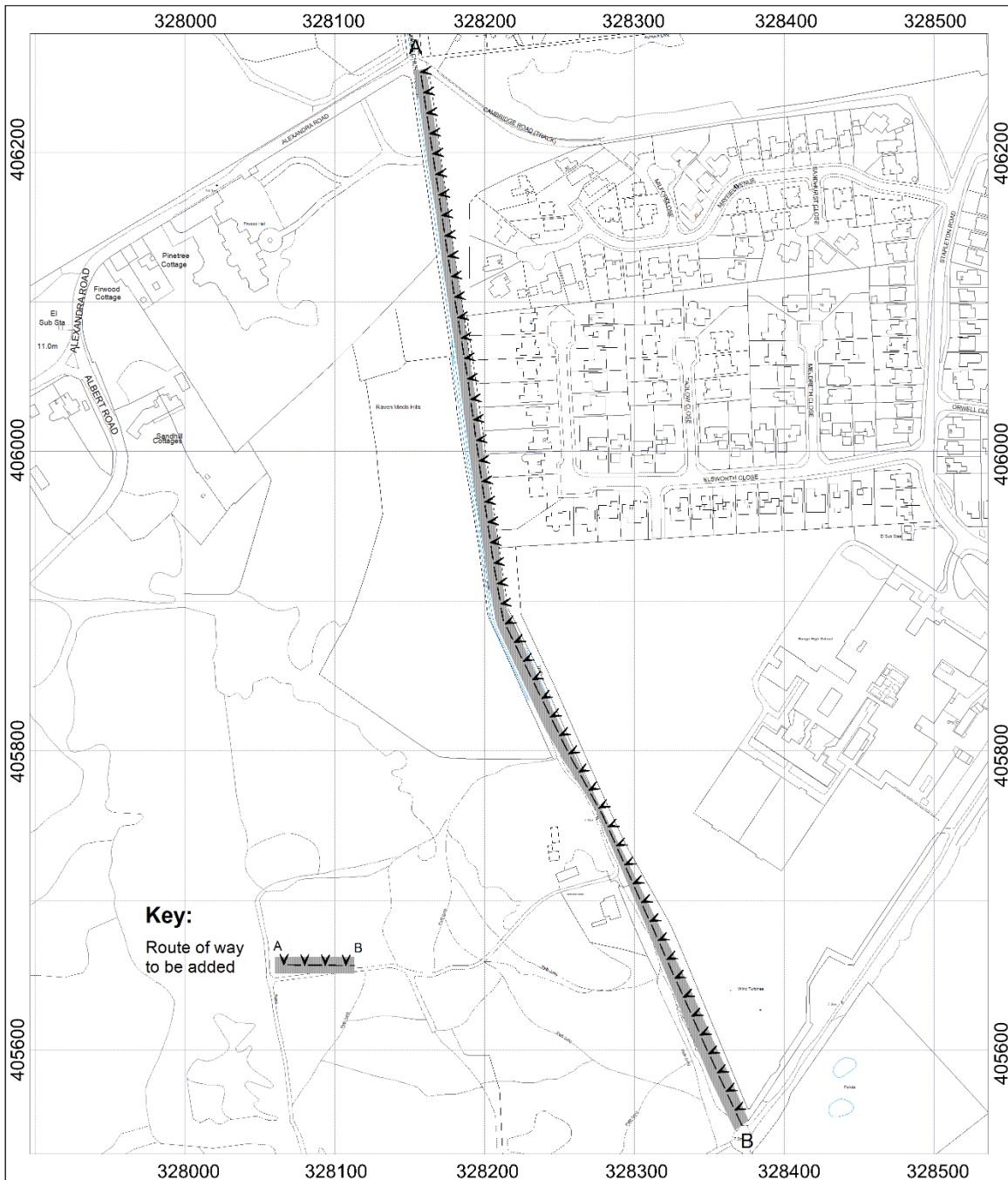
Route to be Added 




Drawn By: BG	Scale: 1:4000 on A4	Date: 6/5/22	Checked:
Ward: Harington	Os Sheet Name: SD2806se		Plan:
<small>This map is reproduced from Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution. Sefton Council Licence number 100016192. (c) 2022.</small>			<b>DC2166a</b>



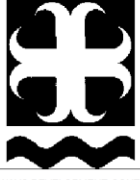




 SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL	<b>Public Path Modification Order</b> <b>Section 53 Wildlife and Countryside Act 1981</b>			
	Formby No.57 Route to be Added 			
Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ	<b>Drawn By:</b> BG	<b>Scale:</b> 1:2000 on A4	<b>Date:</b> 6/5/22	<b>Checked:</b>
<b>Ward:</b> Harington		<b>Os Sheet Name:</b> SD2806sw		<b>Plan:</b> <div style="text-align: right; font-weight: bold; font-size: 1.2em;">DC2167a</div>
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<p><b>SEFTON M.B.C.</b></p>  <p>HIGHWAYS DEVELOPMENT CONTROL</p>	<p><b>Public Path Modification Order</b>  <b>Section 53 Wildlife and Countryside Act 1981</b></p> <p>Formby No.58</p> <p>Route to be Added </p>			
<p>Peter Moore          Head of Highways &amp;          Public Protection          Magdalen House          Trinity Road          Bootle L20 3NJ</p>	<p>Drawn By: BG</p>	<p>Scale: 1:3500 on A4</p>	<p>Date: 6/5/22</p>	<p>Checked:</p>
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 SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL	<b>Public Path Modification Order</b> <b>Section 53 Wildlife and Countryside Act 1981</b> Formby No.59			
	Route to be Added 			
Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ	Drawn By: BG	Scale: 1:2500 on A4	Date: 01/11/21	Checked:
	Ward: Harington	Os Sheet Name: SD2805sw		Plan: <b>DC2171</b>
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**SEFTON M.B.C.**





HIGHWAYS DEVELOPMENT CONTROL

Peter Moore  
Head of Highways &  
Public Protection  
Magdalen House  
Trinity Road  
Bootle L20 3NJ

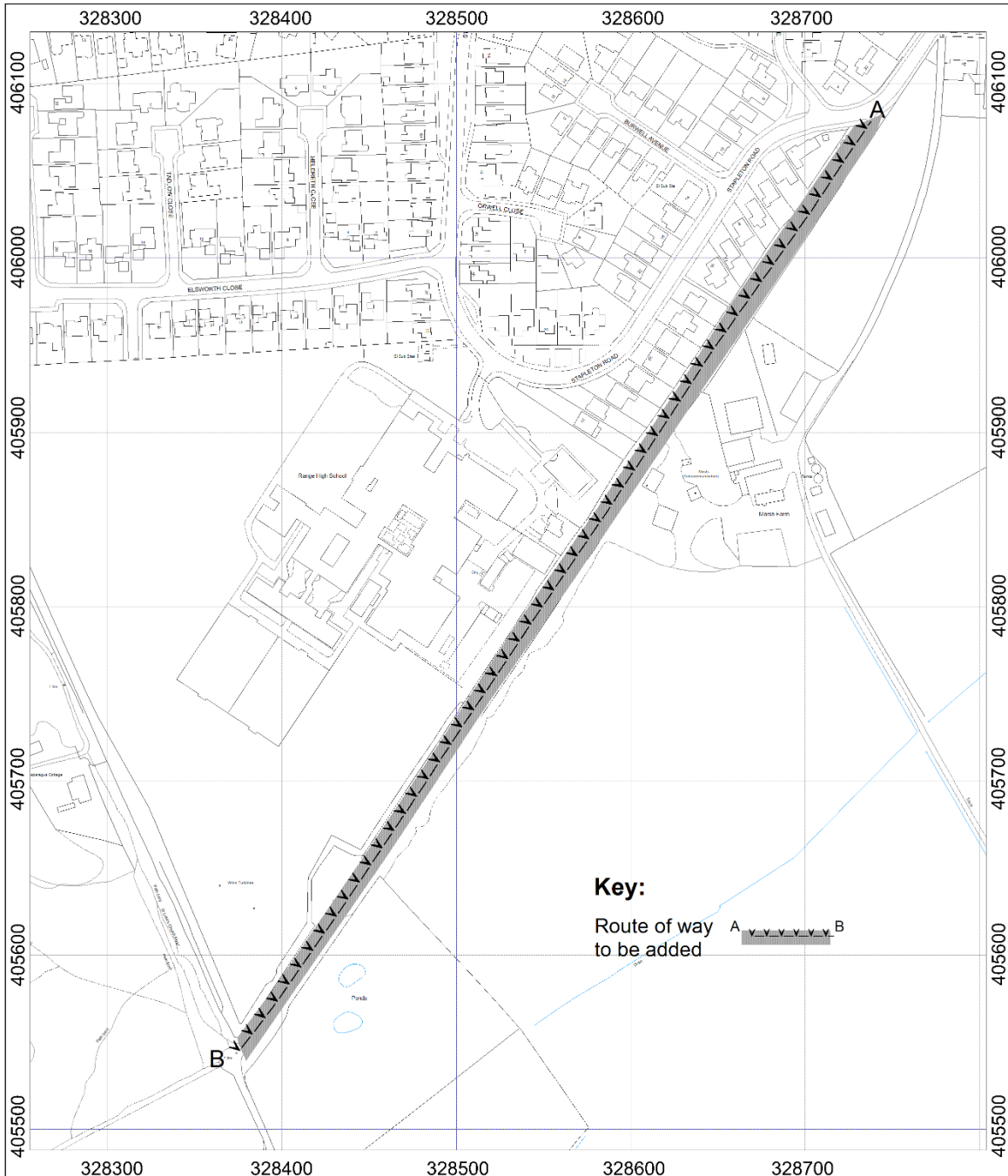
**Public Path Modification Order**  
**Section 53 Wildlife and Countryside Act 1981**

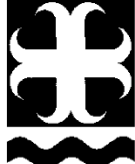


Formby No.67

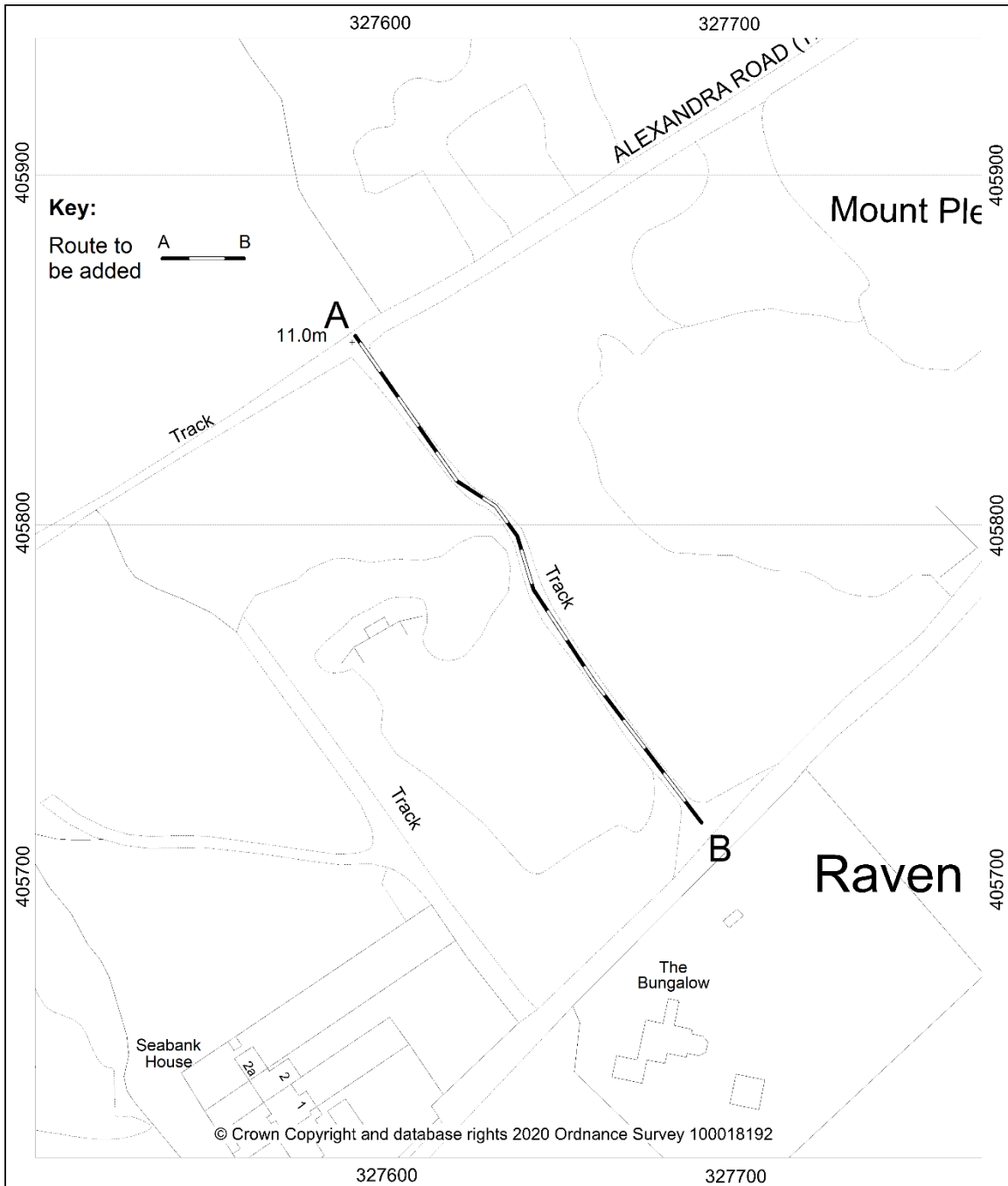
Route to be Added 






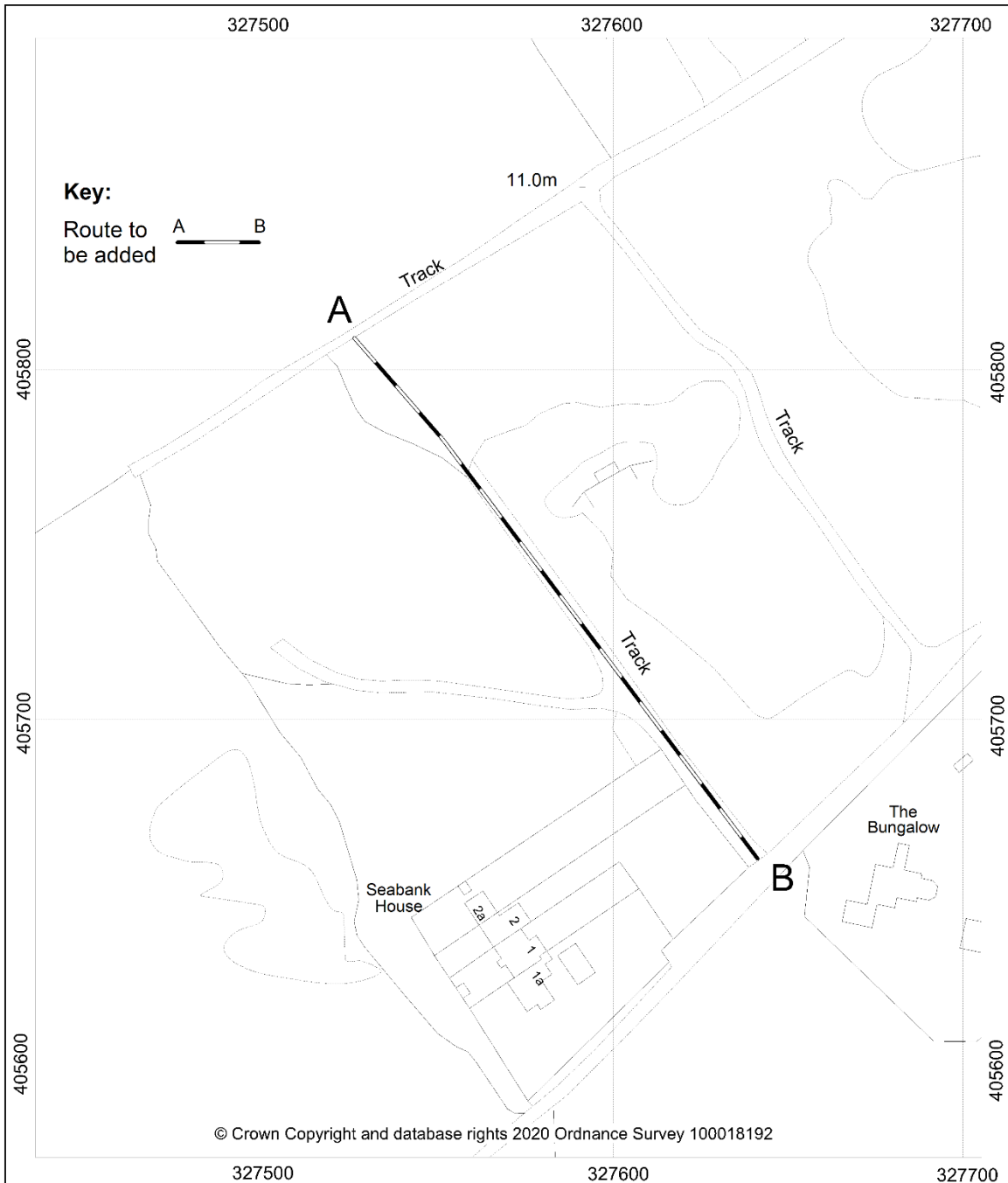
Drawn By: BG	Scale: 1:3000 on A4	Date: 6/5/22	Checked:
Ward: Harington	Os Sheet Name: SD2806sw		Plan:
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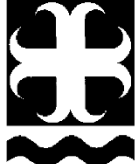




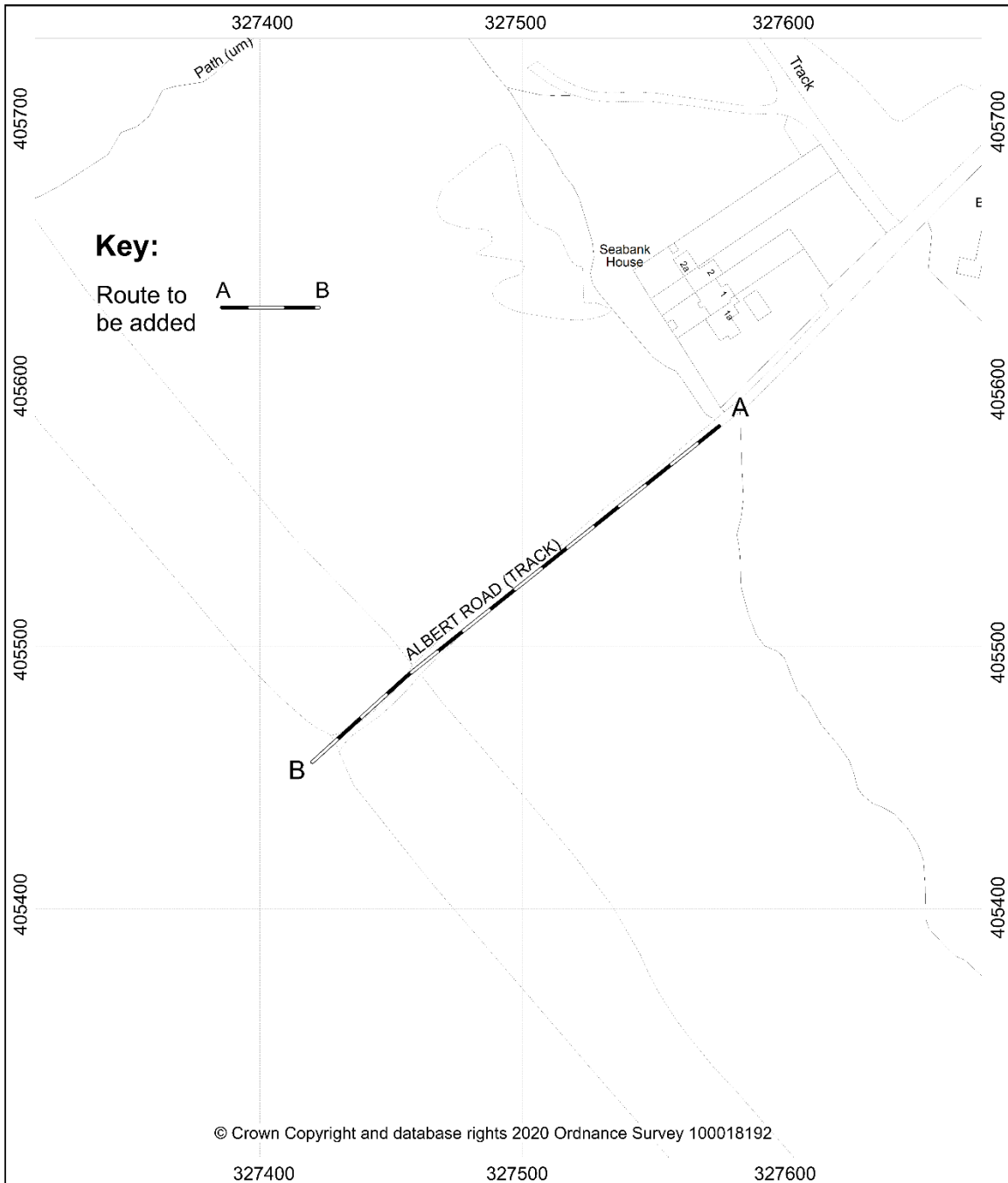
<b>SEFTON M.B.C.</b>  HIGHWAYS DEVELOPMENT CONTROL	<b>Public Path Modification Order</b> <b>Section 53 Wildlife and Countryside Act 1981</b>  Formby No.68  Route to be Added 									
Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Drawn By: BG</td> <td style="width: 25%;">Scale: 1:3000 on A4</td> <td style="width: 25%;">Date: 6/5/22</td> <td style="width: 25%;">Checked:</td> </tr> <tr> <td>Ward: Harington</td> <td colspan="2">Os Sheet Name: SD2805ne</td> <td>Plan:</td> </tr> </table>	Drawn By: BG	Scale: 1:3000 on A4	Date: 6/5/22	Checked:	Ward: Harington	Os Sheet Name: SD2805ne		Plan:	<b>DC2170a</b>
Drawn By: BG	Scale: 1:3000 on A4	Date: 6/5/22	Checked:							
Ward: Harington	Os Sheet Name: SD2805ne		Plan:							
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 SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL	<b>Definitive Map Modification Order</b> <b>section 53 Wildlife and Countryside Act 1981</b> Formby No.63 - Alexandra Road link to Albert Road Formby			
	Route to be Added 			
Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ	Drawn By: BG	Scale: 1:1500 on A4	Date: 22/12/20	Checked:
	Ward: Harington	Os Sheet Name: SD2705ne		Plan: <b>DC2126</b>
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 SEFTON M.B.C. HIGHWAYS DEVELOPMENT CONTROL	<b>Definitive Map Modification Order</b> <b>section 53 Wildlife and Countryside Act 1981</b> Formby No.64 - Alexandra Road link to Albert Road Formby			
	Route to be Added 			
Peter Moore Head of Highways & Public Protection Magdalen House Trinity Road Bootle L20 3NJ	Drawn By: BG	Scale: 1:1500 on A4	Date: 22/12/20	Checked:
	Ward: Harington	Os Sheet Name: SD2705ne		Plan: <b>DC2127</b>
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<p><b>SEFTON M.B.C.</b></p>  <p>HIGHWAYS DEVELOPMENT CONTROL</p> <p><small>Peter Moore Head of Highways &amp; Public Protection Magdalen House Trinity Road Bootle L20 3NJ</small></p>	<p><b>Definitive Map Modification Order</b>  <b>section 53 Wildlife and Countryside Act 1981</b></p> <p>Formby No.61 - Albert Road Formby</p> <p>Route to be Added </p>		
<p><b>Drawn By:</b> BG</p>	<p><b>Scale:</b> 1:2000 on A4</p>	<p><b>Date:</b> 22/12/20</p>	<p><b>Checked:</b></p>
<p><b>Ward:</b> Harington</p>	<p><b>Os Sheet Name:</b> SD2705ne</p>		<p><b>Plan:</b></p> <p style="font-size: 1.2em; font-weight: bold;">DC2124</p>
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