

Document reference 46 – Confirmation of Ownership and Consents

See letter from prospect Homes of 4 May 2023 and supporting email chains from Taylor Wimpey and Hempsons Solicitors

4 May 2023

Secretary of State / Planning Inspectorate

Dear Sir/Madam

RE: FOOTPATH 3-45-FP51 DIVERSION ORDER 2023, APPLICATION 3/2022/1044 PUBLIC RIGHT OF WAY TO THE REAR OF FORMER QUEEN MARY TERRACE AND BRIDGE TERRACE MITTON ROAD WHALLEY BB7 9JS

In regard to Ribble Valley Councils referral of the above application to the Secretary of State, Prospect Homes is the owner of the land which the path currently crosses and is also the owner of the land over which the diverted route is proposed. On behalf of Prospect, I can confirm:

13. Consent is granted for the Inspector to access our land.
18. Please find attached the completed H&S questionnaire. As the path passes through our live building site, the Inspector can arrange their visit through myself.
26. The proposed diverted route will be available for use before the Order comes into operation.
46. As the current route of the path also crosses 2 other land ownerships please find enclosed confirmation of these landowners consents to the diversion, from Taylor Wimpey and Mersey Care NHS Foundation Trust. (NB the proposed diverted route does not cross these landownerships).

For anything further please contact me at the details below.

Yours Faithfully



Andy Denton

Head of Land

Prospect GB (Ltd)

andrew.denton@prospectgb.com

mob. 07814 922 863

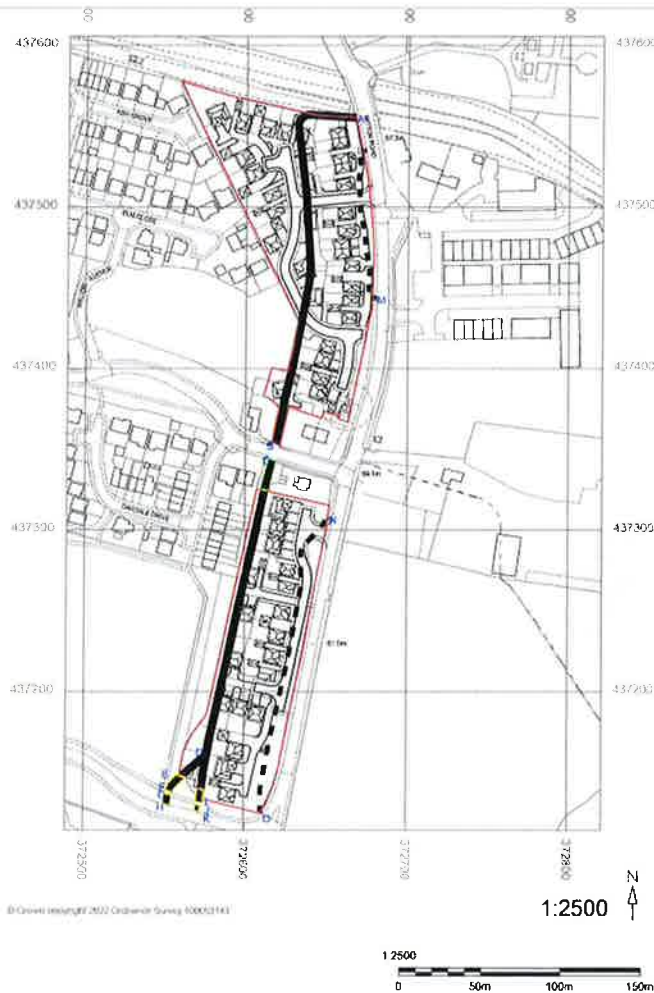
Andrew Denton

Subject:

FW: [HEMP=00031816/00000467]RE: "EXTERNAL" RE: Mitton Rd - Public Right of Way: Without Prejudice

Attachments:

Guidance Notes 2022.pdf



From: Andrew Denton

Sent: 01 December 2022 09:52

To: Jane Donnison (HEMPSONS) <j.donnison@hempsons.co.uk>; Ranjit Bassey <Ranjit.Bassey@anthonycollins.com>

Cc: Richard Stokes <Richard.Stokes@merseycare.nhs.uk>; Howard Williams <howard.williams@montagu-evans.co.uk>; Counsell Joshua (Joshua.Counsell@merseycare.nhs.uk) <Joshua.Counsell@merseycare.nhs.uk>; Terri-Anne Cross <Terri-Anne.Cross@prospectgb.com>

Subject: RE: [HEMP=00031816/00000467]RE: "EXTERNAL" RE: Mitton Rd - Public Right of Way: Without Prejudice

Jane

Thanks for your email below. In answer to your queries:

- We have applied to divert the footpath under s.257 of the Town and County Planning Act (1990). This is a specific process under the Act to consider footpath diversions specifically needed to unblock developments with a planning approval, such as ours.
- Attached is some guidance on the process provided by Ribble Valley Council.

- We've made our division application to Ribble Valley Council who are preparing to start a 28 day consultation on the application.
- If there are no objections in this period then the Council is able to confirm the Order, which will divert the path.
- If there are objections during this period, which the council is unable to resolve, then the application must be referred to the SoS for determination, which can take another c.6 months to conclude
- We need to cover the Councils fees in processing the application, which Prospect will cover/accept liability for.

In making our application we've simply noted that we are in talks with Mersey Care regards its approval. The Council hasn't been clear on what form your approval should take – I'll check and confirm back shortly.

Prospect covering your suggested fees below for dealing with the matter is also fine.

Many thanks for your review.

Kind Regards

Andy

Andy Denton
Head of Land



Prospect Homes
Unit 5 Meridian Business Village
Hansby Drive, Liverpool L24 9LG

Tel: 07814 922 863

Email: andrew.denton@prospectgb.com

Web www.prospectgb.com

From: Jane Donnison (HEMPSONS) <j.donnison@hempsons.co.uk>

Sent: 25 November 2022 12:44

To: Ranjit Bassey <Ranjit.Bassey@anthonycollins.com>; Andrew Denton <Andrew.Denton@prospectgb.com>

Cc: Richard Stokes <Richard.Stokes@merseycare.nhs.uk>; Howard Williams <howard.williams@montagu-evans.co.uk>; Counsell Joshua (<Joshua.Counsell@merseycare.nhs.uk> <Joshua.Counsell@merseycare.nhs.uk>

Subject: [HEMP=00031816/00000467]RE: "EXTERNAL" RE: Mitton Rd - Public Right of Way: Without Prejudice

Afternoon All,

We have had a look at this now and are pleased to see that a solution is being sort.

As you know, Mersey Care does not believe that there is an existing PROW along the route of the thick black line shown on the attached plan and so on the face of it, it should not need to 'consent' to the part edged in green being 'stopped up'.

However, if this is the line of least resistance to make the issue go away, the trust is willing to co-operate.

I am happy to co-ordinate with Ranjit to finalise any wording that would satisfy the council but in summary:

Mersey Care would 'consent' (without prejudice to its belief that no route currently exists) on the basis that:

- any claim to the existing route is extinguished in full. I am assuming that this would be achieved by the new route (shown by the broken black line) being ordered? Can you confirm the process please?
- Its reasonable costs are met (I can firm up on these once we know the process but would suggest between £850 to £1250 plus VAT)

Thanks

Jane

Jane Donnison

Partner

Hempsons | Manchester

d: 0161 234 2468

m: 07771 854 212

e: j.donnison@hempsons.co.uk



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From: Andrew Denton <Andrew.Denton@prospectgb.com>

Sent: 22 November 2022 21:47

To: Richard Stokes <Richard.Stokes@merseycare.nhs.uk>; Howard Williams <howard.williams@montagu-evans.co.uk>; Jane Donnison (HEMPSONS) <j.donnison@hempsons.co.uk>; Counsell Joshua (Joshua.Counsell@merseycare.nhs.uk) <Joshua.Counsell@merseycare.nhs.uk>

Cc: Ranjit Bassey <Ranjit.Bassey@anthonycollins.com>

Subject: FW: "EXTERNAL" RE: Mitton Rd - Public Right of Way

Jane, Howard

Hope you are well.

Richard Stokes of Mersey Care suggested I bring you into this email trail as he had no involvement in our acquisition of Mitton Road and therefore no knowledge of the Public Right of Way claim over the site, which yourselves do have knowledge of having been the solicitor and agent who acted for Mersey Care on the disposal

Since acquiring the site the Council have agreed to process Prospects application to divert the PROW. The attached plan shows the PROW by a continuous bold line and our proposed diversion as the dashed line – noting the path will be diverted solely over land in Prospects ownership.

Whilst most of the existing PROW is over the site we acquired from Mersey Care, now in our ownership there is a short section edged green on the plan, which is over land still owned by Mersey Care. As such the Council have asked that we seek the consent of Mersey Care to also stop up this section of the PROW – basically so that our diversion doesn't leave a short section of PROW over your land leading to nowhere.

I don't believe this should be an issue for Mersey Care – the land in question is currently an access road serving a house owned by Mersey Care, and the PROW in place will in effect be a constraint on the title, which would be removed through our diversion application.

The Council have suggested that an email trail confirming Mersey Care's approval will suffice.

Richard and I have been discussing this in the email trail below, however understandably it's difficult for Richard to comment having had no involvement in the site previously – hence bringing yourselves in.

This email is really just to summarise the request in the hope that you can separately help advise Richard.

If I can assist with any further information on the matter please let me know.

Kind Regards

Andy

Andy Denton
Head of Land



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Tel: 07814 922 863
Email: andrew.denton@prospectgb.com
Web www.prospectgb.com

From: Andrew Denton
Sent: 14 November 2022 15:17
To: Richard Stokes <Richard.Stokes@merseycare.nhs.uk>; Joshua Counsell <Joshua.Counsell@merseycare.nhs.uk>
Subject: RE: "EXTERNAL" RE: Mitton Rd - Public Right of Way

Hi Joshua, Richard

Have you been able to consider the below please? To recap we simply need your consent to stop up the Right of Way crossing your land edged green on the attached plan. This section would be stopped up and diverted across our land along the route indicated by the dashed line on the attached. The diversion wouldn't affect your site in any other way.

I'm on site this Friday if it would be helpful to meet to discuss?

Thanks

Andy

Andy Denton
Head of Land



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Tel: 07814 922 863
Email: andrew.denton@prospectgb.com
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From: Andrew Denton
Sent: 03 November 2022 10:59
To: Richard Stokes <Richard.Stokes@merseycare.nhs.uk>; Joshua Counsell <Joshua.Counsell@merseycare.nhs.uk>
Cc: Terri-Anne Cross <Terri-Anne.Cross@prospectgb.com>
Subject: RE: "EXTERNAL" RE: Mitton Rd - Public Right of Way

Hi Joshua

Have you had chance to review the below? – Happy to arrange a TEAMS call to discuss if helpful.

Thanks

Andy

Andy Denton
Head of Land



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Tel: 07814 922 863
Email: andrew.denton@prospectgb.com
Web www.prospectgb.com

From: Richard Stokes <Richard.Stokes@merseycare.nhs.uk>

Sent: 31 October 2022 16:16

To: Andrew Denton <Andrew.Denton@prospectgb.com>; Joshua Counsell <Joshua.Counsell@merseycare.nhs.uk>

Cc: Terri-Anne Cross <Terri-Anne.Cross@prospectgb.com>

Subject: RE: "EXTERNAL" RE: Mitton Rd - Public Right of Way

Hi Andrew,

I have raised this with Josh this morning as he is back in the office .

I have asked Josh if he could revert to you as he is closer this site than I am .

Thanks

Richard

Richard Stokes MRICS
Interim Acquisition & Disposal Manager
Mersey Care NHS Foundation Trust
M. 07385 950429
richard.stokes@merseycare.nhs.uk
Website: www.merseycare.nhs.uk

From: Andrew Denton <Andrew.Denton@prospectgb.com>

Sent: 31 October 2022 15:55

To: Richard Stokes <Richard.Stokes@merseycare.nhs.uk>; Joshua Counsell <Joshua.Counsell@merseycare.nhs.uk>

Cc: Terri-Anne Cross <Terri-Anne.Cross@prospectgb.com>

Subject: RE: "EXTERNAL" RE: Mitton Rd - Public Right of Way

Hi Richard

Was there any update on the second matter detailed below please: re: your consent to our footpath diversion?

Thanks

Andy

Andy Denton
Head of Land



Prospect Homes
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Tel: 07814 922 863

Email: andrew.denton@prospectgb.com

Web www.prospectgb.com

From: Richard Stokes <Richard.Stokes@merseycare.nhs.uk>

Sent: 13 October 2022 15:58

To: Andrew Denton <Andrew.Denton@prospectgb.com>; Joshua Counsell <Joshua.Counsell@merseycare.nhs.uk>

Cc: Terri-Anne Cross <Terri-Anne.Cross@prospectgb.com>

Subject: RE: "EXTERNAL" RE: Mitton Rd - Public Right of Way

Hi Andrew,

I have submitted this to some colleagues and will hopefully receive a positive response promptly .

Kind regards

Richard

Richard Stokes MRICS
Interim Acquisition & Disposal Manager
Mersey Care NHS Foundation Trust
M. 07385 950429
richard.stokes@merseycare.nhs.uk
Website: www.merseycare.nhs.uk

From: Andrew Denton <Andrew.Denton@prospectgb.com>

Sent: 13 October 2022 09:52

To: Richard Stokes <Richard.Stokes@merseycare.nhs.uk>; Joshua Counsell <Joshua.Counsell@merseycare.nhs.uk>

Cc: Terri-Anne Cross <Terri-Anne.Cross@prospectgb.com>

Subject: RE: "EXTERNAL" RE: Mitton Rd - Public Right of Way

Hi Richard

Yes correct, we'll be diverting the RoW onto land entirely in the ownership of Prospect. The existing RoW is shown by the bold line on the attached plan and the proposed diversion the dashed line.

The majority of the existing RoW passes through the site we have just acquired from Mersey Care (edged red on the attached), hence why we are seeking to divert this. However, as part of the diversion application process we are also required to divert any sections of the RoW over third party land that become redundant by our diversion – there are 2 such sections of this, one edged green on the attached that is owned by Mersey Care and a second edged yellow that is owned by the adjacent management company, who we are also taking with.

Thanks

Andy

Andy Denton

Head of Land



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Tel: 07814 922 863
Email: andrew.denton@prospectgb.com
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From: Richard Stokes <Richard.Stokes@merseycare.nhs.uk>
Sent: 13 October 2022 09:27
To: Andrew Denton <Andrew.Denton@prospectgb.com>; Joshua Counsell <Joshua.Counsell@merseycare.nhs.uk>
Cc: Terri-Anne Cross <Terri-Anne.Cross@prospectgb.com>
Subject: "EXTERNAL" RE: Mitton Rd - Public Right of Way

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Hi Andrew,

Thank you for your mail .

To clarify you are attempting to divert a ROW which currently crosses our land to a right of way which does not cross our land?

Thanks

Richard

Richard Stokes MRICS
Interim Acquisition & Disposal Manager
Mersey Care NHS Foundation Trust
M. 07385 950429
richard.stokes@merseycare.nhs.uk
Website: www.merseycare.nhs.uk

From: Andrew Denton <Andrew.Denton@prospectgb.com>
Sent: 13 October 2022 08:28
To: Richard Stokes <Richard.Stokes@merseycare.nhs.uk>; Joshua Counsell <Joshua.Counsell@merseycare.nhs.uk>
Cc: Terri-Anne Cross <Terri-Anne.Cross@prospectgb.com>
Subject: RE: Mitton Rd - Public Right of Way

Hi Richard

Thanks for the call earlier in the week. Just to clarify – we're not seeking your consent to apply for a RoW to cross your land, but rather your consent to divert a RoW crossing your land, which is the section edged green on the attached plan.

Again happy to chat through over TEAMS if helpful

Thanks

Andy

Andy Denton
Head of Land



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Email: andrew.denton@prospectgb.com
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From: Andrew Denton
Sent: 11 October 2022 08:22
To: Richard Stokes <Richard.Stokes@merseycare.nhs.uk>; Counsell Joshua (Joshua.Counsell@merseycare.nhs.uk) <Joshua.Counsell@merseycare.nhs.uk>
Cc: Terri-Anne Cross <Terri-Anne.Cross@prospectgb.com>
Subject: FW: Mitton Rd - Public Right of Way
Importance: High

Richard

Hope you're well – I picked up your email from a automated reply from David Street who I understand has now left Mersey Care.

Would you be able to pick up the below email to Joshua Counsell please? I received his out of office to 26.10, but it's quite urgent. We simply need Mersey Care's consent to apply to divert the Right of Way (RoW) claim crossing the site

Most of this RoW passes over the land we recently acquired from Mersey Care, but there is a small section coloured yellow on the plan below which is over land still in the ownership of Mersey Care – hence needing your consent for the diversion.

An email by reply confirming your consent would suffice, or I'm happy to discuss over a TEAMS call if helpful – I'm available today PM, Wednesday AM, Thursday AM and anytime Friday.

Kind Regards

Andy

Andy Denton
Head of Land



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From: Andrew Denton
Sent: 10 October 2022 15:22
To: Counsell Joshua (Joshua.Counsell@merseycare.nhs.uk) <Joshua.Counsell@merseycare.nhs.uk>
Subject: Mitton Rd - Public Right of Way
Importance: High

Hi Joshua

Hope you're well.

As mentioned we are having to apply to divert the Right of Way (RoW) that cross's the site. The existing RoW is shown as the continuous bold line on the attached plan and the proposed diversion as the dashed black line.

In order to apply for the diversion we must secure the consent from the owners of any land over which the existing RoW currently crosses.

As the part of the RoW highlighted yellow below crosses 2 titles owned by the Mersey Care (LA846945 and LA754966), could you confirm Mersey Cares consent for the diversion please. An email by reply will suffice.

As the diversion is critical for the development if you would like to discuss further could we arrange a call to discuss later this week please. I could do tomorrow PM, Wednesday AM, Thursday AM and anytime Friday.

Thanks

Andy



Andy Denton
Head of Land

prospect.
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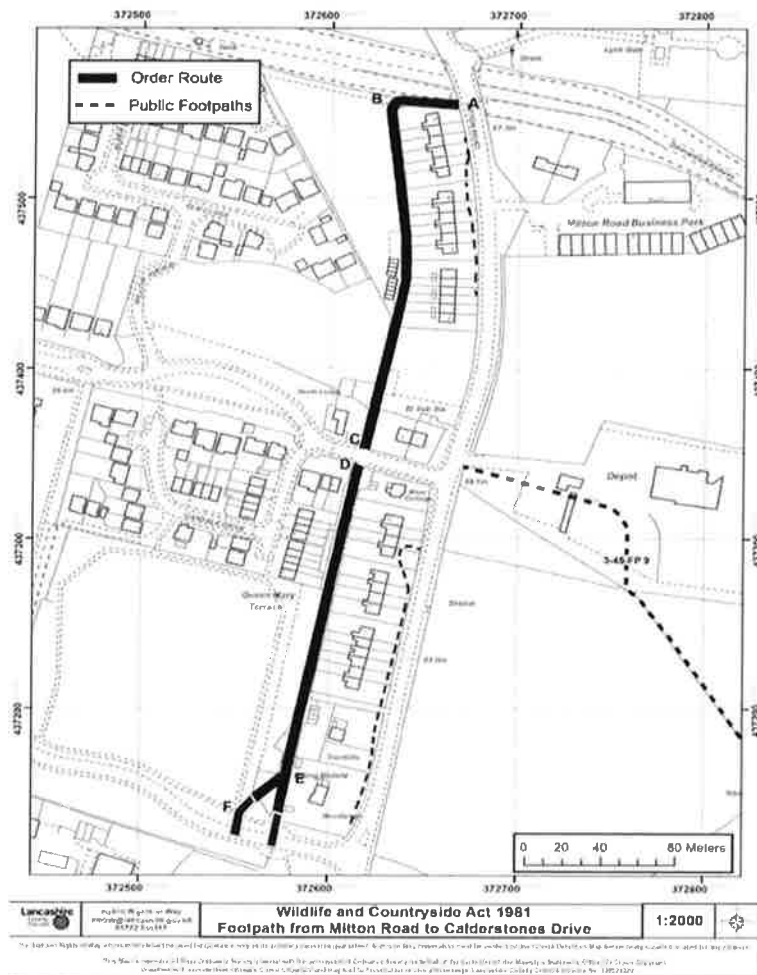
Andrew Denton

Subject:

FW: "EXTERNAL" RE: Clitheroe

Attachments:

RoW TW.pdf



From: Keiron Morley - TW Manchester <Keiron.Morley@taylorwimpey.com>

Sent: 28 March 2023 16:59

To: Andrew Denton <Andrew.Denton@prospectgb.com>

Subject: FW: "EXTERNAL" RE: Clitheroe

Hi Andy,

I confirm Taylor Wimpey have no objection with the diverting of the footpath as per your email description below and attached plan.

I trust this is sufficient for you application to progress; should you need anything further, please contact me.

Kind regards,

From: Andrew Denton <Andrew.Denton@prospectgb.com>

Sent: 18 October 2022 19:17

To: Keiron Morley - TW Manchester <Keiron.Morley@taylorwimpey.com>

Subject: RE: "EXTERNAL" RE: Clitheroe

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Thanks Keiron

The attached plan shows the RoW – thick black line. Most of this is over our land, which we're diverting along the dashed line, all in our ownership. The Council is progressing the diversion but so that it doesn't create a dead-end on the existing RoW they've asked that we check with the landowner of the section highlighted yellow if this can also be diverted/stopped as part of our application – this is owned by the TW Man Co. The Council have said we just need an email trail confirming this.

Cheers

Andy

Andy Denton
Head of Land

prospect.
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From: Keiron Morley - TW Manchester <Keiron.Morley@taylorwimpey.com>

Sent: 18 October 2022 16:35

To: Andrew Denton <Andrew.Denton@prospectgb.com>

Subject: RE: "EXTERNAL" RE: Clitheroe

That's ours pal, send over your query and ill take a look. If I cant help ill get the land team to look at it.

Ta,

Keiron Morley | Technical Director | Taylor Wimpey Manchester

1 Lumsdale Road, Stretford, Manchester, M32 0UT

M: 07929 777 760 | T: 0161 864 8970 | E: keiron.morley@taylorwimpey.com



From: Andrew Denton <Andrew.Denton@prospectgb.com>
Sent: 18 October 2022 12:19
To: Keiron Morley - TW Manchester <Keiron.Morley@taylorwimpey.com>
Subject: RE: "EXTERNAL" RE: Clitheroe

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Hi Keiron

I'm good cheers – been at Prospect since Feb.

The site is Calderstones Park, Whalley, Clitheroe – its accessed from Mitton Road, BB7 9YE.

Cheers

Andy

Andy Denton
Head of Land



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From: Keiron Morley - TW Manchester <Keiron.Morley@taylorwimpey.com>
Sent: 18 October 2022 10:39
To: Andrew Denton <Andrew.Denton@prospectgb.com>
Subject: "EXTERNAL" RE: Clitheroe

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Hi Andy,

Im fine thanks, how are you?

Could you tell me the site or location. Clitheroe is covered by the Manchester Office and North West Office.

Cheers,

Keiron Morley | Technical Director | Taylor Wimpey Manchester
1 Lumsdale Road, Stretford, Manchester, M32 0UT
M: 07929 777 760 | T: 0161 864 8970 | E: keiron.morley@taylorwimpey.com

Taylor
Wimpey



From: Andrew Denton <Andrew.Denton@prospectgb.com>
Sent: 18 October 2022 08:58
To: Keiron Morley - TW Manchester <Keiron.Morley@taylorwimpey.com>
Subject: Clitheroe

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Hi Keiron

Hope you're well. Sorry for the email out the blue looking for help!

Could you put me in touch with the Land lead at TW that covers Clitheroe, South Ribble if poss please.

I'm dealing with a Right of Way claim that crosses one of our sites and a bit of adjacent land owned by a Management Company for an old TW site. Katherine Hindmarsh and Michael Lonnon are the TW Directors of the Man. Co – if its easier to put me in touch direct with these.

Thanks

Andy

Andy Denton
Head of Land



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