

Date: 06 December 2021

## Countryside and Rights of Way Panel - Friday 10th December 2021

Dear Sir/Madam,

I have recently forwarded to you a copy of the agenda for the next meeting of the Countryside and Rights of Way Panel.

I am now able to enclose, for consideration at next Friday 10th December 2021 meeting of the Countryside and Rights of Way Panel, the following reports that were unavailable when the agenda was printed.

- Wildlife and Countryside Act 1981 Application for an alleged Public Bridleway between Trent Walk and Fiddlers lodge
- Wildlife and Countryside Act 1981 Application for the addition of a Public Bridleway from Byway No 3 North of Stable Farm to Trent Walk, Ingestre
- Wildlife and Countryside Act 1981 Application for the addition of a Public Bridleway from Hanyards Lane to Ingestre and to upgrade Public Footpath 0.1630(b) to a Public Bridleway

John Tradewell Director of Corporate Services

Enc



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County Buildings, Stafford DDI CommitteeTel Please ask for Zach Simister Email: zachary.simister@staffordshire.gov.uk

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Dear Sir/Madam,

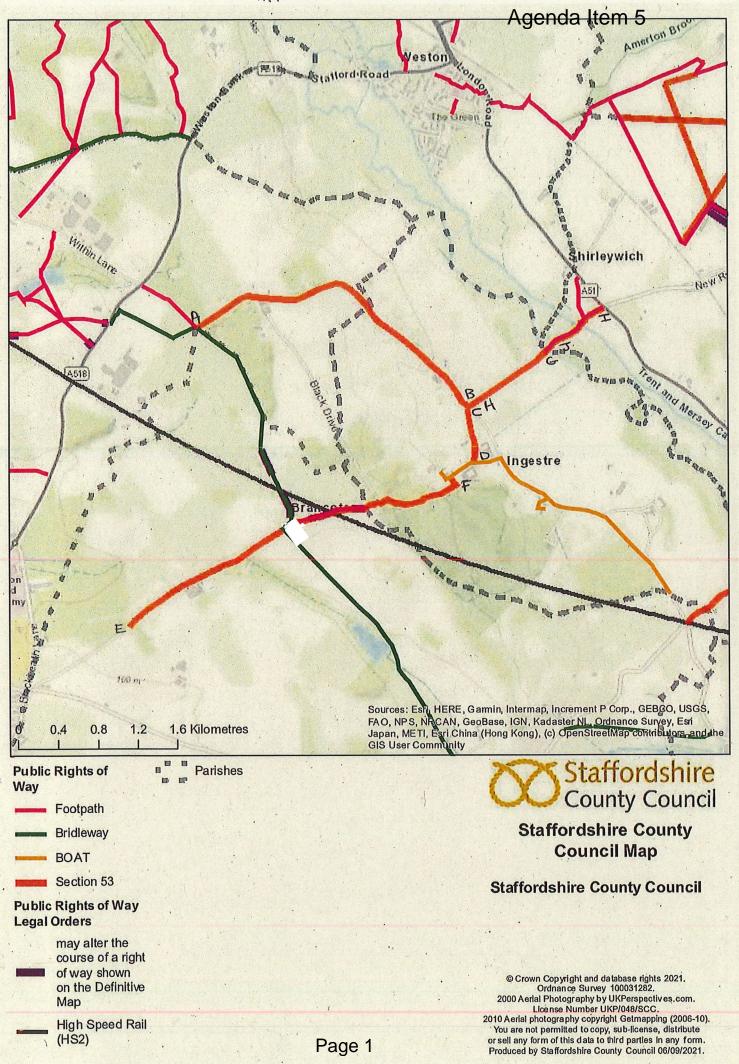
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Appendix J Ref. 008112. MrG.T.TAVERNOR. Application for a cilleged Birch Hall Farm, Public Brideway between Increase Trent Walk and Fiddlers Lodge. Stofford ST18 ORF. STI8 ORE, Dear Hanah Tichener Thanks for your correspondence, as is evident from address; the alleget route crosses through my property, Birch Hall through my property, Birch Hall There the following comments:-1, The application from Mr Martin Reay is to my mind now quite historical 1997, but I also think so are all the other submitted letters, and very strangely all are dated within a narrow effort of drunning up support, raither than an a more real and organic body of evidence collected over a long time period 2, Can I do draw your attention to a letter from Cotton & Hopton Karsh Council (21Noy 2005 Appendix It I which suns up my thoughts precicely. I goode the last paragraph. "I have to say that on the information provided it is very difficult to accureitely determine precisely what occured under the 1801 ORDER" 3 In your letter at 19 you say the following. Page 3

Page 4

# The combination of the Order and the attached plan provides a Fairly accurate description of the path intend to be diverted and the new bridle path I feel the resulting disruption to the land owners affected really deserves perdence that is very accurate and without any shed of doubt, and a description of the evidence presented as being Fairly Accurate, 13 simply not very dear or without a shred of doubt I propose that the documents relating to Qualifier section Order 1801 are obviously very old, and ever with the transcripts, are open to interpretection, and the accompany 6. In penit 27. you highlight a letter from Dr Fourkes @ Appendix. I, he only stetes that there is no abut that the length of the briddenay stopped is 739 yords infront Into the alternative routes exact location at all, only saying that it mus through the Earls and land, which could have been anywhere on And, Which could have been anywhere on the vast Increstre Estate. If the 1801 document is absolutely reliable and I'm not convinced. That it is. It's quite dear that the Alleged alternative route was never used as a route to Statistic. It's a fact that the closed Bindle Way in Pront of Increstre Hall, was already out of use, as by 1801 the current road between Great Haywood and Statistic Page 5

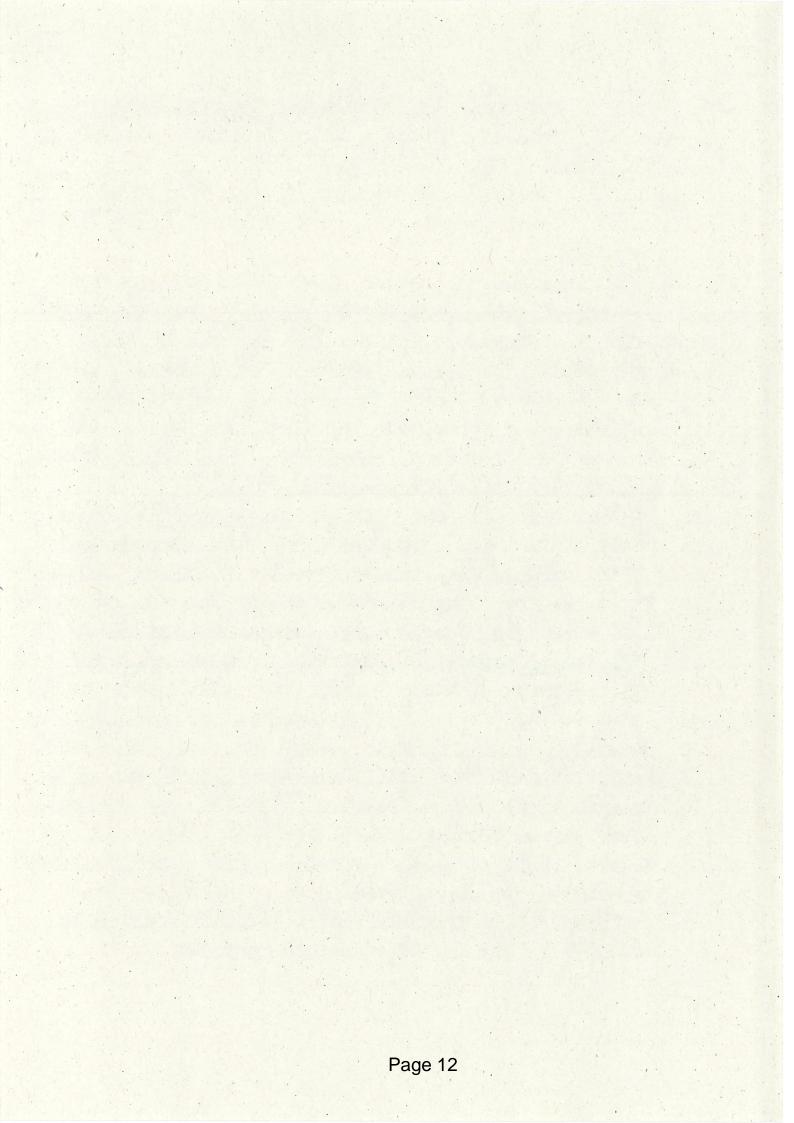
31. was the actual road that residents of The Alleged diternative voule was, and TS. just an old estate route From 1801 to the sale of the getate. in the 60's to the present day the Alleged route has times stops saying PRIVATE ROAD, and by many years gated and locked. When I was in my teens my terminy formed at Neston, but we had one field in Increstine, and to access the field we had to travel down trent field we had to travel down trent (it is still occupied, its called treatchere (odge) with double getes (also still inplaid A lady called Mrs Nowbottom would At lady colled Mirs Notworthin would ask who you were and then open the gates using a Wheel in the by whather of her house. Also op to the present day any Walkers - Cyclists - Tresposert encounted by land survers or thier stop have bound survers or thier stop have bound survers or the supersting letters in Appendix A. in the user evidence section, given the years of duration since 1801, must Just be the ones that were not challenged. 8, The map (Appendix F. Incesse Estete Divesion Plan) On the Preverse front page. fitted Sketch of the poads, doord, Ingestre Intended to be Diverted is very crude and not to scale Page 7



there fore very difficult to decipher. A and other strategrally placed is this context could on brief inspection be assumed to be referring to the 1801 Diversion Officier, but because I have known Ingestre all my life 8 born 1948) I have knowledge of the helpinal geography of Ingestre, Ican clearly see that is actual felt the road, hoitched with I mes 75 in fact a road starting from the entrance to the village from the Gt Haywood to Tixell Rd it then heads in a Westerly direction through inflore from fodges are now and 5 march what was the Main Dave to Ingestre the A gorny between from Lodges across which now the golf course to the Alall, if your pay portreular attention you can at the section at toad directli the Hall is significally not hatched I dearly demonstrates on this map that many roads were mended to be threaded. Also on this map you can se that at the entropice to the village from Vixall at Hoomsthattle read The first described TS the left side of a for whe read to the right the good torky to the right, and follows the road in hich re now the main entrance roadinto Ingeste, to use an expression your your good at point 38 "upon the Boulance of Probabilities "This very same section of toad could easily have been the route offered by the East as the. diversion /alternative Forte.

Page 9

It neets the Bhowing conterner, sighted in It takes people away from welking in front of the Hall. 8. b. It's more commodious to the publice to c. It commences from the end of There Walk. of The roule is some Two Thousand and six thurdred and Threaty Six Vards in Length, points e IFF is through the lands of the Earl. of At point S. you state. "The brideway was to be diverted onto a readine which took the point 29, bridle way from the end of Dog Kanel Sche in a north Dwesterly direction and then tooping. burd to termination the A518. This has to be pure speculation such there is no mention of the direction the alternative route might take, or where It would terminate or a map to really charity this To use the phose you yourself use at point, 38, once again." I spon the balance of protobilities its itighty lickely that the atternative route did infaict travelets a Southerly phreation and follow, what is now, and has been formore than one hundred years the man Most categorically disproves this. There IS not a own inferric map - sketch - Plan of the alleged atternative rouge, absolutely nothing to without a shadow of doubt actually identify the Alleged attensive rouse. Page 11



, 1 90 on to observe that of as has obviously been done is this case, a book presents, as evidence, when that some body has a certain objective of the core of its argument, a collection of Copies and transcripts of 220 year old manuscripts and very crude not to scale hard to decipher, maps, in this case to attempt to support the claim of an albegred route. With only a cursury paroused of these documents. Having the overall an Alleged trave of proof to substantide an Alleged trave one might be gonymaed - but with closed scruting of the disperate collection of proported evidence. It becomes clear that just because the paper thin endorats Proof dust because the paper thin encodes proof of an alternative vocale doesn't mean that they were all origonaly recording the same purpose, or actually prove anything very much, and certainly ident catagorroally site and identify the Alteged. Bridle Nay mentioned as the Diversion in the 1801 ORDER. Thanks and Kind Reapids. Geoffrey Thomas Varenor. (-Haveros Page 13





Protective Marking Scheme Level 3 RESTRICTED

Mr G T Tavernor Birch Hall Farm Ingestre Stafford ST18 0RE Ann-Marie Davidson County Solicitor Staffordshire Legal Services Staffordshire County Council 1 Staffordshire Place Tipping Street Stafford, ST16 2DH

DX 712320 Stafford 5 Fax No. (01785) 276179 Please ask for: Hannah Titchener Telephone: 01785 854190 e-mail: hannah.titchener1@staffordshire.gov.uk

My Ref: 008112

#### Your Ref:

Date: 01 December 2021

Dear Mr Tavernor,

Re: s53 Public Bridleway between Trent Walk & Fiddlers Lodge Ingestre -Alleged Public Bridleway (Previous File LE624G)

Thank you for your correspondence providing comments on the above draft report.

We note your opinion that it is difficult to accurately determine precisely what occurred under the 1801 Order and it is open to interpretation. We also note your opinion that the route is private and always has been.

Whilst we note that reviewing historical documents can be open to interpretation we are of the opinion that the interpretation of the 1801 Order is accurate and therefore when using the relevant legal test, which is whether the evidence on the balance of probabilities shows the existence of a public right of way, the 1801 order does show the existence of a public bridleway along the line of the alleged route and no evidence has been put forward to show that this route has ever been legally extinguished.

Also, Quarter Session Orders are legal documents and therefore are considered by the courts to be strong evidence of the existence of public rights of way, particularly if no contrary legal documents are found showing the legal extinguishment of a route. Even if a route has since fallen into disuse, the maxim remains, "Once a highway, always a highway".



the knot unites

As already stated, the legal tests to prove the existence of a public right of way, in this case is on the balance of probabilities and whether it can reasonably be alleged that a public right of way exists. It does not have to be proven beyond all doubt that the public right of way exists.

Therefore, whilst your comments have been noted officers' recommendation remains unchanged. Your comments will be put before the Countryside and Rights of Way Panel when it is heard and determined. The next Panel date is the 10 December, and we anticipate that the report in relation to the application for an alleged bridleway between Trent Walk and Fiddlers Lodge will be heard and determined at this Panel. The application in relation to a public bridleway from Trent Walk bridge to the public road SE corner of Home Farm will be heard at a sperate panel meeting and we will respond separately in relation to this.

We will notify you again once there is a further update.

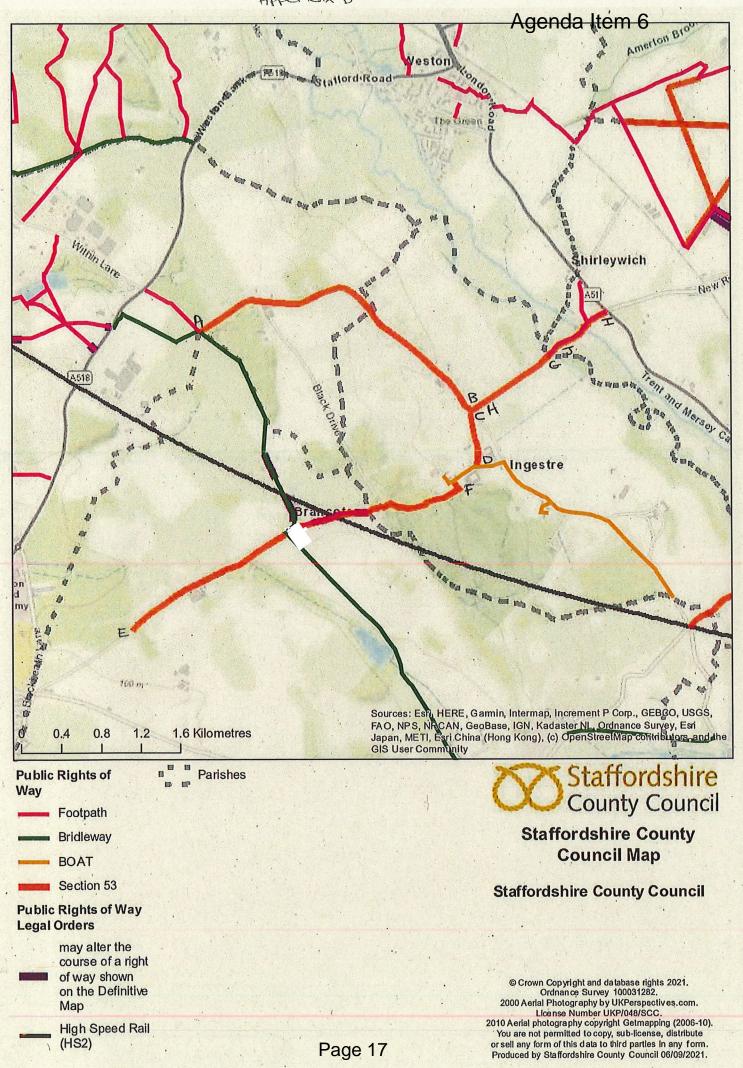
Yours sincerely

H.J.Titchener

Hannah Titchener on behalf of Ann-Marie Davidson, County Solicitor.

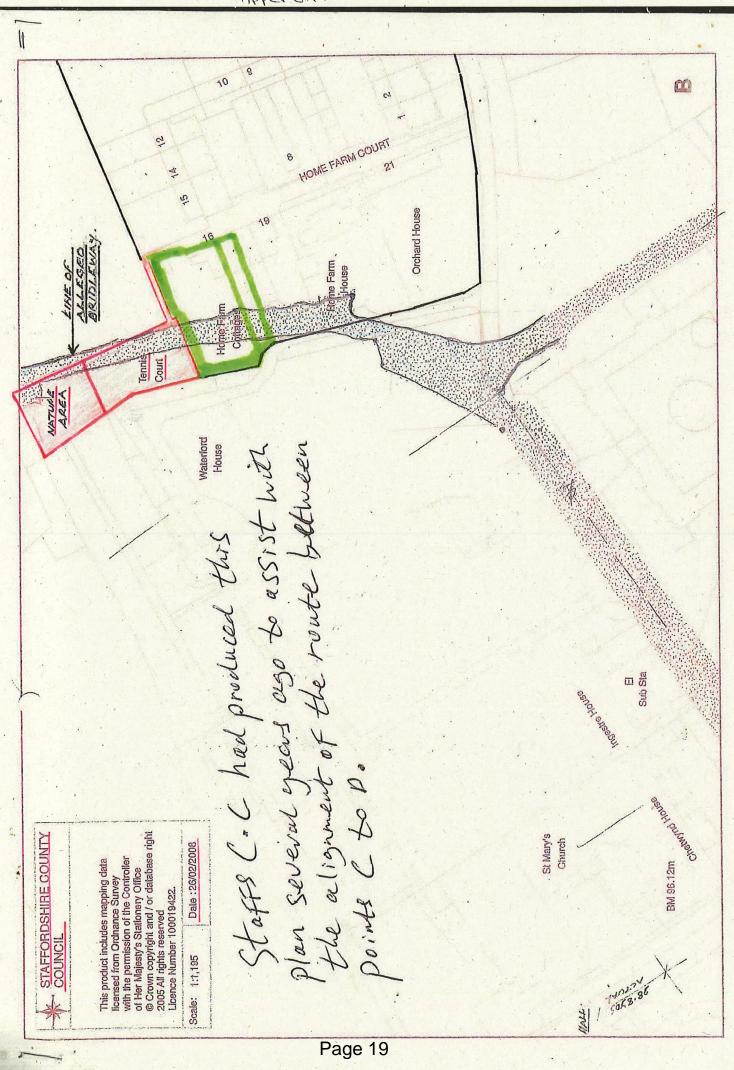
HT2 / 008112





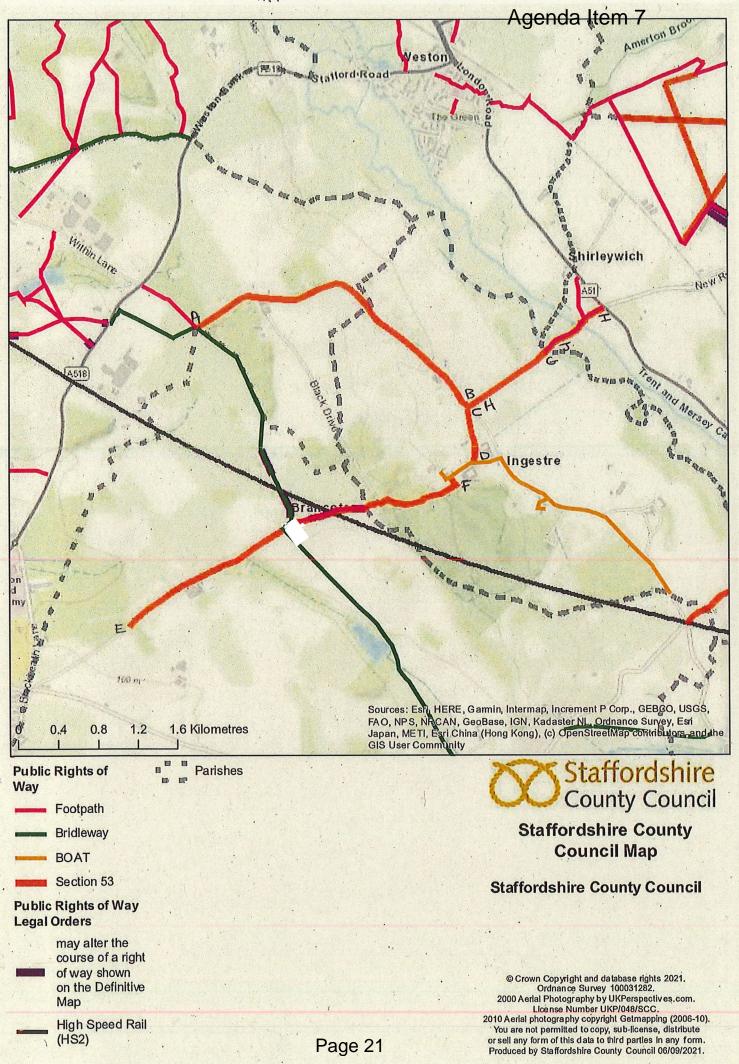


AppendixI



Document CARDI + Staffs Pecond office pet. (PART OF LARGER MAP.) Staffs (a C had produced the splan moning years ago. This does assist with the alignment of the route between points C to D. A 5000 1 409h 0003 72154 Roadway edged red is that existing up to 1802. Ley Roadway coloured blue constructed between 1802 and 1813 without benefit of any diversion order. Roadway edged red and coloured green removed between 1802 and 1813 495.4 New line of Bridleway diverted in 1802 coloured yellow C = Dog Kennel Gate Referred to in diversion of D = Tixall Park Gate. Bridleway Order of 1802. 3671 4 659ma 11-51 0067 939mu 2 32 0067 860ma 2112 14964 14256a 1341 INGESTRE C P 20 Ingestre







Appendix H

# Titchener, Hannah (Corporate)

From:	Bob Hunt <chairman@internationaldesigngroup.co.uk></chairman@internationaldesigngroup.co.uk>
Sent:	19 October 2021 20:23
То:	Titchener, Hannah (Corporate)
Cc:	Geoff Matthews; mel jones; Jon Hunt
Subject:	FW: Ingestre Bridleway draft for comment / approval
Attachments:	bridleway.JPG

**CAUTION:** This email originated from outside of Staffordshire County Council. Do not click links or open attachments unless you recognize the sender and know the content is safe.

## Dear Ms Titchener

We act for Ingestre Park Golf Club as golf course architects and Project managers for the reconfiguration of the golf club necessitated by the proposed route of HS2 through the golf course. The Club has asked us to review the proposed bridleway as set out in your letter to the Club dated 18<sup>th</sup> October 2021

Unfortunately, the plans are highly inaccurate and we are not even sure that the bridleway is proposed to be accommodated within the remainder of Ingestre Park Golf Club but if it is a significant safety issue would arise. I have attached an overlay of your plan on to Google earth which appears to indicate that the proposed bridleway is within the golf course and thus within the safety cage on hole 3.

I attach an extract from the only published Safety Guidance (originally prepared for the PGA of Great Britain and Ireland) on golf course design. This shows the offset from the centreline of a golf hole.

## Footpaths and Public Rights of Way Crossing Courses

Where there are bridleways on or near boundaries, the recommended dimensions apply to avoid scaring animals. [See Diagram. 5 – Bridleways and Footpaths]

# BRIDLEWAYS and FOOTPATHS.

For paths beyond a green the minimum distance to the edge of the putting surface may be reduced below 30 metres, providing that all of the path is clearly visible to the golfer.

Dimensions are shown to tangents.

Minimum distance of 30 metres. (50 metres is preferred).

Minimum distance from the bridleway to the landing zone is 57 metres.

Minimum distance to path is 5 metres. (10 metres is preferred).

Where a hole runs parallel to a bridleway, footpath, BOAT or RUPP, the minimum distance from the perpendicular of the path to the landing zone should be a minimum of 50 metres.

\*Notes\*

'BOATs' are Byways Open to All Traffic and RUPPs are Roads Used as Public Paths.

Diagram 5.

There is seldom a conflict where people cross a golf course. Safety standards are normally applied to footpaths that run parallel to holes. Footpaths can cross-holes at an angle so long as golfers are able to see people well before they enter the danger zone. For instance, it would be dangerous for walkers to appear out of bushes just in front of a tee position.

Where such routes cross fairways on the course, they should be at right angles to the line of play. Footpaths should be more than 30 metres from the prescribed landing zone.

Vegetation should be not be allowed within 10m either side of the extent of the semi rough. [See Diagram. 6 – Crossing Footpaths].

Where there is a likelihood that walkers or riders may be in danger from golfers playing from a tee or fairway, then warning posts or signs should be erected at suitable locations before the walkers or riders enter the sensitive area. For blind spots warning bells or similar should be installed to ensure that golfers, walkers or riders are aware of one another and can warn of potential danger.

The edge of any tee should be at least 5 metres and preferably 10 metres away from any part of a footpath.

The centre line of the fairway should run at an angle of 15<sup>o</sup> away from any part of the footpath to a minimum of 57 metres from the centreline. In excess of 60 metres is regarded as safe. [See Diagram. 1- The 15° Rule]

No part of a footpath should be nearer than 30 metres to the edge of a green. For footpaths beyond the green this could be less provided that the whole of the footpath is clearly visible from all areas of the fairway, tee or other position from which shots are likely to be played.

The British Horse Society is able to provide guidance about the proximity of bridleways. Also be aware that there is a movement to split horse and pedestrian traffic. Horses should be regarded as extremely sensitive, so the greatest separation should be provided.

Unfortunately the distance from the centreline of hole 3 to the boundary, along which you appear to be proposing the bridleway, varies but on average is only approximately 40-52m. At present the line of play poses no safety issues for owners of nearby property but placing a bridleway between the boundary of the course and the fairway would result in high risk of injury, damage or death.

You will understand that whilst the club has no problem with the concept of the bridleway, if the proposal is implemented, you will breach guidance which has been used in many UK court cases to establish reasonable safety criteria.

The Club cannot therefore support such a proposal in the knowledge that stray golf balls could cause serious harm or injury to users of the bridleway. Could you please confirm whether or not it is your proposal to locate the proposed bridleway within the golf course.

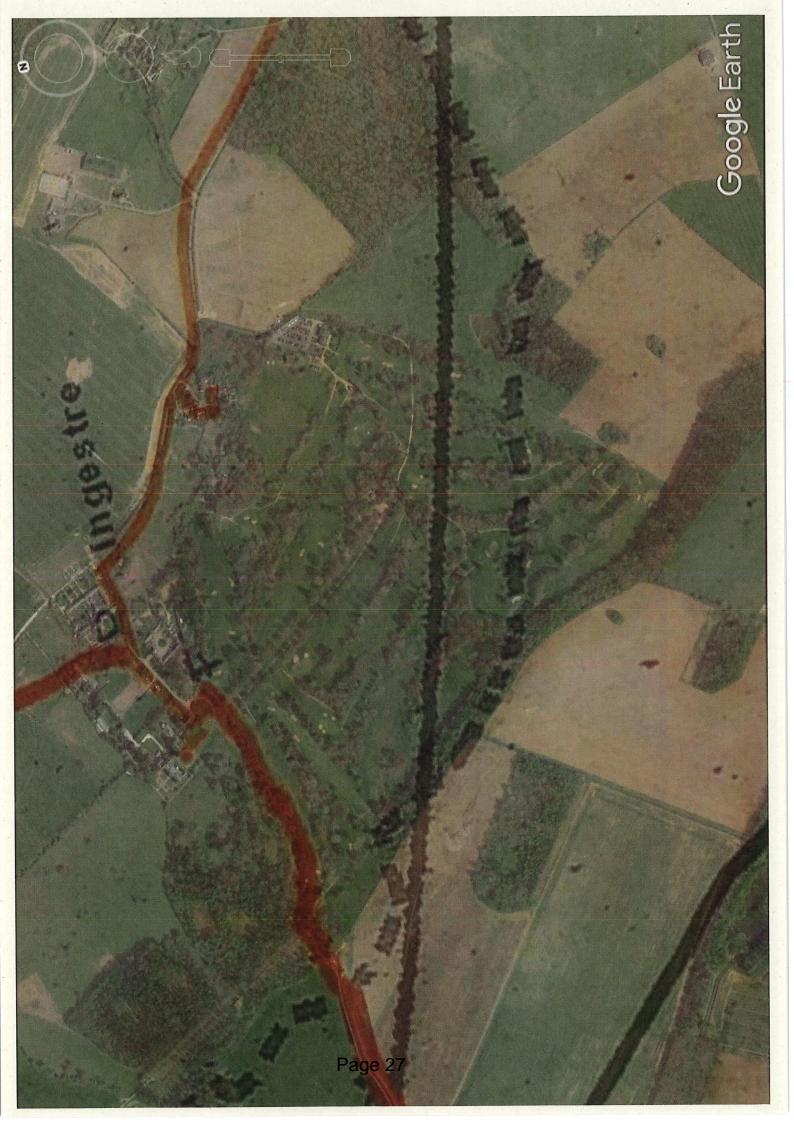
If you do proceed we presume that having been put on warning of the safety issues you will hold the Club harmless in the case of an accident involving a horse or rider.

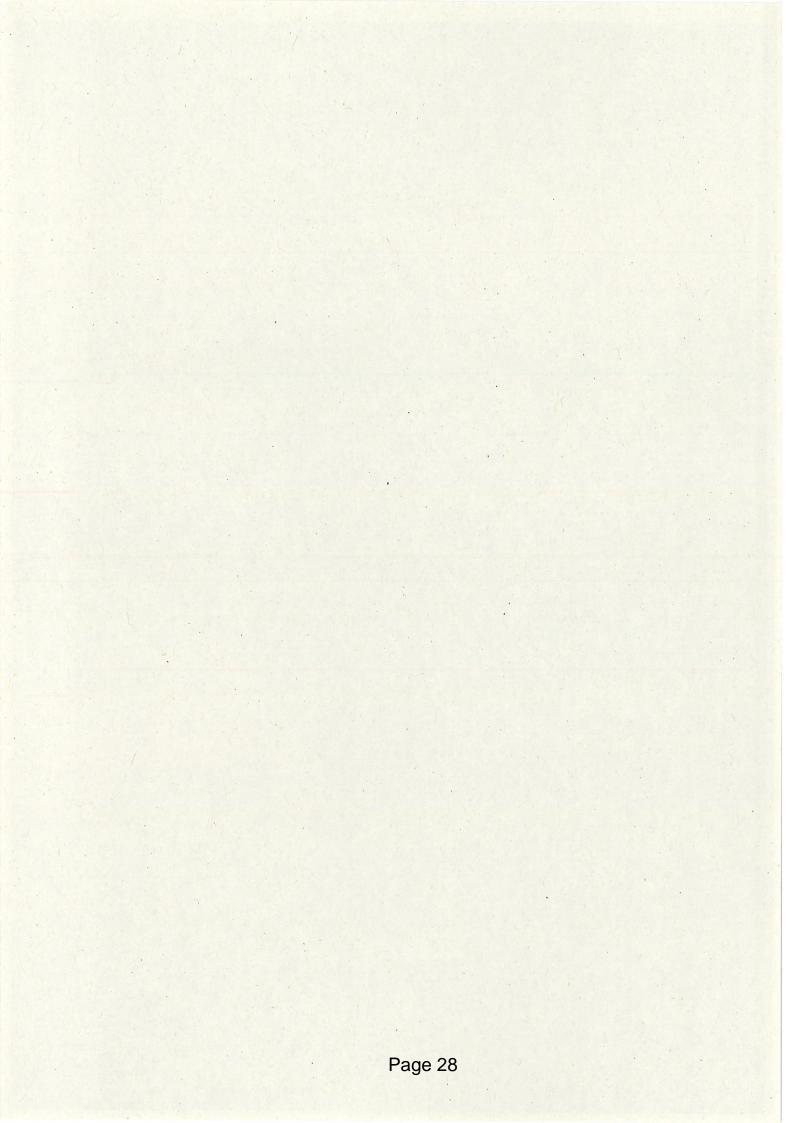
Yours faithfully

**Robert Hunt** 

Chairman International Design Group Ltd <u>chairman@internationaldesigngroup.co.uk</u> 07836 593708









Protective Marking Scheme Level 3 RESTRICTED

Robert Hunt Chairman International Design Group Ltd **Via e-mail** chairman@internationaldesigngroup.co.uk John Tradewell Director for Corporate Services

> Ann-Marie Davidson County Solicitor Staffordshire Legal Services Staffordshire County Council 1 Staffordshire Place Tipping Street Stafford, ST16 2DH

DX 712320 Stafford 5 Fax No. (01785) 276179 Please ask for: Hannah Titchener Telephone: 01785 854190 e-mail: hannah.titchener1@staffordshire.gov.uk

My Ref: 008112

#### Your Ref:

Date: 01 December 2021

Dear Sirs,

## Re: s.53- Applications for alleged bridleways in Ingestre

We write in relation to your e-mail providing comments in relation to the above matter.

We note that you act for Ingestre Golf Park Golf Club as golf course architects and Project Managers for the reconfiguration of the golf club necessitated by the proposed route of HS2 through the golf course.

On review of maps, it does appear that the proposed bridleway would run through part of the golf club's land.

We note your concerns that if the proposal is implemented, it will breach safety guidance, which could result in injury due to stray golf balls.

Whilst it is not our intention to belittle any legitimate concerns that you may have, the courts have confirmed that issues that are raised relating to concerns or questions as to safety, suitability, privacy, maintenance or anything other than material relating to existence or otherwise of a public right of way or the route's status have to be disregarded under the law as it currently stands. The only information we can take into consideration at this stage is anything that relates to the physical existence or not of the alleged route.



the knot unites

Therefore, whilst your comments have been noted and taken into consideration, unfortunately at this stage we are unable to change our recommendation.

We anticipate that the matter will be heard and determined at the Countryside Rights of Way Panel on 10<sup>th</sup> December. As soon as a decision has been made we will contact you again.

Yours sincerely

H.J.Titchener

Hannah Titchener on behalf of Ann-Marie Davidson, County Solicitor.

HT2 / 008112

Appendix I FANYARDS LAWE APPLICATION Hannach itchener Page 31

53 Tithe Born Rd Hannah Titchener Stafford Legal Services ST163PL Staffs County Council 25th October 2021 Tipping St Stofford You Ret: 008112 Near Hannah, me the S Reports on my applications. an completely hoppy with these, therefore I have no comments to make . However, 2 of the reports are not Completely accurate, and I wish to make Some Comments on these 2 reports. 1/ Hanyards Lane application I have included some plans highlighting the Corrections that need to be made. I had applied to add a bridtenay along the entire length of Hanyards Lane from Tixall Rd to Ingestre Parish boundary. However, you have placed the route at the Wrong location. I have showing sthe correct line on

the enclosed plans. I have indicated points E to Fat the Correct location. You have placed point Eat upper Hangards and point Fat Ingestre which is not correct. You have incorrectly included the stopped up Section closed on the 1801 order (739 yourds). The correct application route passes along the existing roadway from Tixall Rd to Ingestre Parish boundary So there can be no aguement regarding its Course. please can you correct the report to reflect the comments I have made. 2/ Treat Walk Bridge to public Road at S. E Corner of Home Farm I have included some plans highlighting the corrections. that need to be made. You have incorrectly shown Martin Beddall's application passing From points ( to D. His application based on User evidence passes along the existing roadway as highlighted in green on my enclosed plans. My application from points CtoDis Correct and is based on the 1801 order. I have included 2 plans produced by Staffs C. C to assist with the alignment of the route between points CtoD. Of the route between points CtoD. Comments I have made Man thanks. your Sincerey Page 33 Mail. Day



Appendix B Amarton Bros 气 eston Stallord Road ing the sti the say the set set hirleywich 1404 and Mersey Ingestre to so and the set of the set of the set point Fshould be point E should be located here. located here. Sources: Esh, HERE, Gamin, Internap, Increment P Corp., GEBGO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esh Japan, METI, Esri China (Hong Kong), (c) OpenStree(Map contributions, and the GIS User Community 1.2 1.6 Kilometres 0.8 0.4 Parishes Staffordshire **Public Rights of** Way **County Council** HANYARDS LANE Footpath **Staffordshire County** Bridleway You have placed points E+F at the wrong locations. Sta **Council Map** BOAT Section 53 **Staffordshire County Council** Public Rights of Way I have shown points EtF at the Correct Legal Orders locations. This is the application voute may alter the course of a right or way shown on the Definitive Map High Speed Rail (HS2) The Section from the Parish Soundary at the Correct Point F through to your point FPage 35Stopped up on the 1801 or der The Section from TFPage 35Stopped up on the 1801 or der Through to your point FPage 35Stopped up on the 1801 or der TS940

Luervair Fidden Ingestre Parish Boundary INGESTRE CP Weitman's Plantation INGESTRE CP 0.1628 0.1630b 0.1629 Application route highlighted HANYARDS LANE Stopped up Section yellow 739 yourds on 1801 order. anya Falin 60 Alterist 100 Page 36

# DR. D.V. FOWKES, FSA

**CONSULTANT ARCHIVIST** HISTORICAL RESEARCHER

Sarah Fraser. Resources Directorate, Staffordshire County Council

October 2005

Yr.ref: 4/SF/LE624G

Dear Miss Fraser.

# WILDLIFE AND COUNTRYSIDE ACT 1981: ALLEGED PUBLIC BRIDLEWAY BETWEEN TRENT WALK AND FIDDLERS LODGE, INGESTRE, AND ALLEGED PUBLIC BRIDLEWAY BETWEEN HANYARDS LANE AND INGESTRE PARISH BOUNDARY

Thank you for your letter of 25 October.

eleg frie

I can see no reason why this sopping-up order is not as straightforward as it appears. Presumably Earl Talbot was fed up with the general public passing in front of Ingestre Hall so persuaded his fellow justices to stop up the section of the Stafford-Ingestre bridleway in front of the house and substitute a much longer section of route through his own land but away from the Hall. The substitution of a greater length of route may have been presented as a magnanimous gesture but it of course resulted in a substantially longer route from Ingestre to Stafford via Hopton, rather than the shorter Hanyards route."

There is no doubt to me that the length of bridleway stopped up is only the 739 yards in front of the Hall from Dog Kennel Gate to Tixall Park Gate. The length fits in very well with the accurate modern maps if you relate it to the scale. The residue of the bridleway from Littleworth to Hanyards is not affected by the Order and presumably continued as a bridleway serving Hanyards but of no use as a through route.

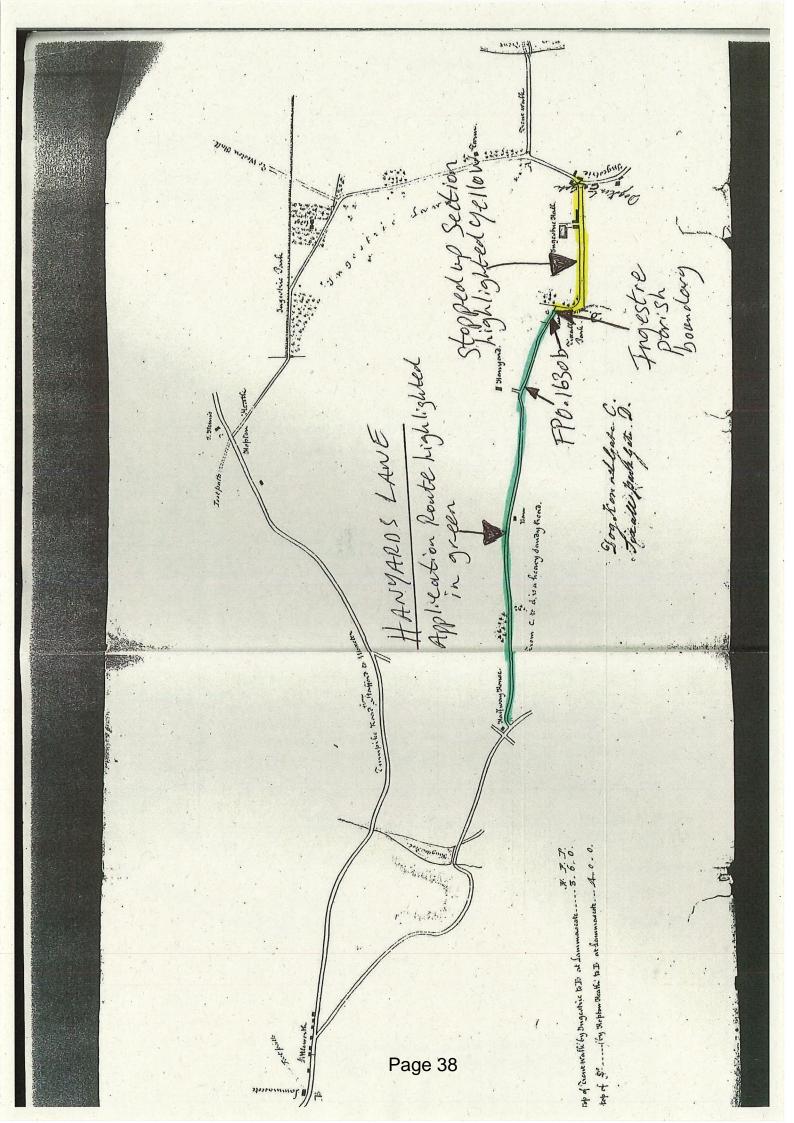
I hope these remarks are helpful and help to solve whatever the current issue is.

I enclose an invoice for £20-00 for considering the matter and producing this reply = 1 NOV 2005 which I hope is acceptable.

Yours sincerely

**Dudley** Fowkes

18, Helpstony Close, Westhouses, Alfreton, DE55 5AX Tel: 01773 830520 e-mail: dudleyfowkes@dforkes\_fshusingss.co.uk





Protective Marking Scheme Level 3 RESTRICTED

Mr Martin Reay 53 Tithe Barn Road Stafford ST16 3PL Ann-Marie Davidson County Solicitor Staffordshire Legal Services Staffordshire County Council 1 Staffordshire Place Tipping Street Stafford, ST16 2DH

DX 712320 Stafford 5 Fax No. (01785) 276179 Please ask for: Hannah Titchener Telephone: 01785 854190 e-mail: hannah.titchener1@staffordshire.gov.uk

My Ref: 008112

#### Your Ref:

Date: 01 December 2021

Dear Mr Reay,

Re: s.53 application for the addition of an alleged Public Bridleway from Byway No 3 north of Stable Farm to Trent Walk, Ingestre s.53 application for the addition of an alleged Public Bridleway from Hanyards Lane to Ingestre

s.53 application for the addition of an alleged Public Bridleway from Trent Walk Bridge to public road SE corner of Home Farm

Further to your letter in response to the above draft reports we can confirm that the application for the addition of an alleged Public Bridleway from Trent Walk Bridge to public road SE corner of Home Farm has been amended to reflect the full application route applied for by Mr Martin Beddall and the route marked C to D has been taken out of this report, as this part of the alleged route is dealt with in the report for the addition of an alleged Public Bridleway from Byway No 3 north of Stable Farm to Trent Walk, Ingestre.

We have included in the report for the addition of an alleged Public Bridleway from Byway No 3 north of Stable Farm to Trent Walk, Ingestre, the documents you have provided that were produced by Staffordshire County Council showing the alignment of the route between points C to D.

In relation to the Hanyards Lane application, the part of the route by Ingestre Parish Boundary, connecting to FP 0.1630b we have included in the report that it should be added as a public bridleway, because although the 1801 Quarter

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the knot unites

Session Order refers to this part of the route being stopped up, on review of the evidence it is officer's opinion that the evidence does not conclusively show that this section was actually stopped up and therefore it has been included as part of the application to be added as a public bridleway, along with the remaining route.

Appendix B has been amended to reflect the whole of the route you have applied for, including Hanyards Lane. It has also been included in the report that there is no evidence from the Quarter Session Order that Hanyards Lane was stopped up and therefore it is likely that it remained a public bridleway and should therefore be added to the Definitive Map and Statement as a Public Bridleway, along the rest of the alleged route.

We anticipate that the first two reports, along with the application to add a public bridleway from Trent Walk to Fiddlers Lodge will be heard and determined at the Countryside Rights of Way Panel on 10<sup>th</sup> December.

Yours sincerely

## H.J. Titchener

Hannah Titchener on behalf of Ann-Marie Davidson, County Solicitor.

HT2 / 008112