

Date: 26 January 2022

Countryside and Rights of Way Panel - Friday 28th January 2022

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 28th January 2022 meeting of the Countryside and Rights of Way Panel, the following reports that were unavailable when the agenda was printed.

John Tradewell
Director of Corporate Services

Enc



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To: Hannah Titchener

Staffordshire Legal Services

1 Staffordshire Place

Stafford ST16 2DH.

20th January 2022.

Your Ref: 00812.

Dear Hannah **Re: s.53 application for the addition of a public bridleway from No3 north of Stable Farm to Trent Walk, Ingestre.**

Thank you for your letter of 17th January 22 confirming that our evident/comments have been noted and will be put before the Panel. However there remain a number of issues that are still unanswered. I refer to paragraph 3 pages 1 I am surprised that Dr Fowkes did not comment on the obvious late amendments to the plan.

My reply seeks to focus on two important issues in our submission namely;

1. Importance of Yates map of 1789 when the 1801 map was prepared by the 19th Earl.
2. Our method of positioning Tixall Park Gate to establish a link to the Dog Kennels.

1. In order for the Earl to establish a map for the 1801 Order with noted distances, he would need to refer to a scaled Estate Map. The 1801 map is a good indicator of the Earl's intent with land marks such as the Hall and Old Stables indicated.

The scaled Yates 1789 Estate map was produced over a decade before the Earl made the Order. The benefit was that map indicated the route that travellers/public used on their journey to Stafford. This map also identified the locations of existing land marks, the Old Stables, Church, Hall, river, and the north direction. The map also locates existing paths across the Estate, which he used to plan the more commodious route.

It should be noted that both maps show a good degree of accuracy and the combination should, in my opinion, be used by the Council when locating this byway.

Regarding your dismissive comments in your letter about Yates map quote *"In relation to the evidential value of these types of maps they are limited to supporting the physical existence of a way. In this case it may have been possible that the motivation was monetary in that a commission would have been received from the Earl of Talbot"* are in my opinion erroneous, and completely unfounded. This is not the first time that Officers have been dismissive about this evidence; I refer to Council letter dated 12th February 2008.

After consideration will the Council add this evidence into the report?

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2. The exact location of Tixall Park Gate is a vital in order to establish the location of this byway. The future impact on the land owners and the local residents could be considerable. Examination of the 1801 plan reveals that the location of Tixall Park Gate and the Dog Kennels have been added with differing text, after the map was produced. It has been amended retrospectively in an attempt to support changes to the existing features on the ground. Therefore the true location should be established using proven evidence.

This has been made more difficult when in 1882 a fire damaged the Hall, and important documents in the munniments room were lost.

It would very doubtful that the Earl would position this gate some 143 yards inside the boundary of the Estate. (See Appendix 4 page 2) Yates clearly indicated the exit points to the Estate, and your statement that this map shows Tixall Park Gate and Dog Kennels in the same locations is incorrect. The 1801 plan indicates the on the ground route outside his Estate that travellers/public used, and this route is still in existence along with the gate.

The position of the gate is shown in the report; refer to the Appendix E and F

With Tixall Park Gate located the link of 739 yards can be applied to position the Dog Kennels. In our submission this was checked using Yates 1789 map see appendix 4 pages 2.

Could you explain how the Council arrived at the position of the byway shown on map dated 26/02/2008? This information was requested from the Council in a letter dated 18th Feb 08.

Having noted the Council's maxim of "*once a highway, always a highway*" could you explain what happened to the route from Ingestre to the Dog Kennels shown on both maps? (See Item 23.)

After due consideration by the Council of our submission and aforementioned information, will the Council reconsider the recommendation made in the report? If you require any further clarification please contact me.

Thomas Brailsford.

Copy of letter sent to:

Anne-Marie Davidson County Solicitor
also Tim Wolley Partner of Bowcock Pursaill.

