

**Date:** 10 July 2023

**Countryside and Rights of Way Panel - Friday 14th July 2023**

Dear Sir / Madam,

You will have recently received a copy of the agenda for the next meeting of the Countryside and Rights of Way Panel.

Unfortunately Appendix I was omitted from report 4 on the agenda (re Public Footpath No. 12 – Grindon)

Please therefore find attached a copy of that Appendix.

- a) [PF 12- Grindon - Appendix I](#) (Pages 1 - 34)

Please accept my apologies for this error.

Regards

John Tradewell  
Deputy Chief Executive and Director of Corporate Services







**DEFINITIVE MAP MODIFICATION ORDER APPLICATION TO UPGRADE GRINDON PARISH FOOTPATH 12 (PART) TO A RESTRICTED BYWAY**

**STAFFORDSHIRE MOORLANDS BRIDLEWAYS GROUP STATEMENT AND EVIDENCE IN SUPPORT OF THE APPLICATION**

**STAFFORDSHIRE COUNTY COUNCIL REFERENCE 017019DW**

**PLANNING INSPECTORATE DIRECTION DECISION REFERENCE FPS/D3450/14D/128**

**THE APPLICATION**

This application was submitted to Staffordshire County Council by Mrs Louise Redfern on behalf of Staffordshire Moorlands Bridleways Group (SMBG) and was accepted by the Council on 11 April 2018.

SMBG applied to the Secretary of State for Housing, Communities and Local Government on 16 June 2019 for the issue of a Direction for this application to be decided by the County Council. On 14 October 2019 the Secretary of State, through the Planning Inspectorate, directed the County Council to determine this application not later than 6 months from the date of this decision i.e 13 April 2020.

It is regrettable that the County Council have exceeded the determination date by nearly 3 years before considering this application.

**GRINDON FOOTPATH 12**

Grindon Footpath 12 starts at the end of the County Road (Fleets Lane) south west of Buckfurlong Farm. It then runs in fields alongside the western wall of the remainder of Fleets Lane (which is a track enclosed by walls on both sides) At the end of the enclosed track the southern section of Grindon Footpath 12 runs along the western side of fields alongside stone wall field boundaries. The southern end of Grindon Footpath 12 terminates at its junction with Grindon Bridleway 9.

**THE CLAIMED ROUTE**

The section of Grindon Footpath 12 the subject of the application to be upgraded to a restricted byway is the southern section. This starts at the southern end of the Fleets Lane track and ends at the junction with Grindon Bridleway 9.

Please note that Fleets Lane will be subject to a separate application to upgrade this route to a restricted byway, as will the section of Grindon Bridleway 9 from its junction with Grindon Footpath to the D1129 Back o th Brook Road, Waterfall, as SMBG has historical and user evidence to support the addition and upgrade of these routes.

**ITEMS TO BE DELETED OR AMENDED IN CROW PANEL REPORT**

The main body of this letter sets out SMBG's views on the evidence submitted at the time of the application and new evidence obtained since that date. However, there are some paragraphs in the report to the CROW Panel that should either be deleted or amended.



**Paragraphs 6 - 9.** Evidence submitted by the landowners. SMBG's response to the landowners evidence is contained later in this letter. However, the majority of the evidence submitted by both landowners is not relevant in coming to a decision on the application. This evidence should either not be included in the report or it should be made clear that these are not material facts to be considered by the CROW Panel in assessing the status of the route.

**Paragraph 24** - you refer to the fact that the Ordnance Survey Manual is not conclusive evidence but that it provides some supporting evidence. As you are aware, evidence for the change in status of a route does not have to be conclusive. The test is "on the balance of probability". SMBG considers that your wording downgrades the validity of this evidence as one of the supporting documents for the upgrade of this route to a restricted byway. Please amend this to make the position clear.

**Paragraph 30** - again this refers to "conclusively" which is the incorrect wording and needs amending.

### **ADDITIONAL HISTORICAL EVIDENCE**

The following additional historical evidence is submitted by Staffordshire Moorlands Bridleways Group in support of this application.

#### **Waterfall Tithe Map**

**Appendix 1** is an extract of the Waterfall Tithe Map dated 1844 and the Tithe Award index for Number 206 on the map.

The Tithe Map shows the route from Waterfall village along the current D1129 Back o' th' Brook Road coloured sienna. This is shown in the same way on the Tithe Map as other public roads in the area. The road is marked number 206 on the The Map. The Tithe Award Index states that this is a public road with the owner being "Highways, Surveyors of"

Where this road crosses the Parish Boundary into Grindon Parish it is marked "To Grindon". This is evidence that this route was a public road between villages. A public road would not have terminated at an administrative boundary. This is evidence of a through road from the north east sector of Waterfall village to the centre of Grindon village - not a footpath or bridleway.

#### **Ordnance Survey Maps**

**Appendix 2** is an extract of Ordnance Survey First Series Map Sheet 72 dated 1856. This shows the section of Grindon Footpath 12 claimed as a restricted byway in an identical manner to the rest of the route from Waterfall to Grindon village. This old map shows the claimed route in the same manner as other local routes which are public vehicular highway and restricted byways today. These maps were made for sale to the public, and so are unlikely to show routes that the public could not use. In Hollins and Oldham (1995) the judge examined various maps from 1777 to 1830, Maps of this type were maps for the benefit of wealthy people and were expensive to purchase. There was "no point showing a road to a purchaser if he did not have the right to use it"



The depiction of the claimed route as a vehicular road on this map dated 1856 supports the upgrade of part of Grindon Footpath 12 to a restricted byway, as the highest status of user at those dates would be horse driven carriages.

**Appendix 3** is a selection of extracts of Ordnance Survey one inch to 1 mile scale maps showing the claimed route. These maps have published dates of 1897, 1889, 1908, 1921, 1940, 1953, 1962 and 1967 - covering a period of 70 years.

The 1889 map shows the claimed route as two lines - the west line being solid and eastern one as a broken line. The map key shows this type of marking as an "ordinary metalled road unfenced"

The 1897 map shows the claimed route as a "Metalled road, second class, unfenced". Footpaths are shown by a single hatched line.

The 1908 map shows the claimed route in the same manner as the 1897 map. The 1908 map key shows the route as "Metalled roads, second class, unfenced". This map key shows footpaths as a single line - evidence that this route was considered to be of higher status than footpath.

The 1921 map shows the claimed route in the same manner as the 1889 and 1908 maps. The 1921 map key shows the route as "Roads under 14 feet wide - bad". The map key shows footpaths and bridleways by a single line - evidence that this route was considered to be of higher status than a footpath or bridleway.

The 1940 map shows the claimed route as an minor road. Footpath and bridleways are shown by a single line whereas the claimed route is shown as a double line.

The 1953 map shows the claimed route as two lines - the western side being a solid line and the eastern side being a dashed line. The map key shows this "under 14 ft of metalling, untarred and unfenced" (on the eastern side). The map key also shows footpaths as a single dotted line and tracks and a single dashed line - evidence that the claimed route has a higher status than that of footpath.

The 1962 map shows the claimed route as an unmetalled, unfenced minor road as "under 14 ft, untarred and unfenced on the eastern side.

The 1967 map shows the claimed route in a similar manner to the 1962 map.

### **USER EVIDENCE**

Two user evidence forms from [REDACTED] and [REDACTED] will be posted to you. These two people have both regularly used the route with carriage drive and ridden horses - supporting the upgrade to a restricted byway.

At SMBG's last Committee meeting held on 6 February 2023 I was advised that three other people will provide user evidence for this route. User evidence forms have been sent to them and I will let you have these as soon as I receive them.

My husband and I have ridden the applied for route from the Waterfall (southern) end to the gate at the end of Fleets Lane . However, this has been sporadic as the gate at the end of Fleets Lane has usually been locked and therefore we have been obstructed from



continuing along Fleets Lane into the centre of Grindon village. We have had to continue our ride along Grindon Bridleway 9 instead. However, we have always regarded the application route as part of an old road from Waterfall to Grindon.

## **COMMENTS ON EVIDENCE ALREADY PROVIDED**

### **Local Government Act 1929 Handover Map and Schedule**

The County Council took over the responsibilities of Rural District Councils for roads on 1 April 1930 by virtue of the Local Government Act 1929. Handover maps and schedules were produced for this purpose. These were internal documents produced by the County Surveyor, based on evidence provided by Rural District Councils. as it would be unlikely that the County Surveyor would have had knowledge of all minor highways.

The County Council's view is that the Handover Map and Schedule relates to maintenance of a route, not with the type of public user, and as such, does not prove any particular right or status.

SMBG does not concur with this view. Although the legal definition of a road includes all highways, it seems clear that the term was not used in this way at the time the handover map and schedule were compiled by the county surveyor and his staff who were responsible for maintaining the highways. The common usage of the term "road" was a route for vehicles. Thus, although all vehicular routes were regarded as county roads, footpaths and bridleways were not.

Although the Handover Map and Schedule was an internal document for the use of the County Surveyor, it does provide important evidence as to what the Council as highway authority believed to be the roads for which it was responsible. Therefore as the County Surveyor produced records for his own use, the definition of a road would be that used in his department, rather than the strict legal definition.

The 1929 Handover Map for Leek Rural District Council area shows the route of Grindon Footpath 12 as a blue line. Other routes in the vicinity are shown either as blue or black lines. There is no map key.

The Handover Schedule does not list individual roads. **Appendix 4** is an extract of the Schedule for Rural District Roads. This shows that Grindon Parish has 2 miles of "Scheduled Roads, Waterbound" and 8.5 miles of "Other Roads, Waterbound, Gravel or Flint etc".. This is evidence that the applied route was in one of these two categories. The Schedule makes no mention of footpaths or bridleways.

**Appendix 5** is an extract of the Handover Map for the Grindon area. As there is no map key, SMBG has assigned numbers to each route marked by blue or black lines in order to ascertain the status of these routes.

**Appendix 6** numbers these routes in red ink, giving their names and current status. The evidence provided has been obtained from

1. [www.findmystreet.co.uk](http://www.findmystreet.co.uk). This Website shows every street in England and Wales that is held in the National Street Gazetteer. This website is used by Staffordshire County Council to keep an up to date list of streets that are maintainable at public expense



under s.36 of the Highways Act 1980. This website replaces the List of Streets previously held by the County Council. It provides evidence of the street name and whether it is maintained by the County Council.

2. Staffordshire County Council List of Streets dated 16/04/2018. This List provides road numbers which are not held by the Find My Street website.

This information can be provided to you if required.

The part of Grindon FP 12 claimed as a restricted byway is the **ONLY** route listed that is of footpath status. (Fleets Lane, which forms the northern section of the old Waterfall to Grindon road is no longer a Highway Maintained at Public Expense (HMPE's) other than a very short section at the northern end)

All other routes are HMPE's and have C, D or G classifications. There is no indication of the handover of any footpaths or bridleways. All routes (excepting the application route and Fleets Lane) are shown in the same way on the plan are recorded as "ordinary" public roads today.

As the county surveyor would be unlikely to take on additional maintenance responsibility unnecessarily, the showing of a route on a handover map is good evidence that at that time a route was considered to have public vehicular rights.

Additional evidence to support SMBG's view is contained in **Appendix 7**. This is a report by the County Clerk and Chief Executive to the Staffordshire Moorlands Area Highway Committee in November 1993. This relates to Waterhouses Public Footpaths 95 and 96. SMBG made an application in February 1993 for these two footpaths to be upgraded to bridleways on the Definitive Map. However in 1991 the Highways Committee decided that prior consultation with the Highways Committee should take place where potential public vehicular rights were involved.

The Staffordshire Moorlands Area Highway Committee recommended that the Highways Committee be recommended :

- a). That the evidence submitted by SMBG, along with the evidence discovered by the County Council, is sufficient to show that **public vehicular rights** exist along the entire length of Waterhouses Footpaths 95 and 96.
- b) That the lengths of public footpath shown marked A-B and B-C on the attached plan be admitted as unclassified publicly maintainable highways.
- c) That a Traffic Regulation Order (TRO) be made to prohibit all vehicles on the lengths of unclassified publicly maintainable highways with exemption for access.

These recommendations were approved by the Highways Committee on 7 January 1994. I do not have a copy of the Minutes of this Committee meeting so please consult your records if you wish to confirm this.

This route is now the G1414 and Waterhouses Footpaths 95 and 96 have been deleted from your Council's online map of public rights of way.



Although the report to the Staffordshire Moorlands Highways Committee concerned Waterhouses Footpaths 95 and 96, there are a number of general statements included within it that can be applied to the claimed route.

The first sentence of Paragraph 4.2 of the report states *"The two editions of the Yates Map dated 1775 and 1799 show that a road/track linking Slade House with Weags Barn has existed since at least 1775."*

This is evidence that the County Clerk and Chief Executive accepted that old maps as showing roads/tracks, and supports SMBG's view that the route shown on the Ordnance Survey First Series Map Sheet 72 dated 1856 shows the claimed route as a vehicular road at that time ( and also on subsequent OS maps). The route of Grindon FP 12 (part), the subject of the current application is shown in the same manner on the 1856 map as this route.

*Paragraph 7.4 of the report states "prior to the Local Government Act 1929, responsibility for the maintenance of unclassified roads in the area rested with the former Mayfield Rural District Council (with Parish Councils being responsible for Public Footpaths). The above mentioned evidence would appear to support the evidence submitted by Mrs Povey (SMBG) that a public vehicular right of way exists along Public Footpaths 96 Waterhouses Parish"*

*Paragraph 9.1 of the report states". From the evidence contained in the Rural District Roads Schedule for the Rural District of Mayfield compiled under the Local Government Act 1929 and (supported by the evidence contained in the plans and book of references for the Leek Cauldon Lowe and Hartington Light Railway, it would appear? (this word is not clear) that public vehicular rights exist along the entire length of Public Footpath No's 95 and 96"*

This report supports SMBG's view that the inclusion of a route within the 1929 Handover map is evidence of it having public vehicular rights at that time. The evidence contained in Appendix 7 that all routes marked on the Handover Map for Leek Rural District Council (with the exception of the claimed route) are public vehicular routes today confirms this.

Evidence submitted by the Byways and Bridleways Trust is that they are of the opinion that the route is an old road. *"which was used regularly in the 1970's and 1980's by member of the North Midland Group of the Trail Rider Fellowship"*. Evidence submitted by the landowners that motorcyclists have attempted to use this route since they purchased the land in 2010 - [REDACTED] and 2009 - [REDACTED] (which they have tried to prevent due to its current footpath status) supports the upgrade of this route to a BOAT - a higher status than the restricted byway SMBG have applied for.

In view of the above evidence, SMBG does not agree with the County Council's comments in paragraphs 17 - 19 of your report that the 1929 Handover Map and Schedule for Leek Rural District Council area merely shows that the County were responsible for maintenance of the route and that no type of public user can be attributed to this documentation.

The historical evidence provided by SMBG shows that this route was considered to have public vehicular rights in 1929, and this is supported by the use of Trail Rider Fellowship Members in the 1970's and 1980's.



## **Ordnance Survey Bench Marks**

The presence of bench marks along the claimed route is supporting evidence that is "is likely to be a road" as stated in paragraph 24 of your report. Benchmarks are not shown along the route of Grindon Bridleway 9 also shown on the 25" to 1 mile OS map provided as evidence. Your use of the word "conclusive" is misleading to the CROW Panel as it infers that the evidence should be conclusive in order to have any value. Please amend your report accordingly.

## **Landowners evidence**

I shall refer to the evidence given by the two landowners as follows:

██████ - Landowner 1

██████ - Landowner 2

## **Landowner 1 evidence**

Most of the evidence given by this landowner does not provide material evidence to assess the status of the claimed route.

Question 11 - The landowners evidence refers to stiles. There are no obstructions (other than the locked gate at the end of Fleets Lane) that prevent horse and carriages or motor vehicles using the route. Photographs of the claimed route will be sent to you shortly to confirm this.

Question 15 - The landowners evidence refers to pedal and motor cyclists attempting to use the route "using footpath from Grindon along Fleets Lane".

This evidence supports the evidence supplied by the Byways and Bridleways Trust that they are of the opinion that the route is an old road. "which was used regularly in the 1970's and 1980's by members of the North Midland Group of the Trail Rider Fellowship".

Please note that Grindon FP 12 does not go along Fleets Lane which is a walled track that is currently undesignated on the Definitive Map - the footpath is in fields alongside the western wall boundary of the track.

Question 22 - The landowner comments that there is an existing bridleway over the land "approx 250 yards from the proposed application route and is parallel to the existing route".

This is not a material issue to be taken into account into assessing the status of the claimed route. For clarification purposes only, the southern end of the claimed route joins Grindon Bridleway 9 but Bridleway 9 takes a north-easterly direction away from the claimed route and ends at Weags Bridge Road approximately 0.7 miles away from the centre of Grindon village where Fleets Lane ends. The claimed route together with Fleets Lane provides a direct route to the centre of Grindon village.



## Landowner 2 evidence

Most of the evidence given by this landowner does not provide material evidence to assess the status of the claimed route.

Question 11 - Whilst the removal of notices is not condoned - SMBG considers that this is evidence that motorcyclists, horse riders horse drawn carriages using the route considered that they had higher rights than the current footpath designation.

Question 16 - The landowner refers to "footpath via Fleets Lane". This is incorrect - see comments under Landowner 1 Question 15.

Question 22 - the landowners comment that there is a already a bridleway that "serves virtually the same route as that applied for" is incorrect - see SMBG comments under Landowner 1 Question 22. This is not a material matter to be taken into account when deciding the correct status of the route.

## CONCLUSION

The County Council needs to have a discovery of evidence which shows, on the 'balance of probabilities', that the claimed higher rights exist, not the much higher threshold test of 'beyond reasonable doubt' which is required in criminal courts.

The courts have given guidance on how evidence of highway status is to be considered. In *Fortune and Others v Wiltshire Council and Another* [2012] EWCA Civ 334, Lewison LJ said, at paragraph 22

*"In the nature of things where an inquiry goes back over many years (or, in the case of disputed highways, centuries) direct evidence will often be impossible to find. The fact finding tribunal must draw inferences from circumstantial evidence. The nature of the evidence that the fact finding tribunal may consider in deciding whether or not to draw an inference is almost limitless"*

Pollock CB directed the jury in *R v Exall* (1866) 4 F & F 922:

*"It has been said that circumstantial evidence is to be considered as a chain, and each piece of evidence as a link in the chain, but that is not so, for then, if any one link broke, the chain would fall. It is more like the case of a rope composed of several cords. One strand of the cord might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength."*

SMBG considers that the evidence submitted meets the "balance of probabilities" test ie. is it more likely than not that the claimed route is a restricted byway? and that the evidence submitted as a whole is more than sufficient for this application to be approved and the route upgraded to a restricted byway on the Definitive Map of Public Rights of Way. Please note that SMBG will be submitting an appeal if the CROW Panel does not approve this application.



Yours sincerely



Julie Turner  
Rights of Way Officer  
Staffordshire Moorlands Bridleways Group

## **APPENDICES**

**Appendix 1** Extract of the Waterfall Tithe Map dated 1844 and the Tithe Award index for Number 206 on the map.

**Appendix 2** Extract of Ordnance Survey First Series Map Sheet 72 dated 1856

**Appendix 3** Extracts of Ordnance Survey one inch to 1 mile scale maps showing the claimed route. These maps have published dates of 1889, 1897, 1908, 1921, 1940, 1953, 1962 and 1967 - covering a period of 78 years.

**Appendix 4** Extract of 1929 Handover Schedule for Rural District Roads, Leek Rural District Council area

**Appendix 5** Extract of the Leek Rural District Council area 1929 Handover Map for the Grindon area, with route numbers assigned by SMBG.

**Appendix 6** Table of route numbers assigned by SMBG on 1929 Handover map extract giving their names and current status.

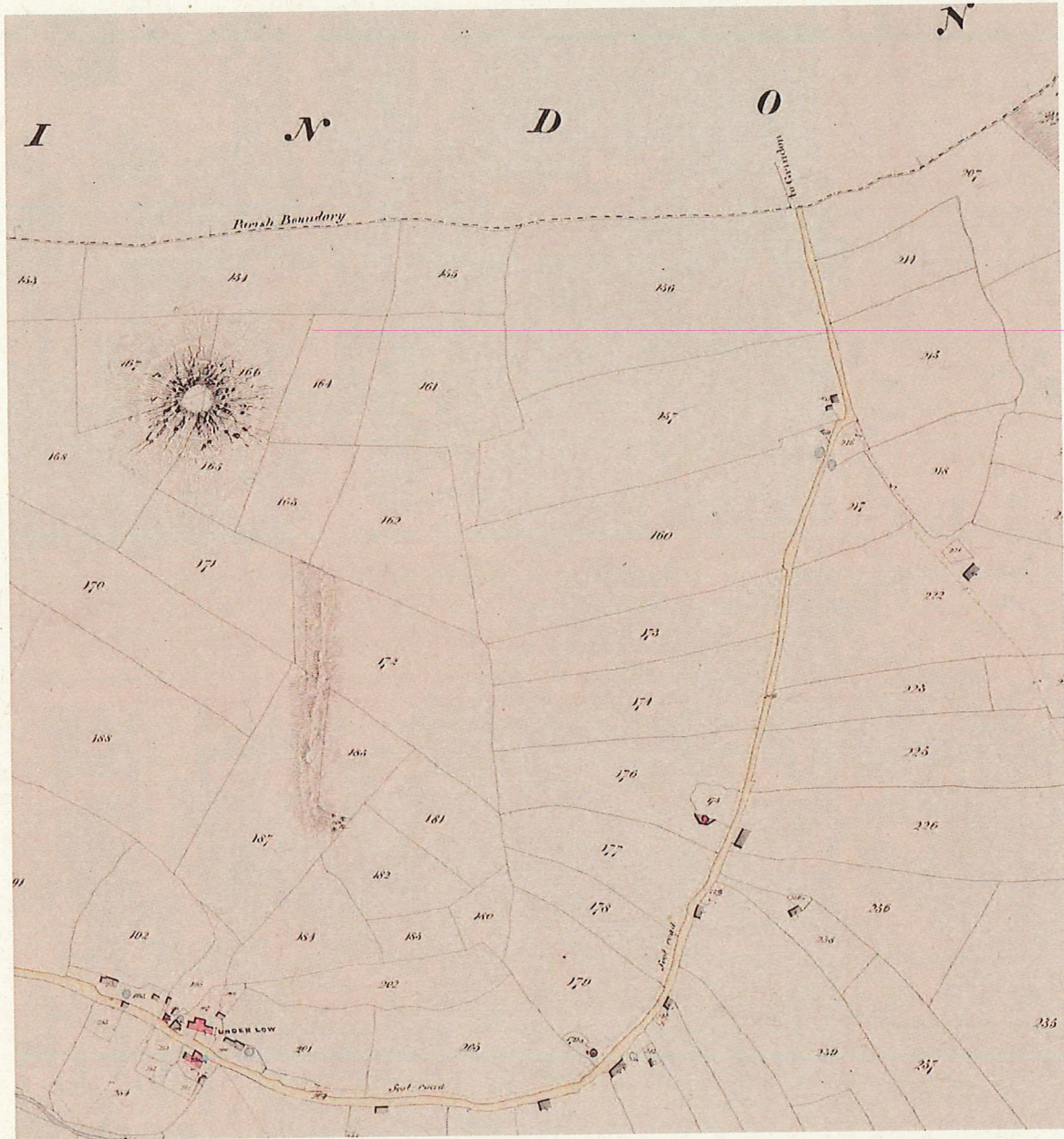
**Appendix 7** Report by the County Clerk and Chief Executive to Staffordshire Moorlands Area Highway Committee in November 1993 and Highways Committee in January 1994





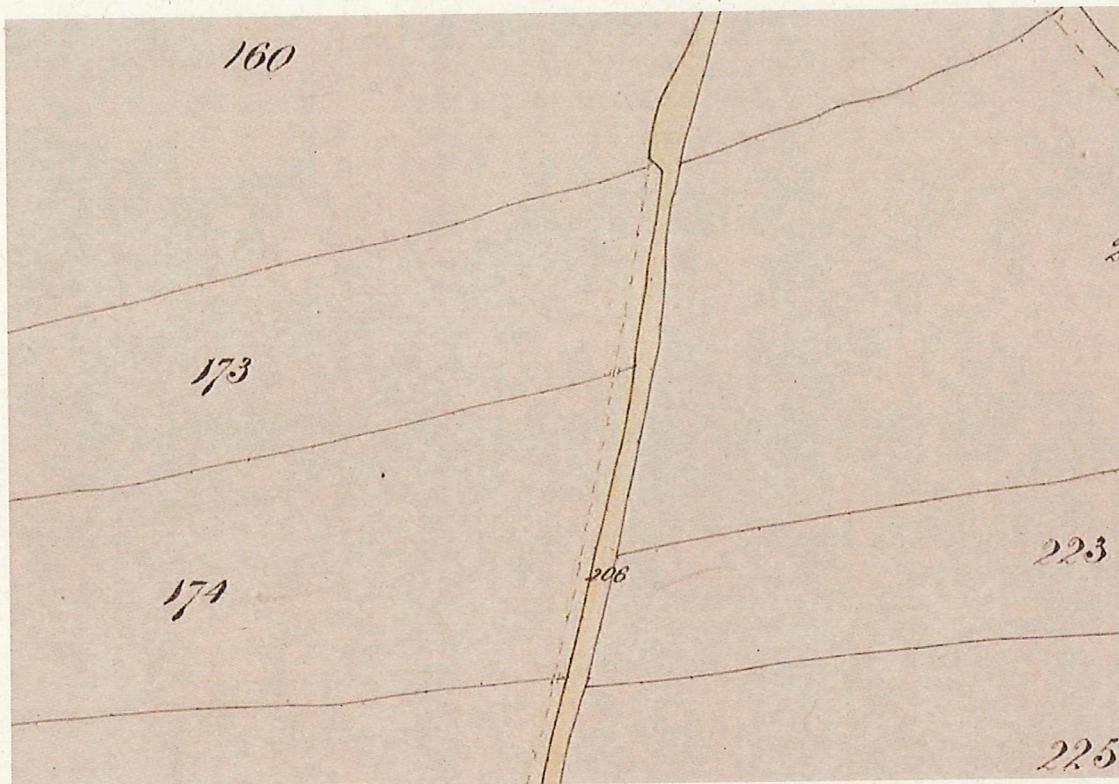
## APPENDIX 1

Extract of Waterfall Tithe Map dated 1844  
Source: Staffordshire Record Office, Reference B-A-15-326



This Tithe Map shows the route to the south of Grindon FP 12 (part) where it crosses the Parish Boundary between Waterfall and Grindon as going "To Grindon". This is evidence that the application route is a road between villages in 1844. This is the most direct route to Grindon village for the residents of the north eastern portion of Waterfall.





Enlarged section of Tithe Map showing road numbered 206

Staffordshire Name Indexes Monday 30th January, 2023

Home | About Us | Help Basket Is Empty

Owner Surname:  Owner Forenames:  Occupier Surname:  Occupier Forenames:

Partial Match  Partial Match

Township:  Parish:  Plot Name:  Plot Number:

### Tithe Awards Index, 1836 - 1845

#### Results Returned By Your Search

Here are the results returned by your search, click on a name to view more details about the record.

Page 1 of 1

1 Records Found

Owner (Surname/Status, forename)	Parish	Plot Number
Occupier (Surname/Status, forename)	Township	Plot Name
<a href="#">Highways, Surveyors Of</a>	Waterfall	206
Not Recorded	Not Recorded	Public Road



Appendix 3

1929 Handover Map and Schedule for Leek Rural District Council area  
 Source: Staffordshire Record Office  
 Reference C/RD/19/1/34

Extract of Mileage of Public Highways

**TABLE III.**

MILEAGE OF PUBLIC HIGHWAYS—continued.

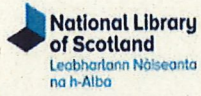
**RURAL DISTRICT ROADS (not Main Roads).**

Scheduled Roads No. of Road on Plan.	Route No.	Name of Road. PARISH	1st Class	2nd Class	Scheduled Roads.		Other Roads.				Total Mileage.
					Tarmacadam	Waterbound	Tar or Bituminous Macadam	Gravel or Flint etc.	Waterbound.	Unmetalled	
			Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	
1		BAGHALL					2.62			11	
2		BRADNOP					.18			7	
3		ENTERTON					.70			4	
4		ENDON STANLEY					.80			1	
5		HAMPFIELDHEAD					4.43			14	
6		GRIMDON					2.00			8	
7		HEATHFIELD					2.32			12	
8		HEATON					4.41			13	
9		HOLLINSCLOUGH					.11			1	
10		HORTON & HORTON HAY					4.27			24	
11		LEWESRITH					1.20			1	
12		LONGHOR					2.41			3	
13		LONGSDON					.66			2	
14		LONG					2.29			7	
15		HORTON IN THE MOORS					4.05			15	
16		CHEGOTE					.40			1	
17		WILKES ROAD					3.40			12	
18		WILKES					1.10			2	
19		WILKES FARM					2.50			5	
20		BUSBYN BRIDGE					2.20			5	
21		BUSBYN					4.30			10	
22		TITTSWORTH					2.20			5	



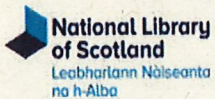
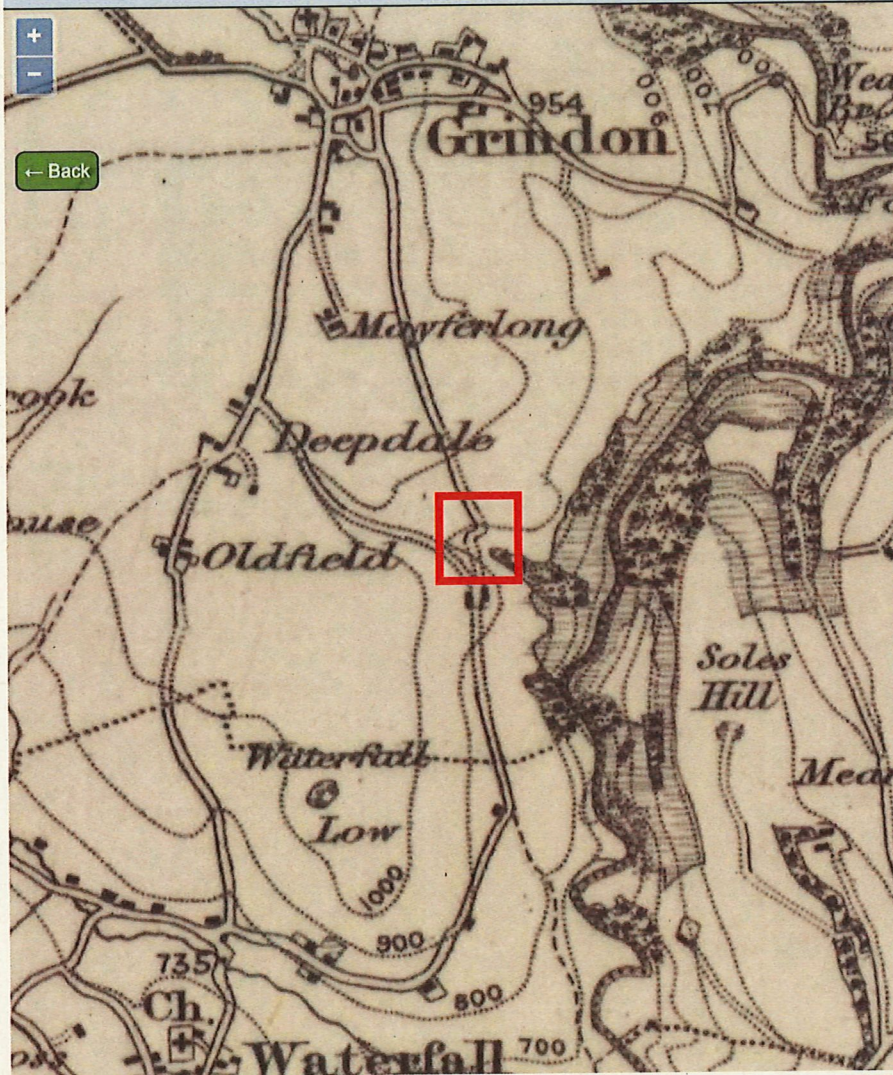
### APPENDIX 3

Extracts of Ordnance survey One inch to one mile scale map showing the claimed route  
 Source: National Library of Scotland maps [www.maps.nls.uk](http://www.maps.nls.uk)



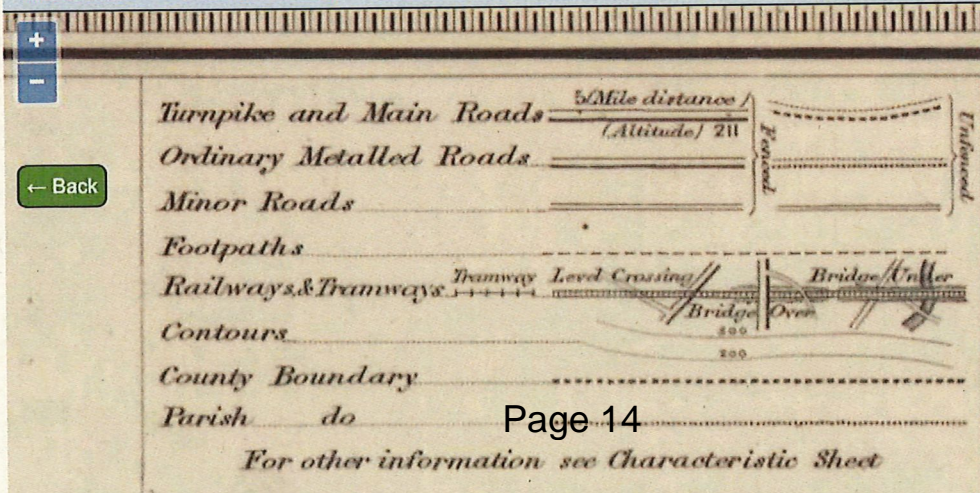
Sheet 124 - Ashbourne  
 Surveyed: ca. 1876 to 1879, Published: 1889  
 Size: Sheet ca. 47 x 62 cm (ca. 18 x 24 inches)

[Maps home](#) > [Ordnance Survey](#) > [One-Inch, England and Wales, Engraved Maps, 1872-1914](#)



Sheet 124 - Ashbourne  
 Surveyed: ca. 1876 to 1879, Published: 1889  
 Size: Sheet ca. 47 x 62 cm (ca. 18 x 24 inches)

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# APPENDIX 3

**National Library of Scotland**  
 Leabharlann Nàiseanta na h-Alba

**Sheet 124 - Ashbourne**  
 Surveyed: 1876 to 1879, Revised: 1895, Published: 1897  
 Size: Sheet ca. 47 x 62 cm (ca. 19 x 24 inches)

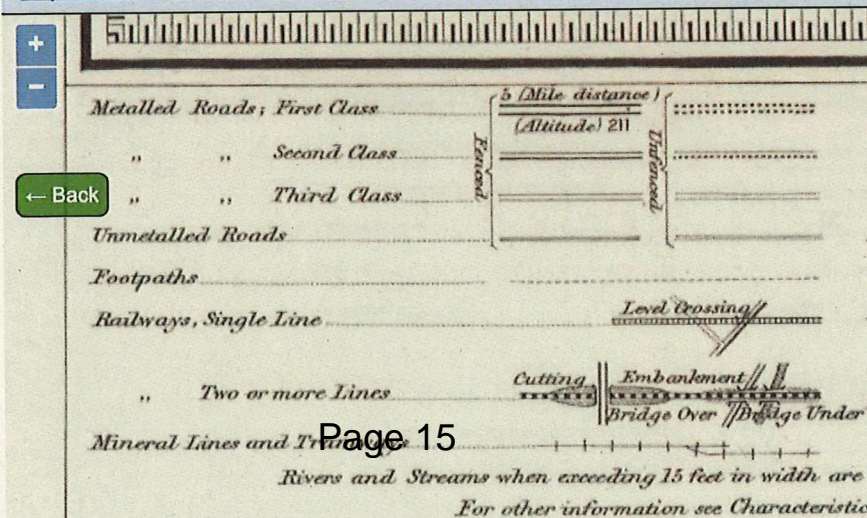
[Maps home](#) > [Ordnance Survey](#) > [One-Inch, England and Wales, Engraved Maps, 1](#)



**National Library of Scotland**  
 Leabharlann Nàiseanta na h-Alba

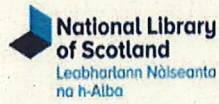
**Sheet 124 - Ashbourne**  
 Surveyed: 1876 to 1879, Revised: 1895, Published: 1897  
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[Maps home](#) > [Ordnance Survey](#) > [One-Inch, England and Wales, Engraved Maps, 1](#)



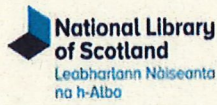


# APPENDIX 3



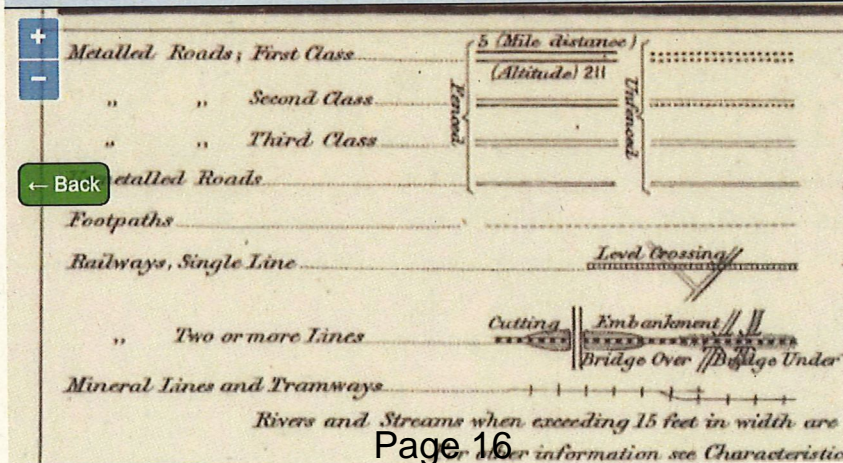
Sheet 124 - Ashbourne  
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 Size: Sheet ca. 47 x 62 cm (ca. 18 x 24 inches)

[Maps home](#) > [Ordnance Survey](#) > [One-Inch, England and Wales, Engraved](#)



Sheet 124 - Ashbourne  
 Surveyed: 1876 to 1879, Revised: 1905, Published: 1908  
 Size: Sheet ca. 47 x 62 cm (ca. 18 x 24 inches)

[Maps home](#) > [Ordnance Survey](#) > [One-Inch, England and Wales, Engraved Maps, 1](#)

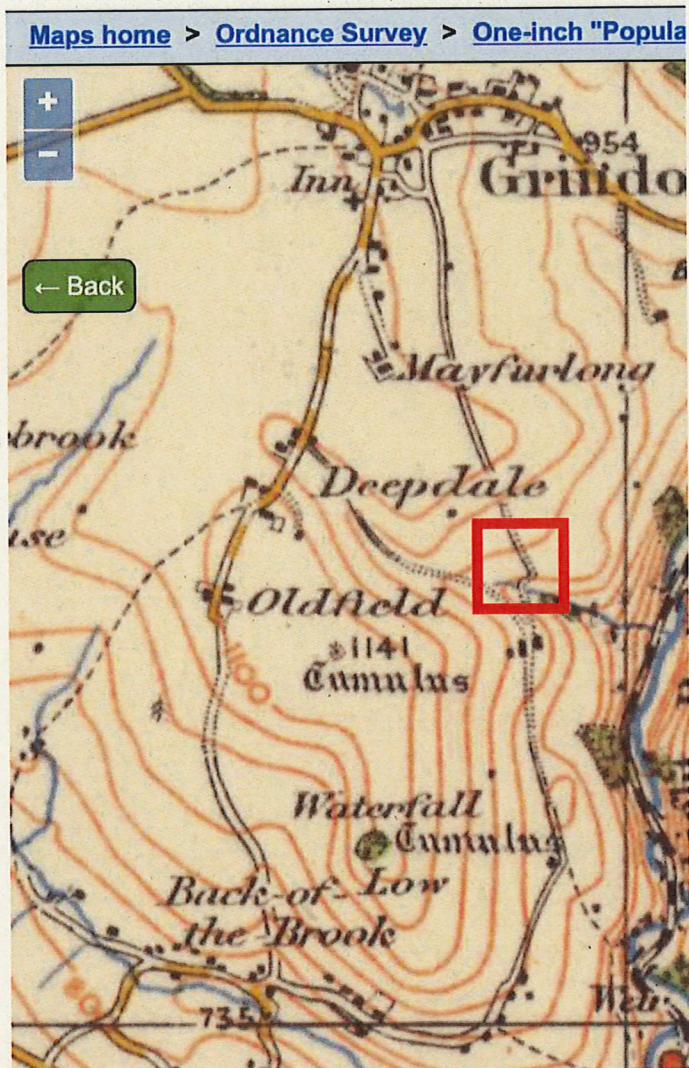




APPENDIX 3

**National Library of Scotland**  
 Leabharlann Nàiseanta na h-Alba

**Sheet 53 - Derby**  
 Revised: 1916 to 1918, Printed: 1921  
 Size: sheet 59 x 80 cm (ca. 23 x 32 inches)



**National Library of Scotland**  
 Leabharlann Nàiseanta na h-Alba

**Sheet 53 - Derby**  
 Revised: 1916 to 1918, Printed: 1921  
 Size: sheet 59 x 80 cm (ca. 23 x 32 inches)

Maps home > Ordnance Survey > One-inch "Popular" edition, England and Wales, 1919-1926

	Surface	Good & fit for fast traffic	Fit for ordinary traffic	Indifferent or winding road	Bad
Main Routes between Towns	over 14' of Metalling	—————		—————	—————
Other Roads		—————		—————	—————
Roads under 14' wide		—————		—————	—————
Minor Roads		—————		—————	—————
Bridle & Footpaths		—————		—————	—————

(Private Roads are uncoloured. Unfenced Roads are shown by dotted lines)  
 Slopes steeper than 1/4 ———>



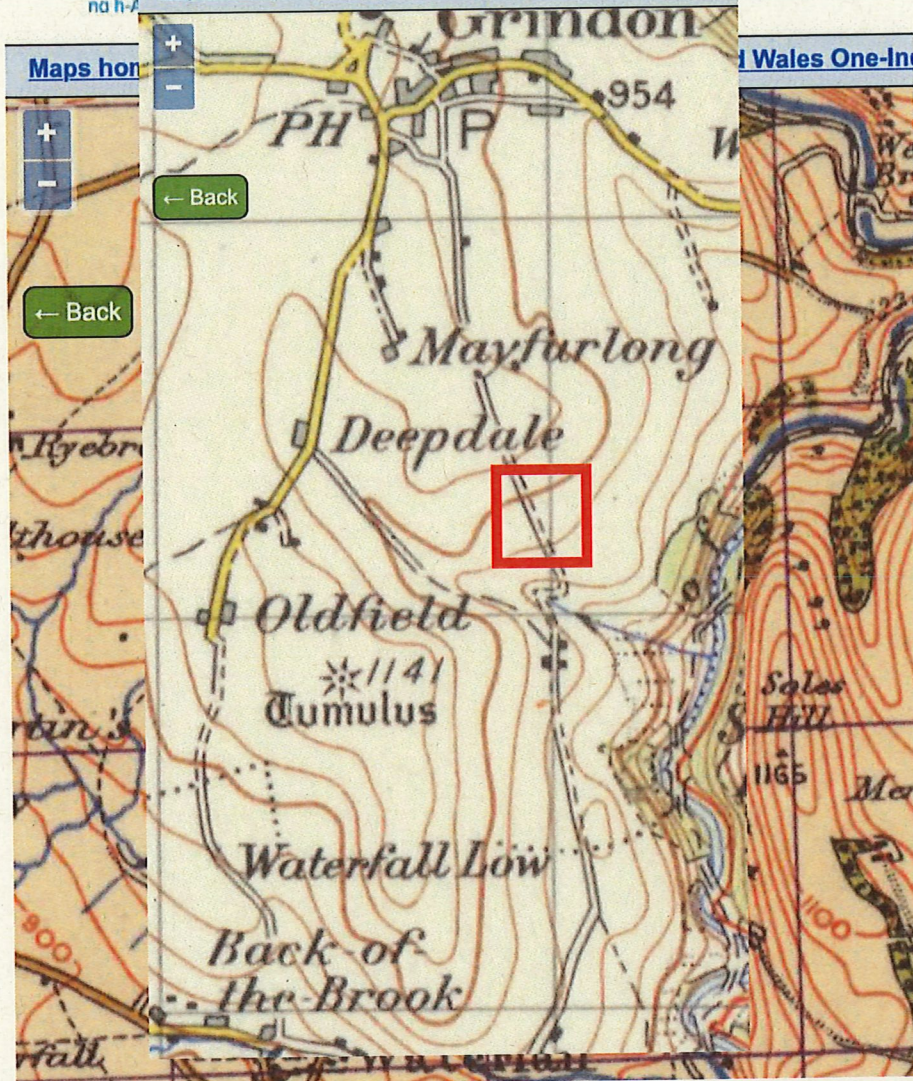
APPENDIX 3

**National Library of Scotland**  
 Leabharlann Nàiseanta na h-Alba

Sheet 111 - Buxton and Matlock  
 Publication date: Revised: 1940  
 Size: sheet ca. 90 x 73 cm (ca. 34 inches)

Printed: 1940

[Maps home](#) > [Ordnance Survey](#) > [One-inch to the mile](#)



**National Library of Scotland**  
 Leabharlann Nàiseanta na h-Alba

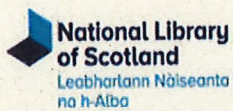
Sheet 53 - Derby  
 Base mapping ca. 1916 to 1918, Printed: 1940  
 Size: sheet 65 x 86 cm (ca. 25 x 34 inches)

[Maps home](#) > [Ordnance Survey](#) > [War Office, England and Wales One-Inch Popular, GSGS 3907 - 1933-43](#)

	Ministry of Transport "A" Roads.....		
	Other Motor Roads.....		
	" " " narrow.....		
	Minor Roads.....		
	Bridle & Footpaths.....		
	Unfenced Roads are shewn by dotted lines		
	Slopes steeper than 1/4.....		
	Toll Gates.....		



APPENDIX 3



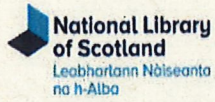
**Sheet 111 - Buxton and Matlock - A Edition**  
**Publication date:** Revised: 1949 to 1951, Published: 1953  
**Size:** sheet ca. 90 x 73 cm (ca. 36 x 29 inches)

[Maps home](#) > [Ordnance Survey](#) > [One-inch to the mile, 7th Series, 1952-1972](#)

Roads	}	Ministry of Transport. Trunk.....	<u>A 6(T)</u>
		" " " Class 1.....	<u>A 524</u>
		" " " " 2.....	<u>B 5035</u>
		14ft of Metalling & over (not included above).....	=====
	}	Under 14ft of Metalling. Turred " ".....	<u>TOLL</u>
		" " " " Untarred " ".....	<u>Gate</u>
		Minor Roads in towns, Drives and Unmetalled Roads.....	=====
		(Unfenced Roads are shown by pecked lines)	
		Steep Gradients 1 in 5 or steeper.....	<u>1 in 7 to under 1 in 5</u>
		Footpaths and Tracks.....	-----

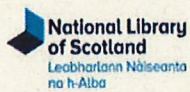


### APPENDIX 3



Sheet 111 - Buxton and Matlock - B/\*  
 Publication date: Revised: 1949 to 1966, Published: ca. 1967  
 Size: sheet ca. 91 x 74 cm (ca. 36 x 29 inches)

[Maps home](#) > [Ordnance Survey](#) > [One-inch to the mile, 7th Series \(Outline\), 1952-1970](#)



Sheet 111 - Buxton and Matlock - B Edition  
 Publication date: Revised: 1949 to 1961, Published: 1962  
 Size: sheet ca. 90 x 72 cm (ca. 35 x 28 inches)

[Maps home](#) > [Ordnance Survey](#) > [One-inch to the mile, 7th Series, 1952-1972](#)




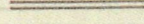
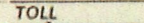
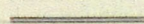
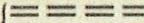


Ministry of Transport, Motorway		<b>M 1 or A 6 (M)</b>
" " " Trunk	} Single & Dual	<b>A 6 (T)</b>
" " " Class 1		<b>A 524</b>
" " " " 2	} Carriageway	<b>B 5035</b>
14 ft of Metalling & over (not included above)		
Under 14ft of Metalling, Tarred		<b>TOLL</b>
" " " " Untarred		Gate
Minor Roads in towns, Drives and Unmetalled Roads (Unfenced Roads are shown by pecked lines)		
Under construction		
Steep Gradient 1 in 5 or steeper	↔ 1 in 7 to under 1 in 5 ↔	
Footpaths and Tracks		
Heights in feet above Mean Sea Level	} surveyed by levelling	·275
		} not surveyed by levelling
Triangulation Pillar		
Intersection, Lat & Long at 5' intervals (not shown where it confuses important detail)		+



# APPENDIX 3



[Maps home](#) > [Ordnance Survey](#) > [One-inch to the mile, 7th Series \(Outline\), 1952-1970](#)

	Ministry of Transport	{ Motorway }	<i>or</i>	
	{ Trunk }	{ Single & Dual }		
		{ Class 1 }	{ Carriageway }	
		{ " 2 }		
	Roads	14 ft of Metalling or over (not included above)		
		Under 14 ft of Metalling	{ Tarred (not included above) }	TOLL
			{ Untarred " }	Gate
	Minor Roads in towns, Drives and Unmetalled Roads. <small>(unfenced roads are shown by pecked lines)</small>			
	Under Construction			
	Steep Gradient 1 in 5 or steeper			1 in 7 to under 1 in 5
Paths and Tracks				
Heights in feet above Mean Sea Level		{ surveyed by levelling }	275	
		{ not surveyed by levelling }	1091	
Triangulation Pillar				
Intersection, Lat & Long at 5' intervals <small>(not shown where it confuses important detail)</small>				





Appendix 4

1929 Handover Schedule for Leek Rural District Council area  
 Source: Staffordshire Record Office  
 Reference C/RD/19/1/34

Extract of Mileage of Public Highways

**TABLE III.**  
 MILEAGE OF PUBLIC HIGHWAYS—*continued.*

**RURAL DISTRICT ROADS (not Main Roads).**

Scheduled Roads No. of Road on Plan.	Route No.	Name of Road. PARISH	1st Class	2nd Class	Scheduled Roads.		Other Roads.				Total Mileage.
			Miles.	Miles.	Tarmacadam	Waterbound	Tar or Bituminous Macadam	Granite	Gravel or Flint etc.	Unmetalled.	
1		BAGNALL					2.82			11	
2		BRADNOF					.18			7	
3		BUTERTON					.70			4	
4		ENDON & STANLEY					.50				
5		FAYFIELDHEAD					4.43			14	
6		GRINDON					2.00			8	
7		HEATH LEE					2.32			12	
8		HEATON					4.41			13	
9		HOLLINGCLOUGH					.11			14	
10		HORTON & HORTON HAY					4.27			24	
11		LEEKWIRTH					1.20			14	
12		LONGHOR					2.41			3	
13		LONGSDON					.66			6	
14		LOVE					2.29			7	
15		MORTON IN THE MOORS					4.05			21	
16		OSWOTE					.40			15	
17		QUARFORD					5.40			45	
18		RODNEY					4.10			7	
19		RUSTON JAMES					2.50			5	
20		RUSTON SPENCER					2.20			5	
21		SHEEN					4.30			10	
22		TITTSWORTH					2.20			6	



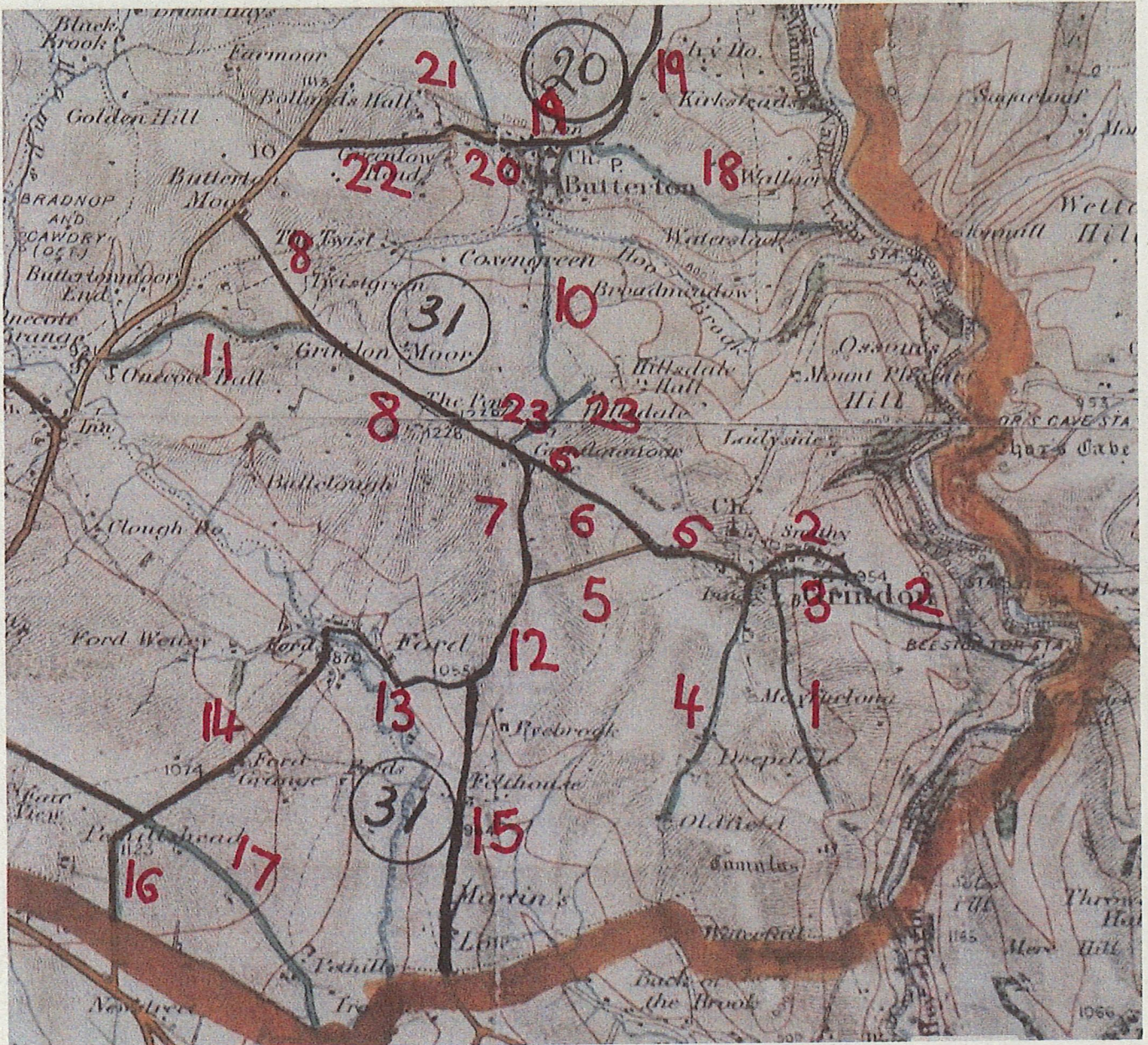
# Appendix 5

Extract of 1929 Handover Map for Leek Rural District Council area

Source: Staffordshire Record Office

Reference C/RD/19/1/34

Routes have been numbered in red ink by Staffordshire Moorlands Bridleways Group





## Appendix 6

**Routes shown on extract of Grindon area of 1929 Handover Map for Leek Rural District Council and numbered in red by Staffordshire Moorlands Bridleways Group**

ROUTE NUMBER	HMPE	NAME	STATUS	ROUTE COLOUR ON HANDOVER MAP	COMMENTS
1	PART	FLEETS LANE, GRINDON	Part G1114  Part Undesignated  <b>Part Grindon FP 12 (part)</b>	Green	North section is a HMPE G1114.. Next section of Fleets Lane is a walled track not a HMPE and is undesignated on Definitive Map. SMBG to submit an application to have this section upgraded to a restricted byway. <b>The Southern section is part of Grindon Footpath 12 - the route the subject of this application. To upgrade to a restricted byway.</b>
2	Yes	Weags Bridge Road, Grindon	D1115	West section black East section green	
3	Yes	Back Lane, Grindon	G1114	Green	
4	Yes	Oldfields Farm Lane, Grindon	D1114 & G1114	Green	Majority of this HMPE is a D road. A small section at the southern end which runs through the farm yard of Oldfields Farm is a G road.
5	Yes	Ford Lane, Grindon	D1114	Brown	
6	Yes	Grindon Moor Lane, Grindon	D1134	Black	
7	Yes	Woodisse Lane, Grindon	C0095	Black	
8	Yes	Parsons Lane, Grindon Moor	C0095	Black	
9	Yes	Hillsdale Lane, Butterton	D1113	Green	
10	Yes	Pothooks Lane, Butterton	D1113	Green	
11	Yes	Titterton Lane, Onecote	D1116	Green	
12	Yes	Woodisse Lane, Ford	C0095	Black	



ROUTE NUMBER	HMPE	NAME	STATUS	ROUTE COLOUR ON HANDOVER MAP	COMMENTS
13	Yes	Dairy House Lane, Ford	D1102	Black	
14	Yes	Ford Wetley Lane, Ford	D1102	Black	
15	Yes	Martinslow Lane, Ford	C0096	Black	
16	Yes	Pethillshead Lane, Pethillshead	D1102	Black	
17	Yes	Pethills Lane, Pethillshead	D1101	Green	
18	Yes	Wetton Road, Wettonmill	D1112	Green	
19	Yes	Waste Lane, Butterton	C0159	Black	
20	Yes	Lime Kiln Road, Butterton	C0159	Black	
21	Yes	Dog Lane, Butterton	D1111	Green	
22	Yes	Butterton Moor Bank	C0159	Black	
23	Yes	Hillsdale Lane, Butterton	D1113	Green	

Grindon Parish comprises Grindon and Ford villages

#### Sources of information:

1. [www.findmystreet.co.uk](http://www.findmystreet.co.uk). This Website shows every street in England and Wales that is held in the National Street Gazetteer. This website is used by Staffordshire County Council to keep an up to date list of streets that are maintainable at public expense under s.36 of the Highways Act 1980. This website replaces the List of Streets previously held by the County Council. It provides evidence of the street name and whether it is maintained by the County Council.
2. Staffordshire County Council List of Streets dated 16/04/2018. This List provides Road Numbers which are not held by the Find My Street website.

#### Conclusions from information:

1. All routes apart from Route No, 1 (the majority of Fleets Lane and the application route - the southern section of Grindon Footpath 12 shown on the Handover map for Grindon Parish and adjoining areas are still Highways Maintained at Public Expense, and are mainly C and D class public vehicular highways.
2. No footpaths or bridleways in the area (apart from the application route) are shown on the Handover map.
3. This is evidence that all the routes shown on the 1929 Handover map were considered by the County Surveyor to be public vehicular highways at that time.



## Appendix 7

Report of the County Clerk and Chief Executive to the Staffordshire Moorlands Area Highways Committee November 1993 & to the Highways Committee 7 January 1994  
Source: Staffordshire Record Office

Item No. 5 on Agenda

### Staffordshire Moorlands Area Highways Advisory Committee - 19 November 1993

#### Application for the Upgrading of Public Footpath Nos. 95 and 96, Waterhouses Parish to Public Bridleway Status

#### Report of the County Clerk and Chief Executive

##### 1. Purpose of Report

1.1 To consider evidence submitted by the Staffordshire Moorlands Bridleways Preservation Group in relation to the possible existence of public vehicular rights along Public Footpath Nos. 95 and 96 Waterhouses Parish.

1.2 On 19 February 1993 Mrs. C. Povey of the Staffordshire Moorlands Bridleways Preservation Group submitted an Application (Appendix A) for a Modification Order to upgrade Public Footpath Nos. 95 and 96, Waterhouses Parish to public bridleway status on the Definitive Map of Public Rights of Way under the provisions of Section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981. The alleged public bridlepath (shown marked A-B-C on the plan attached as Appendix "B" to this report) runs from the River Hamps at Soles Coppice, through Soles Hollow to terminate at Slade House.

1.3 The determination of Section 53 applications is a matter which is delegated to the Modification Order Applications (Minor) Sub-Committee of the County Planning Committee. The Highways Committee at its meeting on 2 September 1991 decided that the determination of all claims of ancient highway status should be dealt with by the Modification Order Applications (Minor) Sub-Committee under the provisions of Section 53 of the Wildlife and Countryside Act 1981, subject to the requirement for prior consultation with the Highways Committee where potential public vehicular rights were involved. This would allow the Highways Committee, in any particular case, to decide whether the historical evidence identified warranted admission as an all purpose highway maintainable at the public expense rather than as a byway open to all traffic.

##### 2. Summary

2.1 Prior to 1929, the responsibility for maintenance of unclassified roads in rural areas rested with District Councils. The Local Government Act 1929 provided for the transfer of this function to County Councils and, accordingly, Rural District Councils were required to compile schedules detailing the minor roads which were maintainable at the public expense. Evidence has been submitted which shows that the lines of Public Footpath Nos 95 and 96, Waterhouses Parish were included on the Rural District Roads Schedule for the former Mayfield Rural District as being highways maintainable at the public expense.

##### 3. Recommendation - That it be recommended to the Highways Committee:-

(a) That the evidence submitted by Mrs. Povey, along with the evidence discovered by the County Council, is sufficient to show that public vehicular rights exist along the entire length of Public Footpath Nos 95 and 96, Waterhouses Parish.

(b) That the lengths of Public Footpath shown marked A-B and B-C on the plan attached as Appendix B to this report be admitted as unclassified publicly maintainable highways.

(c) That a Traffic Regulation Order be made to prohibit the use of all vehicles on the lengths of unclassified publicly maintainable highway with exemptions for access.



## Appendix 7

(d) That the Modification Order Applications (Minor) Sub-Committee, the owners/occupiers of the affected land and the Staffordshire Moorlands Bridleways Preservation Group be informed of the Committee's decision.

### 4 Background

4.1 In support of her application, Mrs. Povey has submitted the following evidence.

(i) An extract from the Schedule of Rural District Roads compiled under the Local Government Act 1929.

(ii) A copy letter from the County Surveyor stating that the County Council have no record of the road from Weags Barn to Slade House being extinguished.

(iii) A copy of the Yates Map of 1775.

(iv) A copy of the Second edition Yates Map of 1799.

4.2 The two editions of the Yates Map dated 1775 and 1799 show that a road/track linking Slade House with Weags Barn (to the north of Soles Coppice) has existed since at least 1775. It should be noted however that owing to the small scale of the Yates Map it is not possible to establish whether the route shown coincides with the route claimed by Mrs. Povey. It should also be noted that, even though the maps can show that a route physically existed at the date of the maps, the maps are not, in themselves, evidence that the routes shown are public rights of way.

4.3 The extract from the Schedule of Rural District Roads compiled under the Local Government Act 1929 makes reference to a public road running from the River Hamps at Soles Hollow to Slade House for a distance of 1.56 miles. The route is also shown on the plan which accompanies the Schedule to 1929, the responsibility for maintenance of unclassified roads in the County in rural areas rested on Rural District Councils. The Local Government Act 1929 provided for the transfer of this function to the County Council and, accordingly, Rural District Councils were required to prepare schedules listing the unclassified roads which were maintainable at the public expense. From the schedule and accompanying plans submitted by Mrs. Povey, it is clear that the line of public footpath nos. 24 and 25 was regarded by the former Mayfield Rural District Council as being a unclassified road maintainable at the public expense. The County Surveyor in a letter to County Councillor Mrs. C. Jebb dated 23rd June 1992 stated that "There is a considerable shortage of information about extinguishment orders passed since 1974 and I am not able to confirm, or otherwise, that an extinguishment order has ever been made in relation to this road as a public highway". (Copies of the evidence submitted by Mrs. Povey are attached as Appendix "C" to this report).

### 5 Evidence submitted by the landowners/occupiers

5.1 The alleged public bridle path passes over land in the ownership of the National Trust, Mr. J. Richardson of Throwley Hall, Ilam and Mr. A.T. Philp of The Barn, Briergrove, Birch Vale, Staffs. All of the above mentioned landowners have indicated that they are opposed to Mrs. Povey's application and have, in recent years, taken steps to prevent the use of the public footpath by horse riders and vehicles. They have not however produced any evidence to show that the public vehicular rights shown to in the Rural District Roads Schedule have been stopped-up. (The comments/evidence submitted by the landowners is attached as Appendix "D" to this report).

### 6 The comments of the Staffordshire Moorlands District Council, Peak Park Joint Planning Board, Waterhouses Parish Council and the User Groups

6.1 The Peak Park Joint Planning Board and the Staffordshire Moorlands District Council have indicated that they have no evidence to submit in this matter.

6.2 The Waterhouses Parish Council has no evidence to submit in this matter.

6.3 The Peak Park Joint Planning Board has no evidence to submit in this matter.

6.4 The Peak Park Joint Planning Board has no evidence to submit in this matter.

### 7 Other evidence

7.1 Despite a search of the County Council records, no evidence was found in the absence of evidence along the route.

7.2 There do not appear to be any records in the County Council records relating to the route in the Soles Hollow to a public footpath from a private land.

7.3 The route shown on the Survey Map in paragraph 3.1 is a route physically shown on the map.

7.4 The Department of Transport (18th of Public Footpaths) states that the route of Public Footpath nos. 24 and 25 is an easterly direction being plot no. 100. As stated at paragraph 4.3, this road is unclassified and being responsible for the evidence submitted as evidence sub No. 96, Wat

### 8 Comment

8.1 A copy of the evidence submitted by the landowners for their application.

8.2 The National Trust has indicated that, if the application is successful, it will consider the use of the route for vehicles.

8.3 Mr. A.T. Philp of The Barn, Briergrove, Birch Vale, National Trust has indicated that he has no evidence to submit in this matter. Appendix G



## Appendix 7

6.2 The Waterhouses Parish Council have stated that they have no objection to the upgrading of the two public footpaths to bridleway status but have not submitted any evidence in support of the claim.

6.3 The Auto Cycle Union have stated that they support Mrs. Povey's claim for the upgrading of the paths to public bridleway status as members of the Trail Riders Federation "have been riding this route for many years".

6.4 The Peak and District Footpaths and Preservation Society have stated that they have no objection to the application and have offered no evidence in this matter.

### 7. Other evidence discovered by the County Council

7.1 Despite an extensive search, no evidence has been found to show that the length of minor public road referred to in the Rural District Roads Schedule for Mayfield Rural District has been stopped-up. In the absence of evidence to the contrary, it must therefore be assumed that public vehicular rights still exist along the route claimed by Mrs. Povey.

7.2 There does not appear to be an enclosure award for the area but the Ilam Tithe Award of 1938 shows the route in two parts. The first section of the route from the ford at the River Hamps through Soles Hollow to a point just north of Throwley Moor Farm is shown as being untithed. The remainder of the path from a point just north of Throwley Moor Farm to Slade House is shown running through tithed land.

7.3 The route claimed by Mrs. Povey is also shown on the first edition of the 1" to 1 mile Ordnance Survey Map circa 1836 as being a through route (copy attached as Appendix "E"). As pointed out in paragraph 3.2 above however, it should be noted that although Ordnance Survey maps etc can show that a route physically existed at a certain point in time, these maps are not, in themselves, evidence that the routes they show were public rights of way at those dates.

7.4 The deposited plans and the book of references for the Leek Caldon Low and Hartington Light Railways (1897) (copy attached as Appendix "F") shows the land over which the northernmost section of Public Footpath No. 96 passes. The Plans show two routes over this land, one coinciding with the route of Public Footpath No. 96 and one running from the line of Public Footpath No. 96 in a north easterly direction to a footbridge over the river Hamps. This land is shown on the deposited plans as being plot no. 23, and described in the Book of References as a "field, road and footpath" owned by "Earl Cathcart, Ilam Parish Meeting, Mayfield Rural District Council" and occupied by "James Howson". As stated above, prior to the Local Government Act 1929, responsibility for the maintenance of unclassified roads in the area rested with the former Mayfield Rural District Council (with Parish Councils being responsible for Public Footpaths). The above mentioned evidence would appear to support the evidence submitted by Mrs. Povey in that a public vehicular right of way exists along Public Footpath No. 96, Waterhouses Parish.

### 8. Comments on the Draft Report

8.1 A copy of the draft report was forwarded to the applicant and to the owners/occupiers of the affected land for their comments.

8.2 The National Trust, who own land over which part of Public Footpath No. 96 passes, have requested that, if the County Council is of the opinion that public vehicular rights do exist along the paths, consideration be given to the making of a Traffic Regulation Order prohibiting use of the path by vehicles.

8.3 Mr. A.T. Philp, the owner of Slade House, has made similar comments to those expressed by the National Trust. (A copy of the comments submitted by the National Trust and Mr. Philp is attached as Appendix G to this report).



## Appendix 7

8.4 As the two lengths of path are effectively cul-de-sacs for vehicular traffic the landowners requests are reasonable.

8.5 The applicant and the other landowner affected by the application, Mr. G.W. Richardson, have not submitted any comments on the draft report.

### 9. Summary

9.1 From the evidence contained in the Rural District Roads Schedule for the Rural District of Macclesfield compiled under the Local Government Act 1929 and supported by the evidence contained in the deposited plans and book of references for the Leek Cauldon Low and Hartington Light Railway, it would appear that public vehicular rights exist along the entire length of Public Footpath Nos. 95 and 96, Waterhouses Parish. Despite an extensive search, no evidence has been found to show that the above mentioned public vehicular rights have been extinguished.

9.2 It should be noted that the claimed route joins with a public footpath at its southern end (Stade Road) and with the D203 unclassified county road at its northern end over which there is an order prohibiting its use by vehicles (other than pedal cycles). This does not however materially affect Mrs. Povey's claim.

### 10. Conclusion

10.1 The evidence submitted by Mrs. Povey, along with the evidence discovered by the County Council, would appear to show that public vehicular rights exist along the entire length of Public Footpaths Nos. 95 and 96, Waterhouses Parish.

### 11. Background Documents

- (1) Application for a Definitive Map Modification Order by Mrs. C. Povey
- (2) Plan showing route of claimed public bridlepath
- (3) Evidence submitted in support of the application
- (4) Evidence/comments submitted by the owners of the land affected by the application
- (5) Extract from the 1st edition 1" to 1 mile Ordnance Survey Map (Circa 1836)
- (6) Extracts from the deposited plans and book of references for the Leek, Cauldon Low and Hartington Light Railways
- (7) Copy letters from the National Trust and Mr. A.T. Philp.

Contact: M.W. Bradbury  
Telephone: (0785) 276172  
File Reference 19/11/91

To: Stafford  
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Stafford

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## Appendix 7

Item No. 13 on Agenda

### HIGHWAYS COMMITTEE - 7 JANUARY 1994

#### Minutes of a Meeting of the Staffordshire Moorlands Area Highways Advisory Committee held at Leek on 19 November 1993

Present : Mole D O (Chairman)

Beech J J	Ivers Mrs V
Hanchard A R	Jebb, Mrs C R
Harris M J	Lythgoe, Mrs D
Harrison, P D	Sanderson, J
Holland C E	

#### Representatives of the Staffordshire Moorlands District Council

Broome J C	Simpson A E
Harrison H	Williamson A R

#### Representatives of Peak Park Joint Planning Board

Smith, P

#### Representative of the Parish Councils Association

Jebb, H W

#### Minutes

1. RESOLVED:- That the minutes of the meeting held on 21 September 1993 be confirmed and signed by the Chairman.

#### Apologies

2. Nil.

#### APPLICATION FOR THE UPGRADING OF PUBLIC FOOTPATH NOS 95 AND 96 WATERHOUSES PARISH TO PUBLIC BRIDLEWAY STATUS

Members were asked to consider evidence submitted by the Staffordshire Moorlands Bridleways Preservation Group in relation to the possible existence of public vehicular rights along Public Footpath Nos 95 and 96 Waterhouses Parish.

Mrs C Povey of the Staffordshire Moorlands Bridleways Preservation Group submitted an application for a Modification Order to upgrade Public Footpath Nos 95 and 96 Waterhouses Parish to public bridleway status on the Definitive Map of Public Rights of Way under the provisions of Section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981. The alleged public bridlepath runs from the River Hamps at Soles Coppice, through Soles Hollow to terminate at Slade House.



## Appendix 7

Prior to 1929, the responsibility for maintenance of unclassified roads in rural areas rested with District Councils. The Local Government Act 1924 provided for the transfer of this function to County Councils, and accordingly, Rural District Councils were required to compile schedules detailing the minor roads which were maintainable at the public expense. Evidence has been submitted which shows that the lines of Public Footpath Nos 95 and 96 Waterhouses Parish were included on the Rural District Roads Schedule for the former Mayfield Rural District as being highways maintainable at the public expense.

3. RESOLVED:- That it be recommended to the Highways Committee:-
- a) that the evidence submitted by Mrs Povey, along with the evidence discovered by the County Council, is sufficient to show that public vehicular rights exist along the entire length of Public Footpath Nos 95 and 96 Waterhouses Parish;
  - b) that the lengths of Public Footpath be admitted as unclassified publicly maintainable highways;
  - c) that a Traffic Regulation Order be made to prohibit the use of all vehicles on the lengths of unclassified publicly maintainable highway with exemptions for access;
  - d) that the Modification Order Applications, (Minor), Sub-Committee, the owners/occupiers of the affected land and the Staffordshire Moorlands Bridleways Preservation Group be informed of the Committee's decision.

CC/MWB

### ANCIENT HIGHWAY CLAIMS - ALSTONEFIELD PARISH

Members were asked to consider the comments of the Modification Order Applications (Minor) Sub-Committee as requested by the Advisory Committee on 20 July 1993.

The Advisory committee on 20 July 1993 considered evidence submitted by the Staffordshire Moorlands Bridleways Preservation Group concerning the possible existence of public vehicular rights along Public Footpath No. 58 and part of Bridleway No. 58 Alstonefield Parish.

The Advisory Committee drew to the attention of the Modification Order Applications (Minor) Sub-Committee the problems associated with admitting public footpaths and bridleways as unclassified roads maintainable at the public expense and asked the Sub-Committee to look at their wider responsibilities under the Wildlife and Countryside Act 1981.



NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

**Staffordshire County Council: Survey of Rights of Way**

Note—The survey should be carried out as described in the pamphlet "Survey of Rights of Way."

Path starts at:  
Grindon Post Office

Path finishes at:

Boundary of Waterfall Laid  
South of Sausage fields

Names and addresses of persons making the survey:

John Inycock

Survey started on

Oct 18<sup>th</sup> 1951

Survey finished on

Oct

LOCAL AUTHORITY:

Leek Rural District Council

PARISH:

Grindon

PATH No., as

12

PATH SYMBOL

Footha

6" quarter On

No.:

1 X S 1

Grounds for believing path to be public; please mention Enclosure Award Maps, Tithe Maps, and any other relevant documentary evidence

aid by Public without dispute for 40 years or over



