

## **Countryside and Rights of Way Panel**

Friday 11 March 2022

**11:00**

Oak Room, County Buildings, Stafford

The meeting will be webcast live which can be viewed at any time here:

<https://staffordshire.public-i.tv/core/portal/home>

John Tradewell  
Director of Corporate Services  
3 March 2022

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### **A G E N D A**

1. **Apologies**
2. **Declaration of Interest in accordance with Standing Order 16.2**
3. **Minutes of meeting held on 18 February 2022** (Pages 1 - 4)
4. **Wildlife and Countryside Act 1981 - Public Footpath from Public Bridleway 25 to Public Bridleway 13, Colwich Parish** (Pages 5 - 64)  
  
Report of the Director for Corporate Services.
5. **Exclusion of the public**  
  
The Chairman to move:-  
  
"That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 indicated below".  

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**Part Two**  
(All reports in this section are exempt)
6. **Exempt minutes of the meeting held on 18 February 2022** (Pages 65 - 66)  
  
(Exemption paragraph 2, 6a & 6b)

7. **Wildlife and Countryside Act 1981, Section 53  
Modification Order Applications - Update**

Verbal update of the Director for Corporate Services.

(Exemption paragraph 2, 6a and 6b)

<b>Membership</b>	
Jak Abrahams	Jill Waring
David Smith	Mark Winnington (Chairman)
Paul Snape	

**Notes for Members of the Press and Public**

**Filming of Meetings**

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**Recording by Press and Public**

Recording (including by the use of social media) by the Press and Public is permitted from the public seating area provided it does not, in the opinion of the chairman, disrupt the meeting.

**Minutes of the Countryside and Rights of Way Panel Meeting held on  
18 February 2022**

Present: Mark Winnington (Chairman)

<b>Attendance</b>	
David Smith	Jill Waring
Paul Snape	

**Apologies:** Jak Abrahams

**PART ONE**

**66. Declaration of Interest in accordance with Standing Order 16.2**

There were no Declarations of Interest on this occasion.

**67. Minutes of meeting held on 28 January 2022**

**RESOLVED** – That the minutes of the meeting held on 28 January 2022 be confirmed and signed by the Chairman.

**68. Highways Act 1980, Section 119 Proposed Diversion of Public Footpaths, Quarnford no.29 (part) and No.34 (part) at Glead Tail, Quarnford**

The Panel considered a report of the Deputy Chief Executive and Director for Families and Communities regarding the proposed diversion of Public Footpaths, Quarnford NO.29 (part) & No.34 (part) at Glead Tail, Quarnford.

The report was presented verbally to take Members through the various legislative criteria. It was reported that the owners of Glead Tail had applied to Staffordshire County Council on 18<sup>th</sup> June 2020 to divert the footpaths away from the residential property and garden onto the alignment shown by a by a broken black line A-E-D and C-F-D on Plan 1 within appendix A in the report. The Panel were advised that the applicants considered that the application would increase their privacy and enjoyment of the outside areas of the property and reduce the feeling of intrusiveness for members of the public using the footpaths.

**RESOLVED** – That (a) the Deputy Chief Executive and Director for Families and Communities be authorised to make an Order under Section 119 of the Highways Act 1980 to divert part of Public Footpaths No 20 (pt) & No 34 (pt)

at Glead Tail in the Parish of Quarnford as shown on Plan 1 attached to the report.

**69. Highways Act 1980 - Section 118 & 119 Proposed Concurrent Diversion & Extinguishment Orders Public Footpaths - Tamworth 81 c and 83 at Wilnecote Quarry Tamworth**

The Panel considered a report of the Deputy Chief Executive and Director for Families and Communities regarding the proposed Concurrent Diversion & Extinguishment Orders Public Footpaths, Tamworth 81c and 83 at Wilnecote Quarry Tamworth.

The report was presented verbally to take Members through the various legislative criteria. It was reported that the previous owners of the Wilnecote Quarry site obtained planning permission to undertake quarrying works however failed to obtain the necessary permissions to divert or extinguish the affected sections of Public Footpaths, Tamworth 81c and 83 where they cross the quarry site. It was reported that as a result, parts of these two footpaths have been destroyed by the quarrying operations and there was no reasonable chance of the footpaths being reinstated.

The Panel were advised that the current site owners have submitted an application to concurrently divert the parts of Public Footpaths, Tamworth No 81c and 83 shown by a solid black line (A-B-C) On Plan 1 at appendix A in the report onto the alignment shown by a broken black line (A-C) on Plan 1 at appendix A in the report.

**RESOLVED** – That (a) the Deputy Chief Executive and Director for Families and Communities be authorised to make concurrent Order under Section 119 of the Highways Act 1980 to divert and extinguish parts of Public Footpaths No81c & No 83 at Wilnecote Quarry in the Parish of Tamworth as shown on Plans 1 & 2 attached to the report.

**70. Wildlife and Countryside Act 1981 - Application for the Addition of an Alleged Public Right of Way from Ivetsey Road to Bellhurst Lane, Wheaton Aston**

The Panel considered a report of the Director of Corporate Services regarding an application from Mrs S C Bonner for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for a Public Bridleway from Ivetsey Road to Bellhurst Lane, Wheaton Aston.

The report was presented verbally to take Members through the various legal documentary and historical evidence relevant to the application. The Director also made reference to case law which dealt with the weight to be given to the evidence and gave guidance on the legal tests which they should apply. In applying these tests, Members were made aware that they should

examine the evidence in its totality. During their consideration of the application, Members had regard to the Appendices attached to the report including; (i) User Evidence forms; (ii) Salient Points from User Evidence forms; (iii) Six Pieces of Documentary Evidence; (iv) Former Landowner Evidence form; (v) Statutory Consultee Evidence and (vi) Letter from Staffordshire County Council.

The Panel Decided that that the available evidence was sufficient to conclude that a Public Bridleway from Ivetsey Road to Bellhurst Lane, Wheaton Aston subsisted and therefore should be added to the Definitive Map and Statement of Public Rights of Way as such.

**DECISION** – That (a) the evidence submitted by the Applicant and that discovered by the County Council was sufficient to show that on the balance of probabilities a Public Bridleway from Ivetsey Road to Bellhurst Lane, Wheaton Aston which is not shown on the Definitive Map and Statement subsisted.

(b) an Order be made to add the alleged Right of Way shown on the plan attached at Appendix B and marked C to D to the Definite Map and Statement of Public Rights of Way for the District of Stafford as a Public Bridleway.

#### **71. Exclusion of the public**

**RESOLVED** – That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12 A (as amended) of the Local Government Act 1972 indicated below.

#### **72. Exempt minutes of the meeting held on 28 January 2022**

**RESOLVED** – That the exempt minutes of the meeting held on 28 January 2022 be confirmed and signed by the Chairmen.

#### **73. Wildlife and Countryside Act 1981, Section 53 Modification Order Applications - Update**

(Exemption paragraphs 2, 6a & 6b)

**Chairman**



Local Members' Interest	
Cllr John Francis	Stafford - Trent Valley

**Countryside and Rights of Way Panel**

**Wildlife and Countryside Act 1981**

**Alleged Public Footpath from Public Bridleway 25 to Public Bridleway 13,  
Colwich Parish**

**Report of the Director for Corporate Services**

**Recommendation**

1. That the evidence submitted by the Applicant and that discovered by the County Council is **not** sufficient to conclude that the alleged Public Footpath which is not shown on the Definitive Map and Statement subsists along the route marked A to B on the map attached at Appendix B and so should **not** be added to the Definitive Map and Statement of Public Rights of Way as such.

That an Order should **not** be made to add the alleged route shown marked A to B on the map attached at Appendix B to the Definitive Map and Statement of Public Rights of Way.

**PART A**

**Why is it coming here – What decision is required?**

1. Staffordshire County Council is the authority responsible for maintaining the Definitive Map and Statement of Public Rights of Way as laid out in section 53 of the Wildlife and Countryside Act 1981 (“the 1981 Act”). Determination of applications made under the Act to modify the Definitive Map and Statement of Public Rights of Way, falls within the terms of reference of the Countryside and Rights of Way Panel of the County Council’s Regulatory Committee (“the Panel”). The Panel is acting in a quasi-judicial capacity when determining these matters and must only consider the facts, the evidence, the law and the relevant legal tests. All other issues and concerns must be disregarded.
2. To consider an application attached at Appendix A from the Applicant for an Order to modify the Definitive Map and Statement for the District of Colwich. The effect of such an Order, should the application be successful, would:
  - (i) Add an alleged Public Footpath between points A to B on the plan at Appendix B to the Definitive Map of Public Rights of Way under the provisions of Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.
3. To decide, having regard to and having considered the Application and all the available evidence, and after applying the relevant legal tests, whether to accept or reject the application.

**Evidence Submitted by the Applicant**

4. The Applicant submitted two deposited railway plans for the Stafford and Rugby Railway dated 1840, together with an accompanying extract from the Branch Book of Reference. These can be found at Appendix C.
5. The Applicant submitted Ordnance Survey maps dated 1817, 1894, 1902 and 1924. These can be found at Appendix D.
6. The Applicant has submitted a further copy of the Ordnance Survey map of 1817 with the route highlighted in red. This can be found at Appendix E.
7. The Applicant has submitted a traced plan accompanying the Tithes Award 1845, made in the year 1839 by JD Lofthouse. This is a Stafford Record Office document ref: D1274/2. This can be found at Appendix F.
8. The Applicant has submitted a copy of the Online map which shows the current numbered paths located within the area. This can be found at Appendix G.
9. The Applicant has submitted typed notes from the Staffordshire Record Office. These can be found at Appendix H.

#### **Evidence Discovered by the County Council**

10. Officers have discovered an 1820s map of the Beau Desert Estate. This plan was copied by JL Gibbons of Walsall in 1863. This can be found at Appendix I.

#### **Evidence Submitted by the Landowner**

11. One Landowner was identified by the Applicant being Staffordshire County Council.
12. A further landowner, Mr P Till was later identified and he has submitted evidence through Birketts Solicitors. This can be found at Appendix J.

#### **Comments Received from Statutory Consultees**

13. The Ramblers Association supported the Application stating - "regarding a proposed upgrade for a footpath between Bridleway 25 and 13 we support this amendment." This was received from Mr Bell on behalf of the said Association. This can be found at Appendix K.
14. The Byways and Bridleways trust also supported the application stating they "support Mr Reay's Application". This was signed by Mr Rowley on behalf of the Trust and can be found at Appendix L.

#### **Comments on Evidence**

15. The evidence that the Applicant supplied, and which is referred to in the Application are two deposited railway plans.
16. The railway plans can be read in conjunction with the Book of Reference which provides the status and maintenance of the ways and the ownership of land over which the alleged route crosses. In relation to the orientation in both of the railway plans, the Public Highway runs from East to West and a short stretch of road leads off the Public Highway at right angles in a southerly direction. (The actual orientation of the public highway (known as the A513) is North-Westerly, South-Easterly with the short stretch of road leading in a South-Westerly

direction). For ease of understanding however, your Officers are using the orientation as per the Railway plans).

17. A short stretch of road runs concurrently with Bridleway 25 and is categorised as a Public Road within the extract from the Book of Reference. Both the Highway and the Public Road were reported to be overseen at the time by the Surveyor of Highways for Shugborough. At the end of the short stretch of Public Road the alleged route commences in a southerly direction.
18. The footpath on the larger scale railway plan has been labelled "Common Lane and Footway to Brockton". The line of the footpath shown on the railway plan only shows the commencement of the claimed right of way from where it leaves Bridleway 25. The route identified however is shown to follow a southerly direction relatively close to, and parallel with the length of a large pool and the northerly edge of a second pool immediately to its East. There is no further evidence provided by this document.
19. The second Stafford and Rugby Railway plan is a smaller scale copy which shows the route labelled on the map as "Footway to Brocton". Once again however the path is limited to an illustration of the commencement of the route and nothing further assists with understanding the direction or length of the claimed right of way.
20. The Applicant also provided a copy of a two-inch Ordnance Survey map dated 1817. This map although difficult to read could appear to show a visible feature on the ground leading off what is now known as the A513, in a southerly direction (in accordance with the plan orientation) narrowing down to become a feature close to and parallel with what is understood to be large pools (identified in the Railway plan), which are immediately to its East. The feature runs to the East of Beggars Hill and therefore runs between the Hill and the pools. At the southerly end of the southerly pool, the visible feature on the map turns almost at right angles Westerly and then South Westerly where the Applicant suggests the claimed route meets up with what is now known as Bridleway 13. This plan is the only one which appears to show the claimed route. It does not however confirm whether this is a public or private way.
21. The Applicant has supplied further evidence which includes an 1894 Ordnance Survey map although this does not appear to show the alleged route, although there are visible features at the start of the route for about 20 metres. He has also supplied Ordnance Survey plans of 1902 and 1924 which do not show any suggestion of features for the claimed footpaths on the plans.
22. The Applicant has also supplied a tracing of the Tithe Map which shows the field numbers at the time of the survey which would have corresponded with a book of reference. However, no narrative from the Award has been supplied and the plan itself does not appear to show the claimed route.
23. Furthermore, the Applicant has submitted a copy of the route highlighted in red on what is believed to be an enlarged copy of the Ordnance Survey map of 1817. This however does not appear to add any evidence to the claim, except to assist your Officers with identification of the alleged route.

24. The Applicant has submitted a copy of the Online map with a pencil mark along the claimed route. This does not appear to hold any evidence but again assists your Officers with the identification of the alleged route.
25. Turning to the Beau Desert plan of the early 1820's, this shows (again in relation to the orientation of the plan) a visible feature on the ground running in a Southerly direction, along the Eastern side of Beggar's Hill. This plan does not show the actual pools but clumps of trees. The claimed path almost turns at right angles in a North-Westerly direction at roughly the same point as that shown in the Ordnance Survey Map but it does not appear to link with Bridleway 13. There is no evidence as to whether this is a public or private route.
26. The submission which was received from the Landowner contends (within the Executive Summary), that the whole route needs to be reasonably alleged to exist for an Order to be made and considers that there is insufficient evidence for this claim. Your Officers have studied the evidence and also consider that there is insufficient evidence to be able to reasonably allege that the whole of the claimed route exists.
27. With regard to point 3 of the Landowner's response, the evidence provided by the Applicant was limited and furthermore, the Ramblers Association and the Byways and Bridleways Trust have not provided any supporting evidence.
28. The Landowner contends that the evidence provided by the Ordnance Survey map of 1817 to be of poor quality and considers that the route cannot be discerned from the plan that has been provided.
29. The Beau Desert Estate Map does appear to provide evidence of a physical feature on the ground initially leading South-Westerly then turning at right angles and heading in a North-Westerly direction. Only part of the route appears to follow the line of the alleged route. However the Estate Map was prepared for private purposes and provides no evidence of whether it had a public or private status. It also can at best, only show part of the route. Your Officers consider that the weight of evidence of an Estate map together with the fact that the status of any visible features (of which there is only part of the claimed route) is not known, does make the evidence of very limited value.
30. The Landowner raised concerns with regard to the origins of one of the Railway plans and the fact that only an extract from the Book of Reference had been included. On the larger scale plan, the Landowner contends that there is not a public right of way beyond parcel 27. Your Officers consider that the stretch of path that has been identified in the plan is very limited and does not join Bridleway 13. Furthermore, railway plans are only considered to be of limited supporting evidence by the courts.
31. The Landowner has provided further Ordnance Survey maps for your Officer's consideration which they contend do not show any features on the ground that could suggest the claimed route. These can be found with the Landowner's Submission at Appendix J
32. The Landowner has also submitted a Bartholomew map for the period 1897 to 1907 for your Officer's consideration. The Landowner contends that any route

would have been shown had it been available and for public use. This can be found at Appendix J.

33. Turning now to the probity of the evidence, in relation to the railway plans, major works such as the construction of canals and railways were normally authorised by private Acts of Parliament. The reason for this was that in the 18<sup>th</sup> and 19<sup>th</sup> Centuries there were no powers to acquire land compulsorily. Consequently, where there was a canal or railway planned the intended route was surveyed. From the surveys, plans and books of reference were compiled which showed who owned the land crossed by the proposed canal or railway. This then formed part of an Act of Parliament.
34. The plan only recorded the details of the land crossed by the intended construction. As a result, only parts of the affected land were shown as is the case here.
35. These Acts and plans should not be considered to be conclusive evidence but looked at and evaluated alongside other historical evidence. They should be regarded as good, or persuasive, evidence to support the alleged existence of a public right of way.
36. Ordnance Survey maps date back to the early 1800's and their purpose is to show physical features on the ground. In so doing they included all manner of ways from tracks leading only to remote properties, footpaths crossing fields, as well as the main highway. They do not distinguish between public and private rights of way and from 1888 the maps carried a disclaimer that the depiction of a way on a map did not mean it was public.
37. The evidential value of Ordnance Survey maps has been considered by the courts to be limited solely to being evidence of whether there was a visible feature on the ground at the time of the survey.
38. On their own Tithe maps and awards are not evidence as to the public nature of a particular route but may add to the supporting evidence. It is not on its own conclusive proof. The Tithe map in this situation does not add any evidence to support the claimed route.
39. Estate maps were maps drawn up for the owners of private estates for their own use. They show physical evidence of a route but need to be approached with some caution as they were drawn up with a specific purpose for their owner. Some estate plans may distinguish between public and private ways, but are of limited value as evidence.
40. The Bartholomew Maps are usually regarded to be of limited evidential value, but were favourites with tourists and cyclists who preferred the half inch to the mile scale. They were produced from the Ordnance Survey's 1" to the Mile maps. The copy provided by the Landowner was published between 1897 and 1907. This therefore is of limited additional value to the Ordnance Survey maps.

#### **Burden and Standard of Proof**

41. Section 53(2) of the Wildlife and Countryside Act 1981 requires the County Council to make such modifications to its Definitive Map and Statement as appear to it be requisite in consequence of certain 'events'. In relation to the part

of the route shown A to B the applicable section of the Wildlife and Countryside Act 1981 is 53(3)(c)(i). This section relates to the discovery of evidence of two separate events:

(a) Evidence that a right of way which is not shown on the map subsists; OR

(b) Evidence that a right of way, which is not shown on the map, is reasonably alleged to subsist.

42. Thus there are two separate tests, one of which must be satisfied before a Modification Order can be made. Some evaluation of the evidence and a judgement on that evidence must be made, before either question can be answered.
43. For the first to be satisfied, it will be necessary to show that on a balance of probabilities the right of way does exist.
44. For the second test to be satisfied, the question is whether a reasonable person could reasonably allege a right of way exists having considered all the relevant evidence available to the Council. The evidence necessary to establish a right of way which is "reasonably alleged to subsist" over land must be less than that which is necessary to establish the right of way "subsists".
45. If a conclusion is reached that either test is satisfied, then the Definitive Map and Statement should be modified.

### **Summary**

46. The Application is made under Section 53(2) of the 1981 Act, relying on the occurrence of the event specified in 53(3)(c)(i) of the Act.
47. For the purposes of this application there are two relevant "events" which must occur before the Definitive Map and Statement can be modified.
48. With regard to the existence of a claimed footpath between Bridleway 13 and Bridleway 25, it must be decided either on the balance of probabilities that a footpath subsists or alternatively can be reasonably alleged to subsist.
49. If either part of the test is satisfied, then the Definitive Map and Statement can be modified.
50. The panel must consider all of the available evidence and decide whether or not the evidence submitted and discovered supports the view that the routes have public footpath rights over them. A decision must be based on a consideration of all the available evidence. Matters relating to the desirability and suitability of having a public footpath are not part of the statutory criteria against which a decision can be made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981.

### **Conclusion**

51. Your Officers have considered the evidence and it is your Officers opinion that the evidence fails to show that a public right of way, with the status of footpath, which is not shown on the Definitive Map and Statement is reasonably alleged to subsist.

52. It is the opinion of your Officers that the County Council should **not** make a Modification Order for a footpath between points A and B as shown on the map at Appendix B on the Definitive Map and Statement of Public Rights of Way.

**Recommended Option**

53. To reject the Application based upon the reasons contained in the report and outlined above.

**Other options Available**

54. To decide to accept the Application to add the claimed way to the Definitive Map and Statement.

**Legal Implications**

55. The legal implications are contained within the report.

**Resource and Financial Implications**

56. The costs of determining applications are met from existing provisions.
57. There are, however, additional resource and financial implications if decisions of the Registration Authority are challenged by way of appeal to the Secretary of State for Environment, Food and Rural Affairs or a further appeal to the High Court for Judicial Review.

**Risk Implications**

58. In the event of the Council making an Order any person may object to that order and if such objections are not withdrawn the matter is referred to the Secretary of State for Environment under Schedule 14 of the Wildlife and Countryside Act 1981. The Secretary of State would appoint an Inspector to consider the matter afresh, including any representations or previously unconsidered evidence.
59. The Secretary of State may uphold the Council's decision and not confirm the Order; however there is always a risk that an Inspector may decide that the County Council should have made the Order. If the Secretary of State disregards the Council's decision and considers that an Order should be made the Order may still be challenged by way of Judicial Review in the High Court.
60. Should the Council decide not to make an Order the applicants may appeal that decision to the Secretary of State who will follow a similar process to that outlined above. After consideration by an Inspector the County Council could be directed to make an Order.
61. If the Panel makes its decision based upon the facts, the applicable law and applies the relevant legal tests the risk of a challenge to any decision being successful, or being made, are lessened. There are no additional risk implications.

**Equal Opportunity Implications**

62. There are no direct equality implications arising from this report.

J Tradewell

Director for Corporate Services

**Report Author: Stephanie Clarkson**

Ext. No: 276292

**Background File: LH622G**

## INDEX TO APPENDICES

Appendix A	Application Form 1
Appendix B	Alleged route marked A to B
Appendix C	Stafford and Rugby Railway plans and extract from the Book of Reference
Appendix D	Ordnance Survey map dated 1817, 1894, 1902 and 1924
Appendix E	Ordnance Survey map of 1817 with route highlighted by applicant in red.
Appendix F	Traced Tithe Award map 1845
Appendix G	Copy of the Online map
Appendix H	Applicant's typed up notes from Staffordshire Record Office.
Appendix I	Beau Desert Estate map
Appendix J	Birketts representation on behalf of Landowner including Landowner provided OS maps and Bartholomew map
Appendix K	Ramblers Association Email
Appendix L	Byways and Bridleways Trust Email



FORM OF APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

Definitive Map and Statement - Staffordshire County Council

District of ..... STAFFORD .....

Parish of ..... COLWICH .....

To: Staffordshire County Council  
PO Box 11  
County Buildings  
Stafford  
ST16 2LH

I/We ..... M. REAY .....  
of ..... 53 TITHE BARN RD STAFFORD .....

hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by

\* deleting the (footpath)(bridleway)(byway open to all traffic) from ..... to .....

\* adding the (footpath)(bridleway)(byway open to all traffic) from BRIDLEWAY AT 008206 to BRIDLEWAY AT 003204 .....

\* upgrading)(downgrading) to a (footpath)(bridleway)(byway open to all traffic) the (footpath)(bridleway)(byway open to all traffic) from ..... to .....

\* (varying)(adding to) the particulars relating to the (footpath)(bridleway)(byway open to all traffic) from ..... to .....  
by providing that .....

and shown on the map accompanying this application.

I/We attach copies of the following documentary evidence (including statements of witnesses) in support of this application

\*delete as appropriate.

List of Documents

THIS FOOTPATH APPEARS ON DEPOSITED RAIL  
PLAN + BOOK OF REFERENCE Q/Rum 132 (1840)

THE SECTION AT ASIS END ~~■~~ APPEARS AS 'PUBLIC  
CARRIAGE RD.' 'FOOTWAY TO BROCTON' CONTINUES  
FROM PUBLIC CARRIAGE RD SOUTHWARDS.

THE CONTINUATION EVIDENCE APPEARS ON 2 IN O.S. STREET.  
WHICH INDICATES THE ROUTE CONTINUING TO BROCTON.

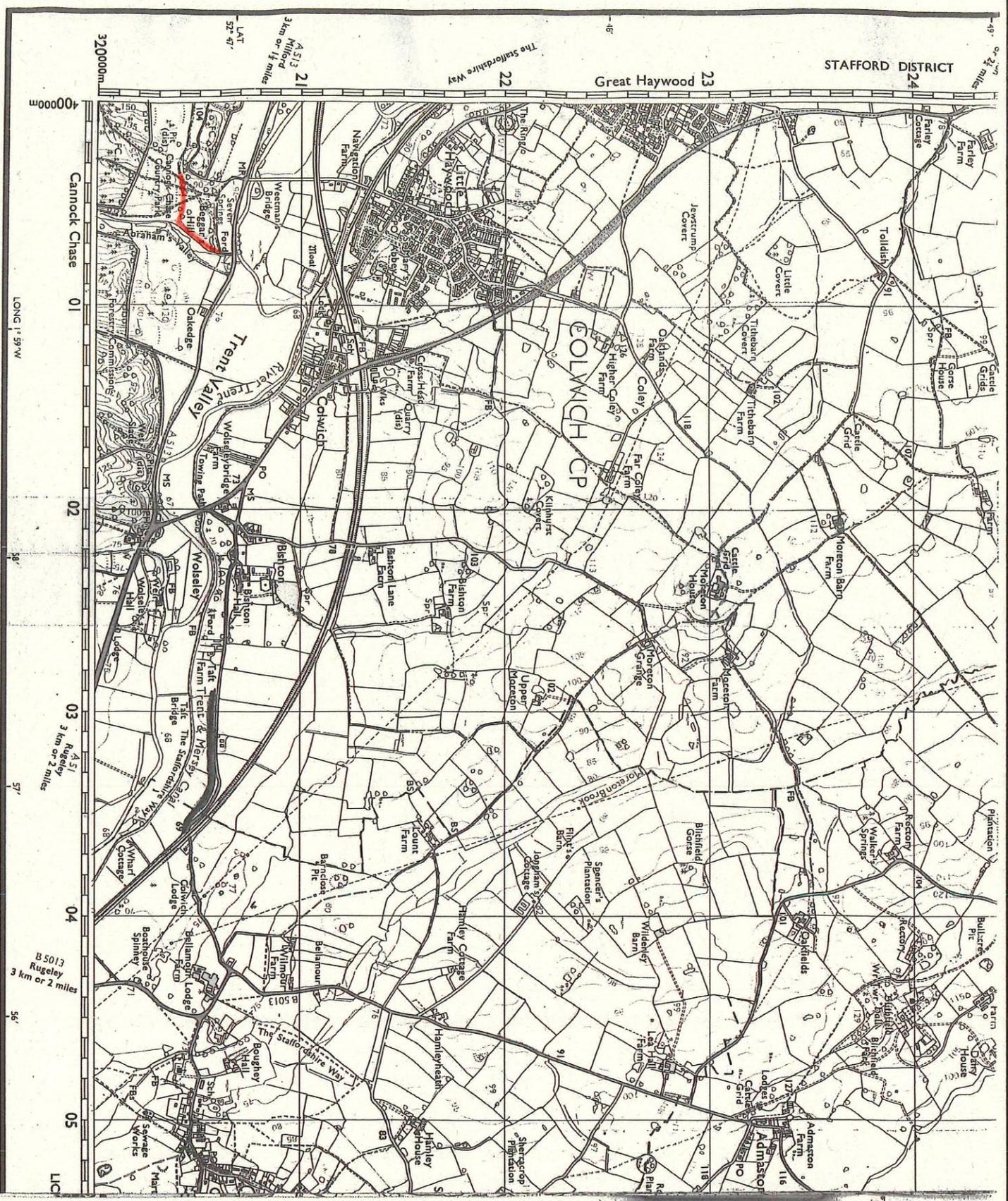
Date

14/9

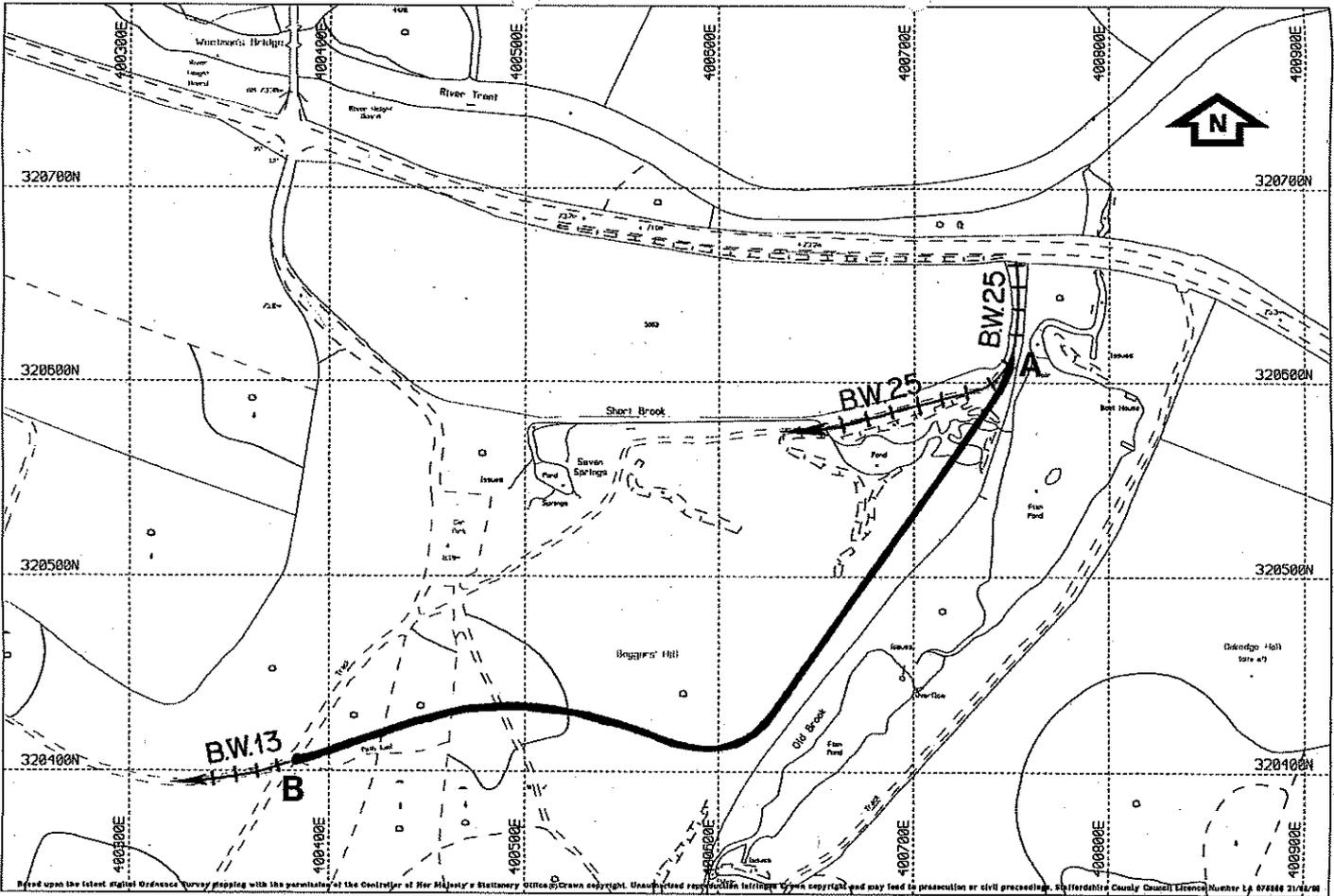
19 98

signed.....

M. Ray.....



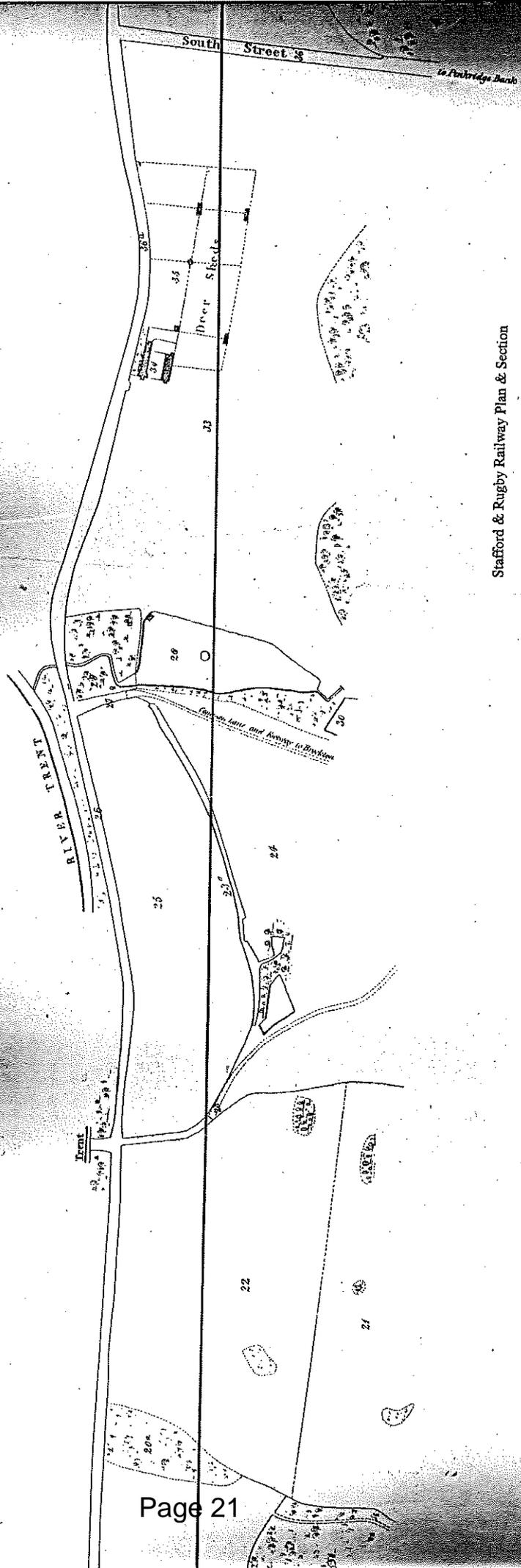
## Appendix B



Based upon the latest Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office. Crown copyright. Unauthorised reproduction is illegal. Crown copyright and may lead to prosecution or civil proceedings. Staffordshire County Council Licence Number LA 67486 21/02/01

APPENDIX B

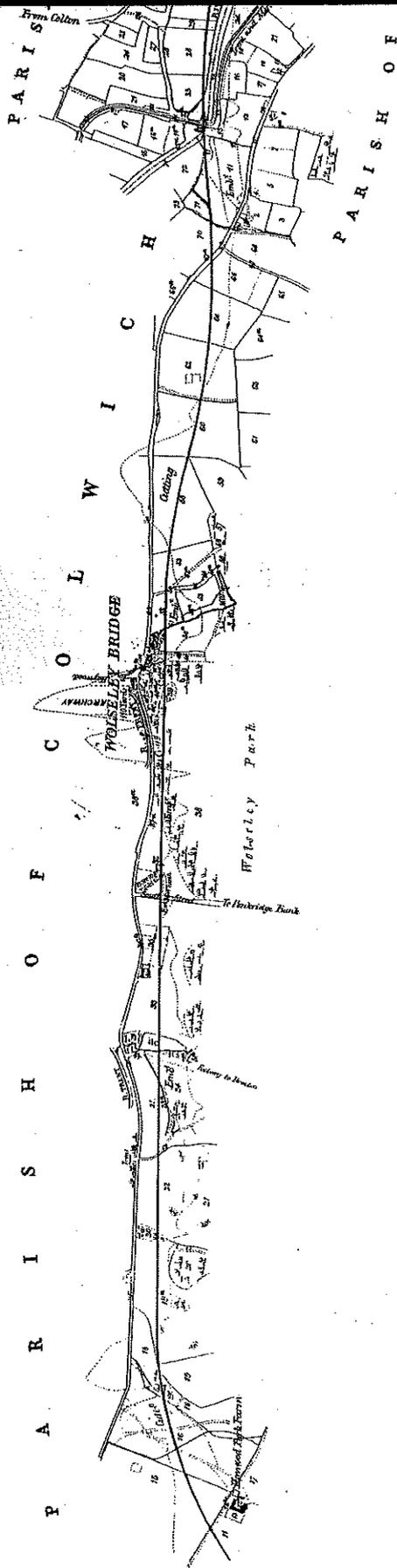
# Appendix C



Stafford & Rugby Railway Plan & Section

Stafford Record Office document ref. Q/Rum 132.

Y

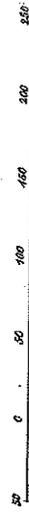


SCALES FOR PLAN AND SECTIONS.

Horizontal



Vertical



SCALE FOR ENLARGED PLANS



Stafford & Rugby Railway Plan & Section

Stafford Record Office document ref. Q/Rum 132

Stafford and Rugby Railway with a branch  
Book of Reference

Stafford Record Office document ref: Q/Rum 132

[ 47 ]

# PARISH OF COLWICH, COUNTY OF STAFFORD,

Parish of

No Property is intended to be taken where not shewn upon the Plan :  
 Or if shewn upon the Plan, not numbered thereon :  
 Or if numbered thereon, not contained and described in the Book of Reference.  
 Where Property is situate in more than One Parish, the Number and Description are limited in each Parish to the particular Portion of the Property comprised in such Parish :  
 And where Lands are shewn upon the Plan, either wholly or partially, and comprise Buildings either shewn or not shewn thereupon, the Number upon the Plan designates only such Part of the Property as is described in the Book of Reference, and as is within either the general Limits of Deviation by Measurement intended to be applied for, or the special Limit of Deviation denoted upon the Plan, as the Case may be.

No. on Plan	Description of Property.
-------------	--------------------------

No. on Plan	Description of Property.	Owner or Reputed Owner.	Lessee or Reputed Lessee.	Occupier.		
1	Common land, part of Conneck Chase	Earl of Lichfield, Marquis of Anglesey, Sir Thomas Aston Clifford Constable, Earl Ferrers, Sir Charles Walsley, William Moore, Earl Talbot, Mrs. Till, Mrs. Elizabeth Hall, Henry Churchill, Elizabeth Arkoll, Ann Collett, George Webb, James Dale, Thomas Denvoll, Joseph Dugma, Samuel Feilhouse, Jesse Turnock, John Preston, William Lamer, Ann Fox, Ann Shelley, Joseph Nixon, Alice Shaw, James Shaw, Charles Suffolk, Thomas Stevenson, George Stevenson, Staffordshire and Worcestershire Canal Company, Ann Ehemore, James Whittle, William Elmors, sen., William Elmors, jun., Mrs. Hill, Robert Stanley, John Yates, Charlotte Sparrow, Elizabeth Sparrow, James Ollham Ollham, Rev. William Hicken, Isaac Charles, Hannal Charles, James Trubshaw, William Duffee, Richard Yates, Thomas Cox, Lord Bagot, Robert Hanbury, Charles Bunford, Rev. George Hodson, Frances Knight, Thomas Whitgrave, Richard Grouse, James Porter, Hugo Chadwick, Edward Smith, Charles Thorne, Trent and Mersey Canal Company, William Dakewell, William Winfield, William Yates, Samuel Yates, Alexander Glass, Walter Yates, Ann Lovett, Representatives of Catherine Knight, Representatives of the late Charles Yates, John Boylan, Thomas Byrd, John Cotgrave, Charles Brockhouse, Representatives of the late Thomas Denvoll, Richard Dukes, James Emery, William Osborne, John Parkinson, Representatives of William Preston, Aecessal, Hannah Thorne, Susan Thorne, Samuel Thorne, Charles Tooth, Charles Thompson, George Keeling, Rev. Anthony Hamilton, Sampson Shelley, James Shelley, William Hanbury.		Earl of Lichfield, John Deakin, Henry Cox, Thomas Denvoll, Charles Heywood, Thomas Stamford, Miss Tylobee, Edward Tylobee, Robert Winfield, George Weltou, William Clark, William Hudson, Sarah Vicarstaff, Thomas Vicarstaff, Mary Holding, William Carter, Samuel Fulker, William Harriman, John Smith, Andrew Horton, George Nixon, Thomas Duntton, William Baker, Richard Mitchell, Mary Tomlinson, John Wright, William Leadbetter, James Herbert, Birch, Margaret Biddle, Benjamin Bishop, Elizabeth Beardmore, William Potts, William Owen, John Carter, Elizabeth Bickley, Thomas Keeling, John Hays, John Sargeant, Mary Halfpenny, John Vicarstaff, Henry Hudson, John Nixon, John Jamieson, John Beardmore, James Tamms, Ann Robins, Leonard Tamms, Thomas Falkner, Samuel Wood, James Oran, John Cockerill, William Duncombe, John Weston, John Markham, John Brown, John Robinson, Sampson Tomlinson, Alexander McCulloch Milligan, John Hübner, John Lubran, Joseph Tomlinson, John Beaves, George Walklate, Samuel Harriman, Thomas Ingram, Elizabeth Keeling, Thomas Wenlock, John Newton, Richard Emery, William Vicarstaff, Joseph Robins, Thomas Myatt, Marquis of Anglesey, John Cockayne, Walter Yates, John Curvey, Catherine Hollins, Richard Hurton, Ann Tooth, Abenham Holding, Thomas Holding, William Deane, John Felthouse, William Lakin, Thomas Betts, James Greatholder, John Walker, Henry Yates, Mary Granger, James Hawthorn, Sampson Emery, George Prosser, Sir T. A. C. Constable, John Braddock, Benjamin Bond, Ann Bond, Elizabeth Bond, John Bould, George Collier, Ann Collett, Thomas Cape, William Corvear, Stephen Dale, Richard Farmer, Samuel Falthouse, John Hassell Gardner, William Hill, Joseph Harris, Richard Mottershaw, James Mills, Joseph Nixon, Charles Suffolk, James Ward, Richard Webb, George Winsfield, John Walklate, John Wood, John Shelley, William Daniel, William Lakin, John Dale, junior, William Deby or Debery, Richard Ash, John Dale, Thomas Holding, William Walker, William Dunn, Samuel Fradley, William Webb, Mary Heaton, Thomas Middleton, Joseph Wooley, William Yates, Joseph Oran, Thomas Ansell, Thomas Bettsou, William Biddulph, James Dale, Henry Elmors, Elizabeth Elmors, George Falkin, James Fradley, Thomas Fowler, Thomas Horobin, William Hill, John Leadbetter, Joseph Leadbetter, Ann Moore, Thomas Middleton, Benjamin Potts, James Sutton, Jesse Turnock, James Williams, James Walthoe, Thomas Wright, Frederick Horobin, Joseph Richardson, Sir Charles Walsley, William Arnold, George Arnold, James Akin, Thomas Birch, Thomas Bradshaw, Peter Birch.		

No. on Plan	Description of Property.	Owner or Reputed Owner.	Lessee or Reputed Lessee.	Occupier.
				Elizabeth Boyden, John Leaver, Edward Acton, Thomas Robins, George Hill, William Bradshaw, George Blithers, James Wood, James Heath, John Falkner, Richard Hitchener, William Tooth, John Johnson, Jane Okey, John Hall, Brillannah Biddle, Thomas Mathers, Hannah Bentley, William Hollis, James Hayward, William Jackson, Hannah Thomas, James Nutt, Benjamin Brough, George Caldwell, Joseph Evans, Thomas Reeves, John Nixon, John Kent, John Lyon, George Potts, Sampson Shelley, James Shelley, Edward Askey, James Warsey, William Hanbury.
2	Public highway	Surveyor of Highways of Shugborough		Walter Yates
3	Part of field	Marquis of Anglesea		Marquis of Anglesea
3A	Brook	Marquis of Anglesea		Walter Yates
6	Plantation and water-courses	Marquis of Anglesea		Marquis of Anglesea
7	Plantation and private road	Marquis of Anglesea		Walter Yates
8	Field and private road	Marquis of Anglesea		Walter Yates
9	Field and plantation	Marquis of Anglesea		Marquis of Anglesea
10	Plantation and private roads	Marquis of Anglesea		Walter Yates
11	Field and private carriage road	Marquis of Anglesea		Walter Yates
12	Farm buildings and yards	Marquis of Anglesea		Walter Yates
13	House, garden, and yard	Marquis of Anglesea		Walter Yates
13A	Field and private road	Marquis of Anglesea		Walter Yates
14	Plantation	Marquis of Anglesea		Marquis of Anglesea
15	Field	Marquis of Anglesea		Walter Yates
16	Field, plantations, and private roads	Marquis of Anglesea		Walter Yates
17	Field	Marquis of Anglesea		Walter Yates
18	Plantation and private road	Marquis of Anglesea		Marquis of Anglesea, and as to road Walter Yates
19	Field and plantations	Marquis of Anglesea		Walter Yates
19A	Field and plantations	Marquis of Anglesea		Walter Yates
20	Plantation	Marquis of Anglesea		Marquis of Anglesea
20A	Plantation or under-wood	Marquis of Anglesea		Marquis of Anglesea and Walter Yates
21	Field and plantations	Marquis of Anglesea		Walter Yates
22	Field and plantations	Marquis of Anglesea		Walter Yates
23	Public road	The surveyor of highways for Shugborough		Walter Yates
23A	Brook or stream	Marquis of Anglesea		Marquis of Anglesea
24	Common land, part of Cauceck chase	The owners of No. 1		The Occupiers of No. 1
25	Field	Marquis of Anglesea		Walter Yates
26	Public highway	Surveyor of Highways for Shugborough		
27	Public road	Surveyor of Highways for Shugborough		
28	Pool of water, and building	Earl of Lichfield		Earl of Lichfield
29	Plantation and brook	Earl of Lichfield		Earl of Lichfield
30	Pool of water and plantation	Earl of Lichfield		Earl of Lichfield
33	Park and plantations	Earl of Lichfield		Earl of Lichfield
34	House, stables, and other out-buildings	Earl of Lichfield		Earl of Lichfield and John Labran
35	Paddocks and buildings	Earl of Lichfield		Earl of Lichfield
36	Public road	Surveyors of highways of Walsley		
36A	Public highway	Surveyors of highways of Walsley		
37	Field	Sir Charles Walsley		The Rev. Thomas Lane Green
37A	Land	Sir Charles Walsley		Sir Charles Walsley
38	Park and plantation	Sir Charles Walsley		William Arnold
38A	Field	Sir Charles Walsley		Sir Charles Walsley
39	Plantation	Sir Charles Walsley		Edward Dunn, Sir Charles Walsley, or the dowager Lady Fitzgerald
39A	Plantation, and river	Sir Charles Walsley		Joseph Mullor & Sir Charles Walsley
40	Cottage and yard	Sir Charles Walsley		Sir Charles Walsley
40A	Park	Sir Charles Walsley		John Ditchell, Joseph Barker
41	Cottages, outbuildings, and gardens	Sir Charles Walsley		Sir Charles Walsley, or Thomas Potts, William Lawrence, Joseph Mullor, John Ditchell, Joseph Barker
42	Gardens and buildings	Sir Charles Walsley		Anthony Lockley, Hubert Sharp, and Sir Charles Walsley
44	Cottage, stables, outbuilding, and garden	Sir Charles Walsley		Anthony Lockley
44A	Garden	Sir Charles Walsley		William Budd, William Brooks
45	Cottages, outbuildings, and gardens	Sir Charles Walsley		Edward Dunn
46	House, stables, outbuildings and yard	Sir Charles Walsley		Edward Dunn
47	Plantation, yard, and buildings	Sir Charles Walsley		Edward Dunn and Sir Charles Walsley
47A	Plantation and building	Sir Charles Walsley		Edward Dunn
48	Garden	Sir Charles Walsley		Sir Charles Walsley, Edward Dunn, Charles Barker, William Walker, Richard Harvey, John Allen, and James Allen
49	Occupation road	Sir Charles Walsley		Edward Dunn
50	Field	Sir Charles Walsley		John Yates, and the dowager Lady Fitzgerald, (as to waterhouse)
50A	Field	Sir Charles Walsley		John Yates and as to road Sir Charles Walsley and Robert Harvey
51	Brook	Sir Charles Walsley		Edward Dunn
52	Field and waterhouse	Sir Charles Walsley		John Yates
52A	Occupation road, and public foot-road	Sir Charles Walsley		John Yates, and John Willott, James Affen, Sir Charles Walsley and John Biddulph as to occupation road
53	Field, brook, and rickard	Sir Charles Walsley		John Biddulph
53A	Brook-courses, or mill-sitings	Sir Charles Walsley		
54	Occupation road, and public bridle road	Sir Charles Walsley, and the Surveyor of Highways of Walsley		
55	Cottage, garden, and outbuildings	Sir Charles Walsley		

No. on Plan	Description of Property
55A	Buildings, yards, and land
56	Plantation
56A	Plantation
57	Plantation
58	Field
59	Field and farm buildings
60	Field
61	Field
62	Field and private road
63	Field
64	Field
64A	Field
65	Field
66	Field
66A	Field
67	Occupation road
67A	Pool and land
68	Field and road
69	Turnpike road
70	Field and brook
71	Field and brook
72	Field
73	Field
74	River

## Appendix D

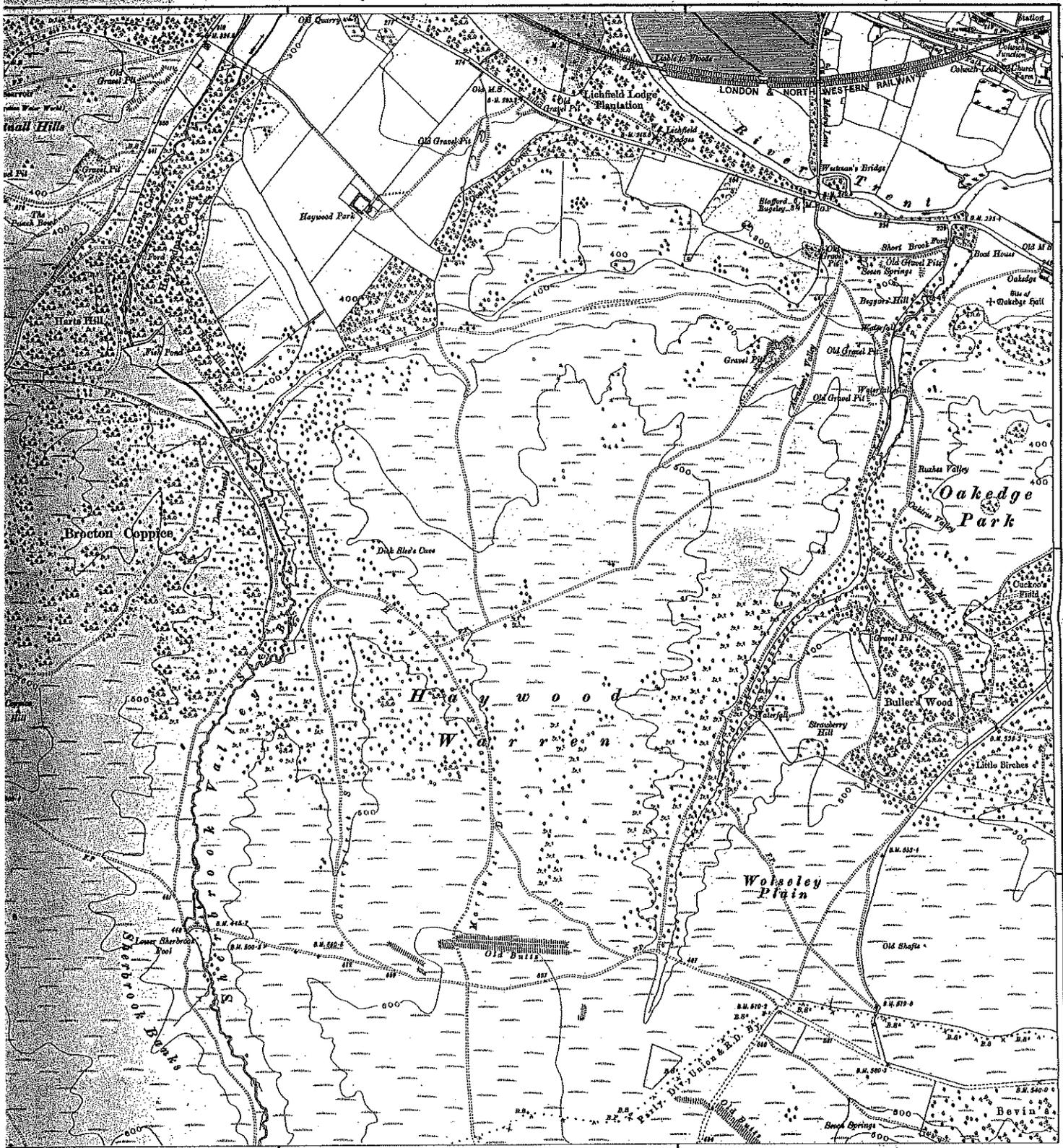
ROUTE OF APPLICATION (Footway to Buxton)

2105



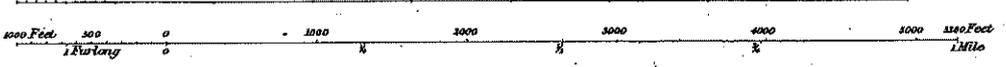
STAFFORD UNION

STAFFORD R.D.



XLV. S.W. O A N N O G K LICHFIELD DIVISION LICHFIELD UNION LICHFIELD R.D. BREERETON PH. LAT. 52° 4'

Scale - Six Inches to One Statute Mile or 980 Feet to One Inch - 1000



Price 2 net.

Published by the Director General at the Ordnance Survey Office, Southampton. N.B. - The representation on this map of a Road, Track or Footpath, is no evidence of the existence of a right of way. Heights are given in Feet above the mean level of the sea at Newlyn, and are based on the revised primary levelling of 1912-21. (1) refers to bench marks on buildings, walls, &c., those marked thus (1) preceded or followed by the height, to surface levels. Level at Liverpool, and are not based on the revised primary levelling of 1912-21. There may thus be discrepancies of some inches between the contours and the bench marks and spot levels.

If this margin is removed for mounting paste this diagram on back

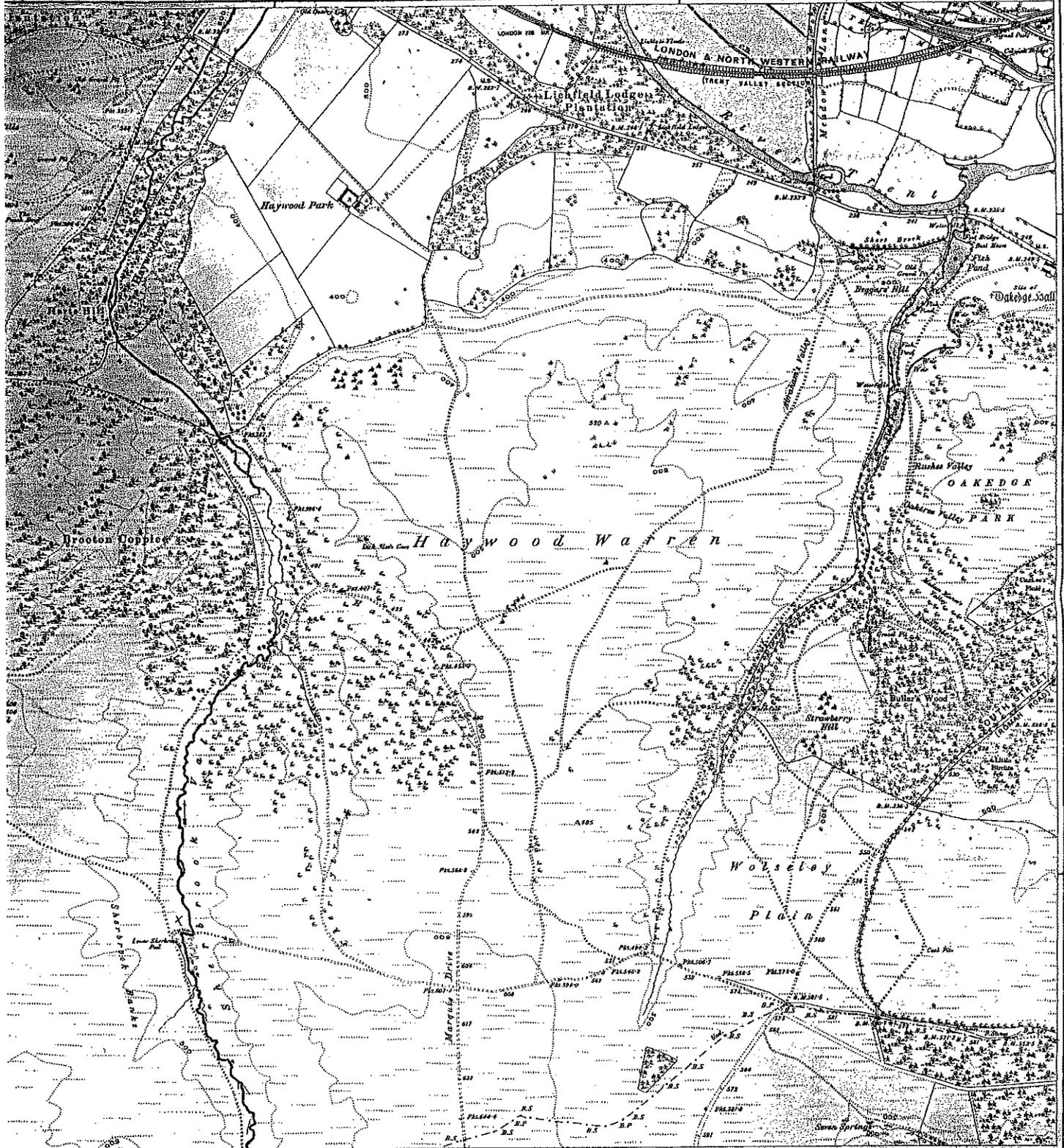
45. N.W

Staffordshire Sheet XLV. N.W.

Western Division  
XXXVIII.S.W  
to Rugby

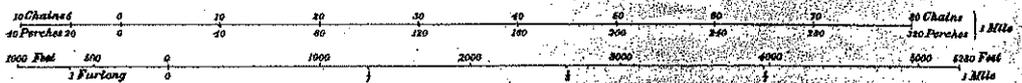
SHUGBOROUGH PARK Trent Valley SHUGBOROUGH PARK  
100.2 10" W.

45 N.W



XLV.S.W. CANNOCK CHASE 100.2 10" W. RUCLEY Lichfield Division

Scales—Six Inches to One Statute Mile or 80 Feet to One Inch = 10000



Price 1s.

Photographed from 1866 Plans and Published at the Ordnance Survey Office, Southampton.

N.B.—The representation on this map of a Road, Track, or Footpath, is no evidence of the existence of a right of way.

above the assumed Mean Level of the Sea at Liverpool, which is 0.000 of a Foot below the general Mean Level of the Sea.

See also the Bench Marks on Buildings, Walls, &c., those marked thus (•) preceded or followed by the height, to surface level.

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Sheet XLV.

N.E.
S.W.
S.E.

SECOND EDITION, 1902.

45 N.W.

STAFFORDSHIRE. SHEET XLV. N.W.

STAFFORD UNION

STAFFORD R.D.

SHUGBOROUGH PARK

Lon 2° 0' W.

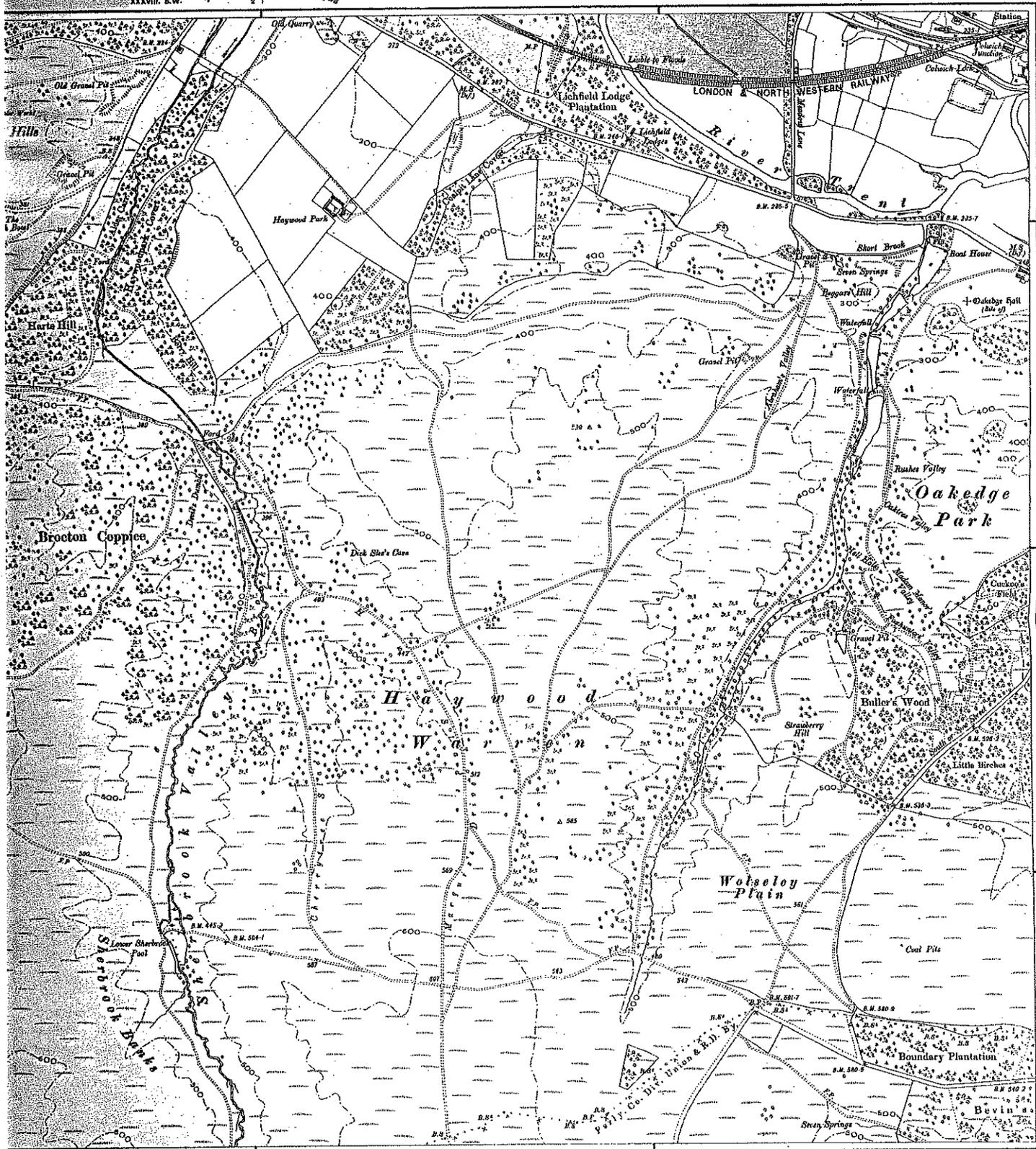
NORTH STAFFORDSHIRE RAILWAY

From Stone Little Haywood

XXXVIII. E.W.

2 1/2'

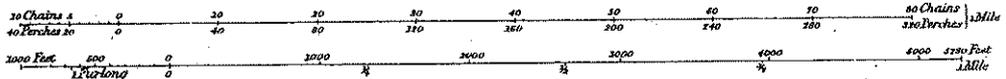
From Stafford



CHESHIRE  
TREET VALLEY  
LAT. 52° 47'  
75 Feet  
COLWICH PH.  
30"  
XLV. N.E.  
300 Feet  
LAT. 52° 45'  
300 Feet  
WILKIN

MLV. S.W. 2 1/2' O A N N O C K LICHFIELD DIVISION LICHFIELD UNION LICHFIELD R.D. BRERETON PH. Lon 2° 0' W.

Scales Six Inches to One Statute Mile or 880 Feet to One Inch

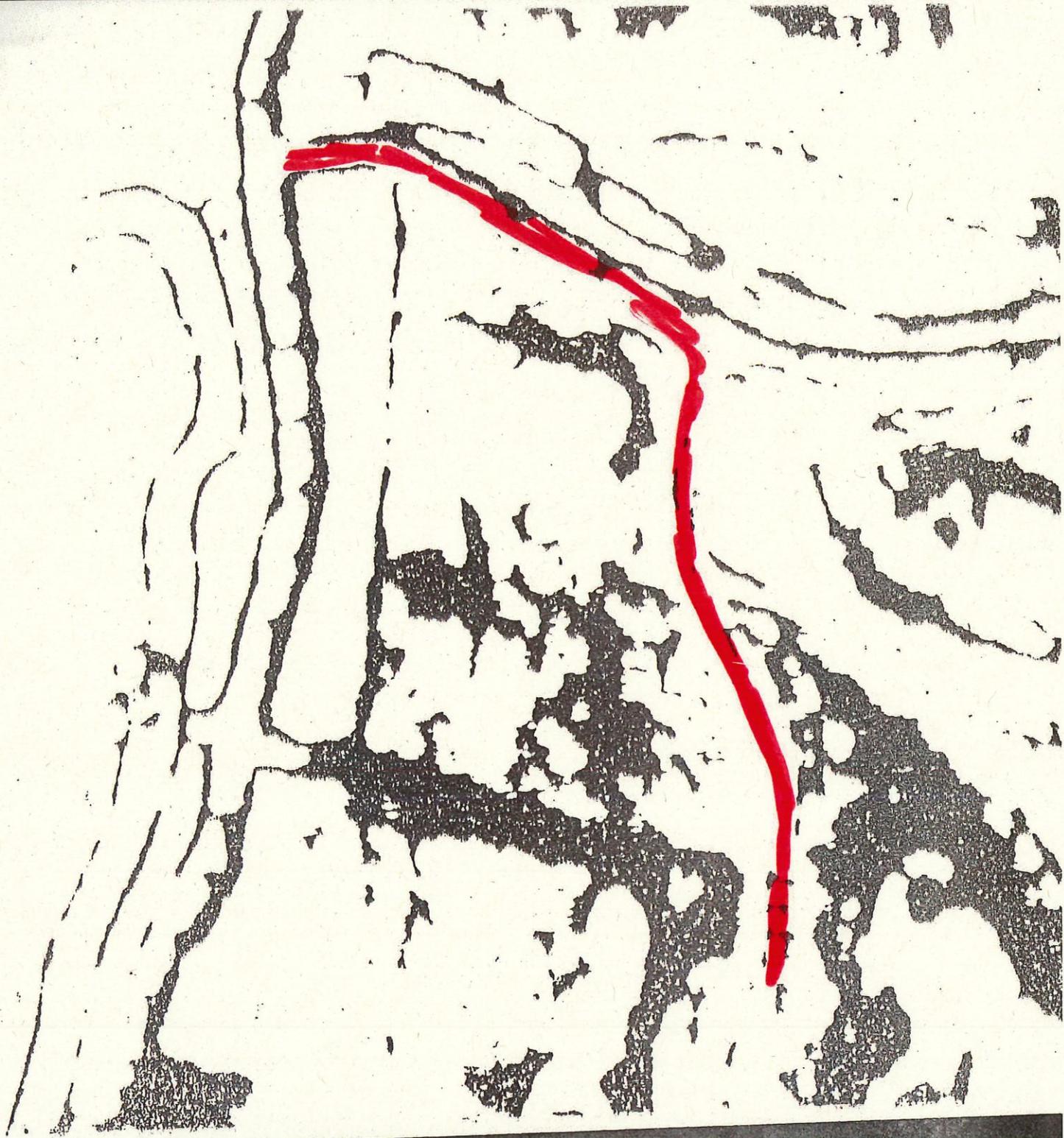


Price 1/6 net.

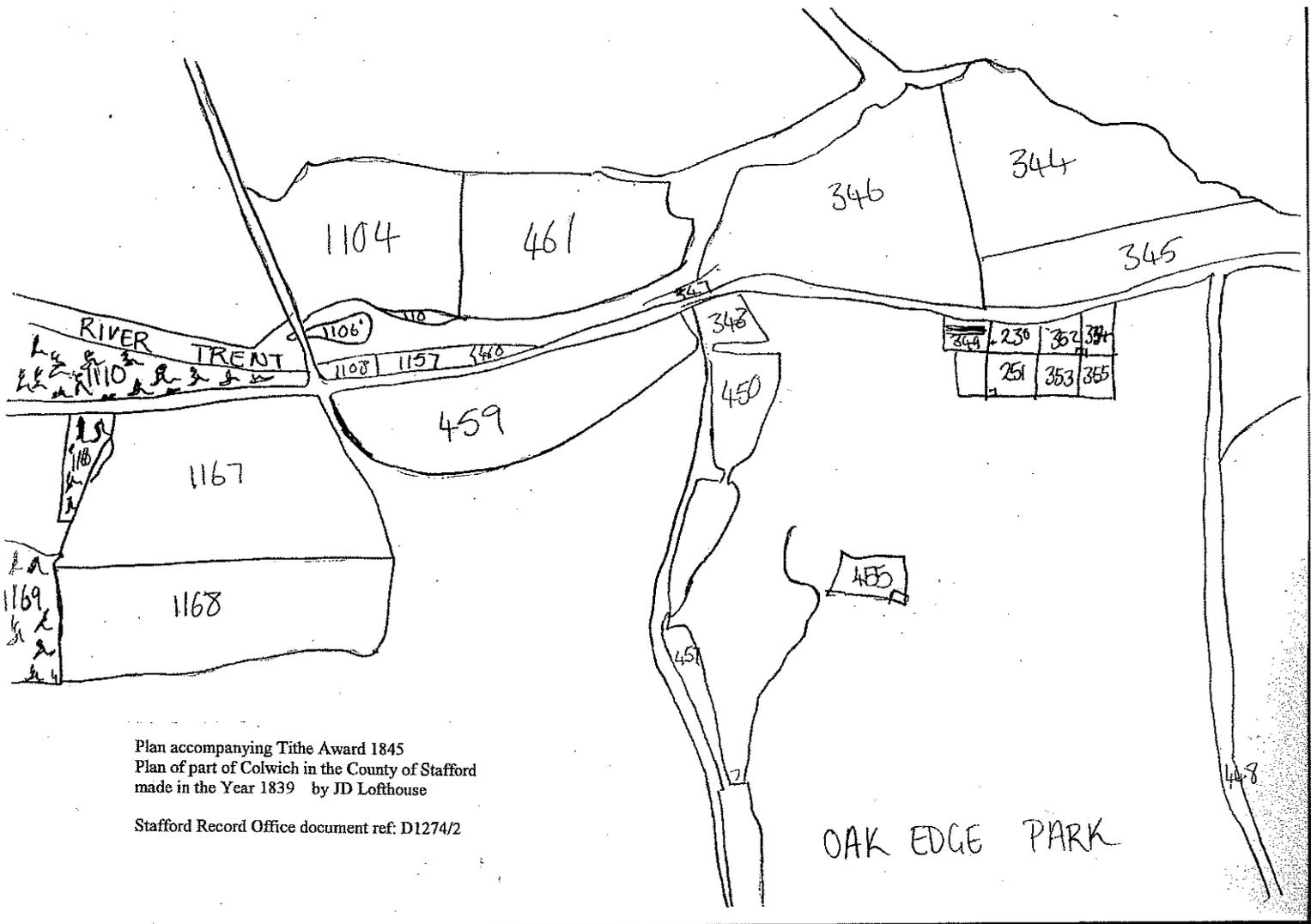
Published by the Director General at the Ordnance Survey Office, Southampton.  
 ven to Feet above Ordnance Survey Datum. (approximate Mean Sea Level at Liverpool.)  
 no bench marks on buildings, walls, &c, those marked thus ( ) preceded or followed by the height to surface levels.  
 Crown Copyright Reserved.

SHEET XLV  
N.C.  
S.W. S.E.

# Appendix E



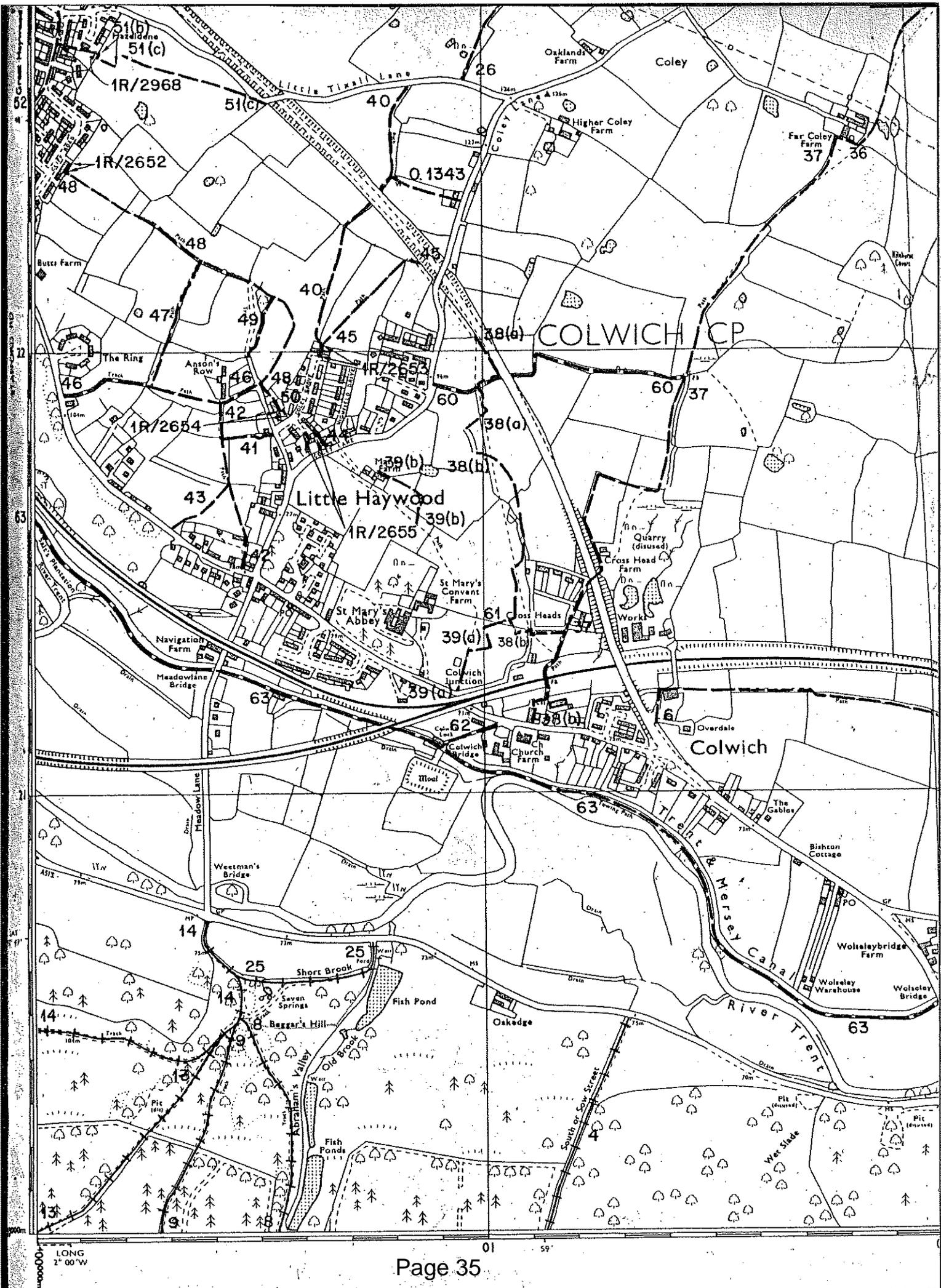
# Appendix F



Plan accompanying Tithe Award 1845  
 Plan of part of Colwich in the County of Stafford  
 made in the Year 1839 by JD Loffhouse

Stafford Record Office document ref: D1274/2

# Appendix G



# Appendix H

Plan accompanying Tithe Award 1845  
Plan of part of Colwich in the County of Stafford  
made in the Year 1839 by JD Lofthouse

Stafford Record Office document ref: D1274/2

Tithe Plan accompanying Tithe Award 1845  
Plan of part of Colwich in the County of Stafford  
made in the Year 1839 by JD Lofthouse

Stafford and Rugby Railway with a branch  
Book of Reference

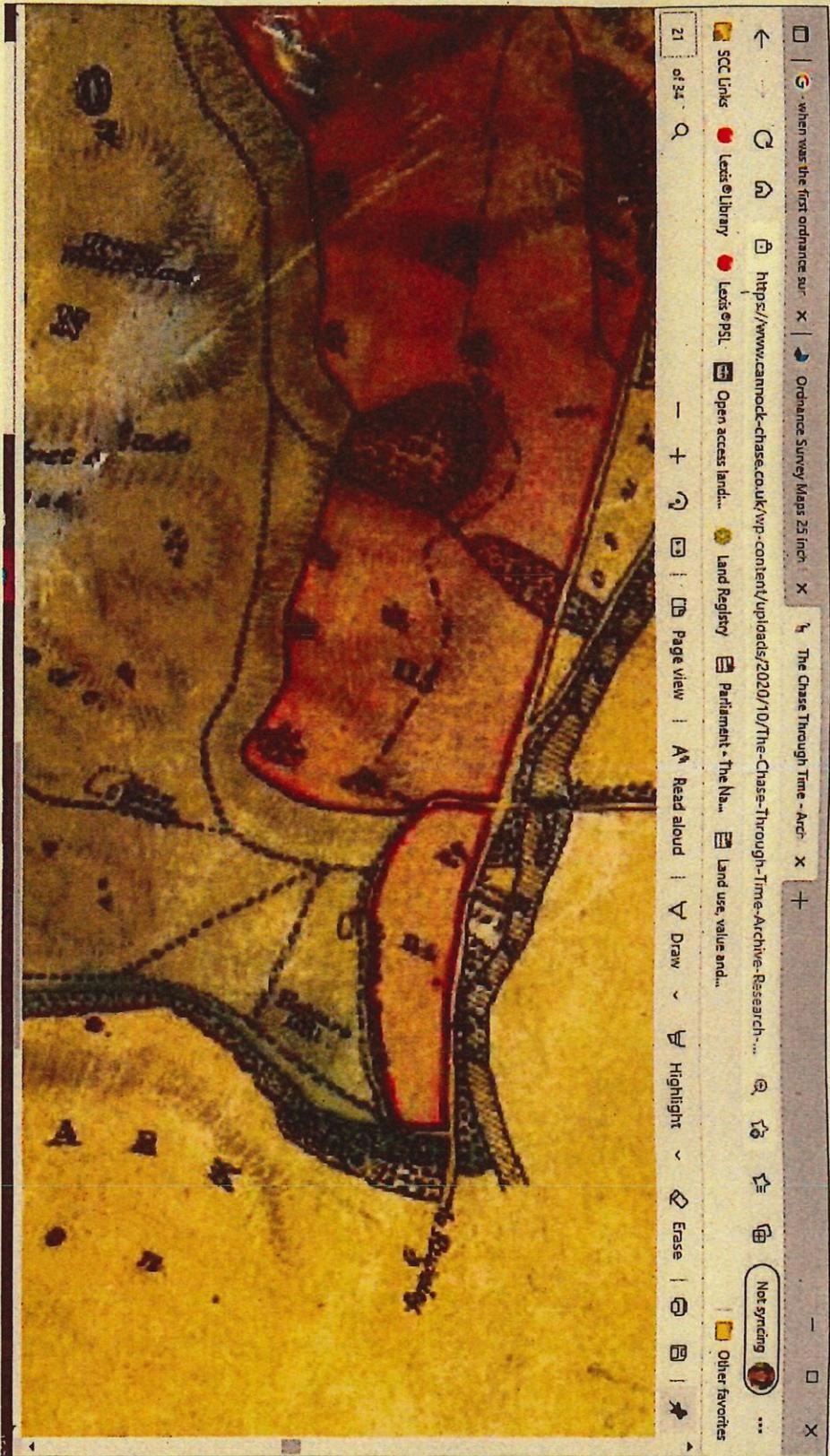
Stafford Record Office document ref: Q/Rum 132

Stafford & Rugby Railway Plan & Section

Stafford Record Office document ref: Q/Rum 132

2" Ordnance Map 1817

# Appendix I



# Appendix J

PARISH OF COLWICH,  
COUNTY OF STAFFORD,

Parish of

No Property is intended to be taken where not shown upon the Plan :  
Or if shewn upon the Plan, not numbered thereon :  
Or if numbered thereon, not contained and described in the Book of Reference.  
Where Property is situate in more than One Parish, the Number and Description are limited in each Parish to the particular Portion of the Property comprised in such Parish :  
And where Lands are shewn upon the Plan, either wholly or partially, and comprise Buildings either shown or not shown thereupon, the Number upon the Plan designates only such Part of the Property as is described in the Book of Reference, and as is within either the general Limits of Deviation by Measurement intended to be applied for, or the special Limit of Deviation denoted upon the Plan, as the Case may be.

No. on Plan	Description of Property.	Owner or Reputed Owner.	Lessee or Reputed Lessee.	Occupier.
1	Common land, part of Cannock Chase	Earl of Lichfield, Marquis of Anglesey, Sir Thomas Aston Clifford Constable, Earl Farnham, Sir Charles Wolsey, William Moore, Earl Talbot, Mrs. Pili, Mrs. Elizabeth Hall, Henry Chicheil, Elizabeth Arkoll, Ann Collett, George Webb, James Dale, Thomas Deavoll, Joseph Hugman, Samuel Felthous, Jesse Furness, John Preston, William Luner, Ann Fox, Ann Stalley, Joseph Nixon, Alce Shaw, James Shaw, Charles Suffolk, Thomas Stevenson, George Slowl Company, Staffordshire and Worcestershire Canal Company, Ann Elsmore, James Whittle, William Elmore, sen., William Elmore, jun., Mrs. Hill, Robert Stanley, John Yates, Charlotte Sparrow, Elizabeth Sparrow, James Oldham Oldham, Rev. William Hicken, Isaac Charles, Hannah Charles, James Trubshaw, William Dunfee, Richard Yates, Thomas Cox, Lord Bagot, Robert Hanbury, Charles Bamford, Rev. George Hodson, Frances Knight, Thomas Whitgreave, Richard Greene, James Porter, Hugo Chadwick, Edward Smith, Charles Thorne, Trent and Mersey Canal Company, William Bakewell, William Winfield, William Yates, Samuel Yates, Alexander Glass, Walter Yates, Ann Lovell, Representatives of Catherine Knight, Representatives of the late Charles Yates, John Boydon, Thomas Byrd, John Cotgrave, Charles Brockhouse, Representatives of the late Thomas Deavoll, Richard Dukes, James Emery, William Osborne, John Parkinson, Representatives of William Preston, deceased, Hannah Thorne, Samuel Thorne, Samuel Thorne, Charles Tooth, Charles Tompson, George Keeling, Rev. Anthony Hamilton, Sampson Shelley, James Shelley, William Humby.		Earl of Lichfield, John Deakin, Henry Cox, Thomas Deavoll, Charles Heywood, Thomas Stanford, Miss Tylecote, Edward Tylecote, Robert Winfield, George Welch, William Clark, William Hodson, Sarah Vicarstaff, Thomas Vicarstaff, Mary Holdings, William Carter, Samuel Falkner, William Harriman, John Smith, Andrew Horton, George Nixon, Thomas Boulton, William Baker, Richard Marshall, Mary Farnham, John Wright, William Leadbetter, James Herbert, Birch, Margaret Biddle, Benjamin Bishop, Elizabeth Beardon, William Potts, William Owen, John Carter, Elizabeth Bickley, Thomas Keeling, John Itany, John Sergeant, Mary Halpin, John Vicarstaff, Henry Hawson, John Nixon, John Jamieson, John Handmore, James Thorne, Ann Holins, Isaac Tomms, Thomas Falkner, Samuel Wood, James Crane, John Cockerill, William Duncombe, John Wotton, John Markham, John Brown, John Robinson, Sampson Tomlinson, Alexander McCulloch Milligan, John Hildert, John Labman, Joseph Tomlinson, John Heavey, George Walklate, Samuel Harriman, Thomas Langman, Elizabeth Keeling, Thomas Wainlock, John Newton, Richard Emery, William Vicarstaff, Joseph Robins, Thomas Myatt, Marquis of Anglesey, John Cokayne, Walter Yates, John Conway, Catherine Hollier, Richard Heaton, Ann Tooth, Abraham Holding, Thomas Holding, William Deans, John Felthouse, William Lukin, Thomas Dotts, James Grestholder, John Walker, Henry Yates, Mary Granger, James Hawthorn, Sampson Emery, George Fresser, Sir T. A. C. Constable, John Bradlock, Benjamin Bond, Ann Bond, Elizabeth Bond, John Bould, George Collier, Ann Collett, Thomas Cape, William Corvear, Stephen Dale, Richard Furner, Samuel Felthous, John Hassell Gardner, William Hill, Joseph Harris, Richard Mettershaw, James Mills, Joseph Nixon, Charles Suffolk, James Ward, Richard Webb, George Winfield, John Walklate, John Wood, John Shelley, William Daniel, William Lukin, John Dale, Junior, William Debuy or Debery, Richard Ash, John Dale, Thomas Holding, William Walker, William Dunn, Samuel Fradley, William Webb, Mary Heaton, Thomas Middleton, Joseph Woolley, William Yates, Joseph Oxen, Thomas Arnell, Thomas Batsou, William Bidolph, James Dale, Henry Elmore, Elizabeth Elmore, George Folkin, James Fosdy, Thomas Fowler, Thomas Horokin, William Hill, John Leadbetter, Joseph Leadbetter, Ann Moore, Thomas Middleton, Benjamin Potts, James Sutton, Jesse Turack, James Williams, James Walhoe, Thomas Wright, Frederick Herbin, Joseph Richardson, Sir Charles Wolsey, William Arnold, George Arnold, James Allin, Thomas Birch, Thomas Bradshaw, Peter Birch,

No. on Plan	Description of Property.
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49

Parish of Colwich, County of Stafford—(continued).

No. on Plan	Description of Property.	Owner or Reputed Owner.	Lesser or Reputed Lessee.	Occupier.
2	Public highway	Surveyor of Highways of Shugborough		Elizabeth Boyden, John Leaver, Edward Acton, Thomas Hobins, George Hill, William Drulshaw, George Mathers, James Wood, James Henth, John Falkner, Richard Hitchener, William Tooth, John Johnson, Jane Orrey, John Hall, Brillmann Biddle, Thomas Mathers, Hannah Bentley, William Hollis, James Hayward, William Jackson, Hannah Thorne, James Nutt, Benjamin Brough, George Caldwell, Joseph Evans, Thomas Reeves, John Nixon, John Kent, John Lyon, George Potts, Sampson Sholley, James Sholley, Edward Askey, James Worsey, William Hanbury.
3	Part of field	Marquis of Anglesea		Walter Yates
3a	Brook	Marquis of Anglesea		
6	Plantation and water-courses	Marquis of Anglesea		Marquis of Anglesea
7	Plantation and private road	Marquis of Anglesea		Marquis of Anglesea
8	Field and private road	Marquis of Anglesea		Walter Yates
9	Field and plantation	Marquis of Anglesea		Walter Yates
10	Plantation and private roads	Marquis of Anglesea		Marquis of Anglesea
11	Field and private carriage road	Marquis of Anglesea		Walter Yates
12	Farm buildings and yards	Marquis of Anglesea		Walter Yates
13	House, garden, and yard	Marquis of Anglesea		Walter Yates
13a	Field and private road	Marquis of Anglesea		Walter Yates
14	Plantation	Marquis of Anglesea		Marquis of Anglesea
15	Field	Marquis of Anglesea		Walter Yates
16	Field, plantations, and private roads	Marquis of Anglesea		Walter Yates
17	Field	Marquis of Anglesea		Walter Yates
18	Plantation and private road	Marquis of Anglesea		Marquis of Anglesea, and as to road Walter Yates
19	Field and plantations	Marquis of Anglesea		Walter Yates
19a	Field and plantations	Marquis of Anglesea		Walter Yates
20	Plantation	Marquis of Anglesea		Marquis of Anglesea
20a	Plantation or underwood	Marquis of Anglesea		Marquis of Anglesea and Walter Yates
21	Field and plantations	Marquis of Anglesea		Walter Yates
22	Field and plantations	Marquis of Anglesea		Walter Yates
23	Public road	The surveyor of highways for Shugborough		
23a	Brook or stream	Marquis of Anglesea		
24	Common land, part of Cotnuck chase	The owners of No. 1		Marquis of Anglesea The Occupiers of No. 1
25	Field	Marquis of Anglesea		Walter Yates
26	Public highway	Surveyor of Highways for Shugborough		
27	Public road	Surveyor of Highways for Shugborough		
28	Pond of water, and building	Earl of Lichfield		Earl of Lichfield
29	Plantation and brook	Earl of Lichfield		Earl of Lichfield
30	Pond of water and plantation	Earl of Lichfield		Earl of Lichfield
31	Park and plantations	Earl of Lichfield		Earl of Lichfield
34	House, stables, and other out-buildings	Earl of Lichfield		Earl of Lichfield and John Lubran
35	Paddocks and buildings;	Earl of Lichfield		Earl of Lichfield
36	Public road	Surveyors of highways of Walsley		
36a	Public highway	Surveyors of highways of Walsley		The Rev. Thomas Lane Green
37	Field	Sir Charles Walsley		
37a	Land	Sir Charles Walsley		Sir Charles Walsley
38	Park and plantation	Sir Charles Walsley		William Arnold
38a	Field	Sir Charles Walsley		Sir Charles Walsley
39	Plantation	Sir Charles Walsley		Edward Duns, Sir Charles Walsley, or the dowager Lady Fitzgerald
39a	Plantations, and river	Sir Charles Walsley		Joseph Alder & Sir Charles Walsley
40	Cottage and yard	Sir Charles Walsley		Sir Charles Walsley
40a	Park	Sir Charles Walsley		John Satchell, Joseph Barker
41	Cottages, outbuildings, and gardens	Sir Charles Walsley		Sir Charles Walsley, or Thomas Potts, William Lawrence, Joseph Mullor, John Satchell, Joseph Barker
42	Gardens and buildings	Sir Charles Walsley		Anthony Lockley, Robert Sharp, and Sir Charles Walsley
44	Cottage, stables, outbuilding, and garden	Sir Charles Walsley		Anthony Lockley
44a	Garden	Sir Charles Walsley		William Bould, William Brooks
45	Cottages, outbuildings, and gardens	Sir Charles Walsley		
46	Flower, stables, outbuildings and yard	Sir Charles Walsley		Edward Dunn
47	Plantation, yard, and buildings	Sir Charles Walsley		Edward Dunn
47a	Plantation and building	Sir Charles Walsley		Edward Dunn and Sir Charles Walsley
48	Garden	Sir Charles Walsley		Edward Dunn
49	Occupation road	Sir Charles Walsley		Sir Charles Walsley, Edward Dunn, Charles Barker, William Walker, Richard Harvey, John Allen, and James Allen
50	Field	Sir Charles Walsley		Edward Dunn
50a	Field	Sir Charles Walsley		Edward Dunn
51	Brook	Sir Charles Walsley		
53	Field and waterhouse	Sir Charles Walsley		John Yates, and the dowager Lady Fitzgerald, (as to waterhouse)
52a	Occupation road, and public foot-road	Sir Charles Walsley		John Yates and as to road Sir Charles Walsley and Robert Harvey
53	Field, brook, and rick-sted	Sir Charles Walsley		Edward Dunn
53a	Brook-courses, or mill-streams	Sir Charles Walsley		John Yates
54	Occupation road, and public bridle road	Sir Charles Walsley, and the Surveyor of Highways of Walsley		John Yates, and John Willott, James Allen, Sir Charles Walsley and John Hildulph as to occupation road
55	Cottage, garden, and outbuildings	Sir Charles Walsley		John Hildulph

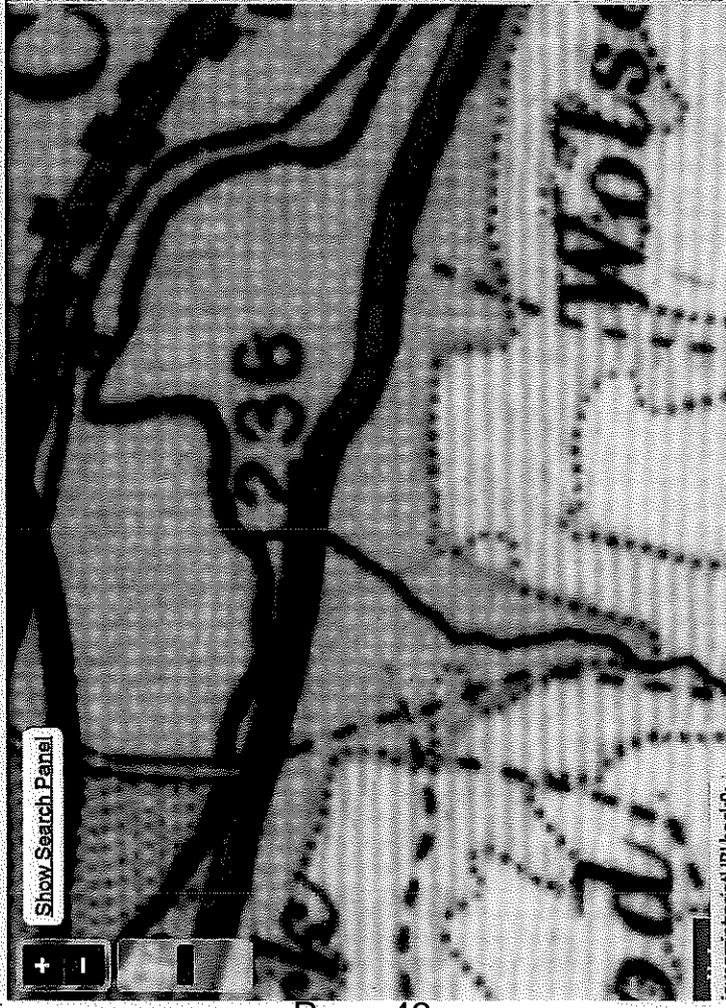
No. on Plan	Description of Property
55a	Buildings, yards, and land
56	Plantation
56a	Plantation
57	Plantation
58	Field
59	Field and Farm buildings
60	Field
61	Field
62	Field and private road
63	Field
64	Field
64a	Field
65	Field
65a	Field
66	Field
67	Occupation road
Q2a	Pond and land
68	Field and road
69	Turpentine road
70	Field and brook
71	Field and brook
72	Field
73	Field
74	River

1. Select a category:  Only show maps with more detail than the current zoom level - (15) [Zoom to extent](#)

2. Select a map series:

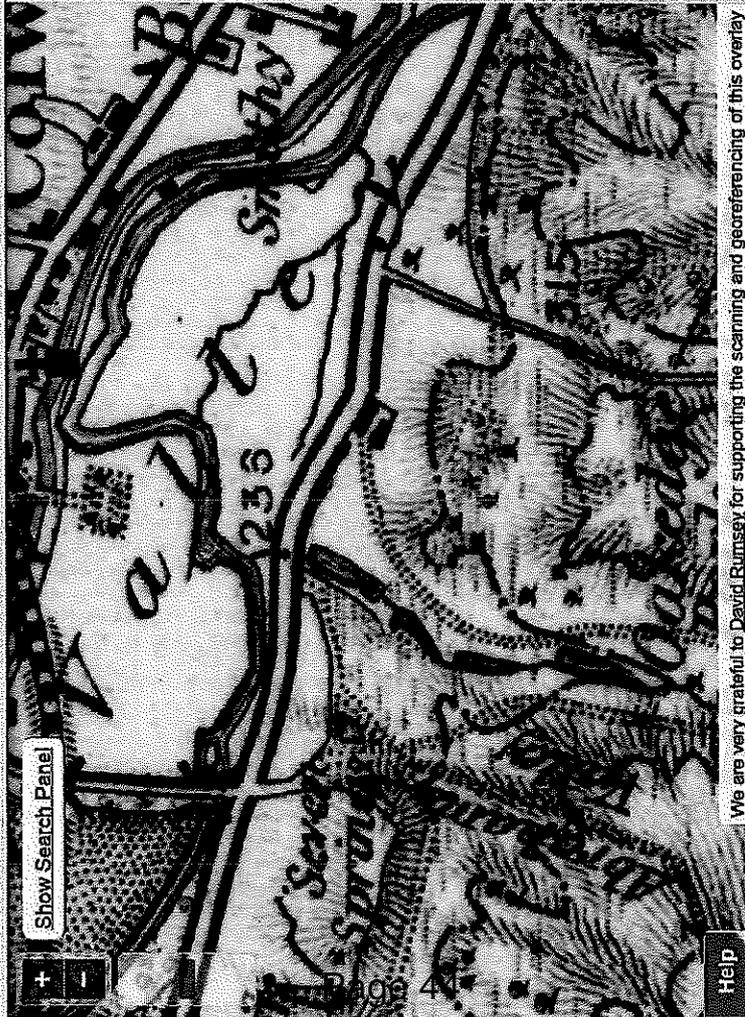
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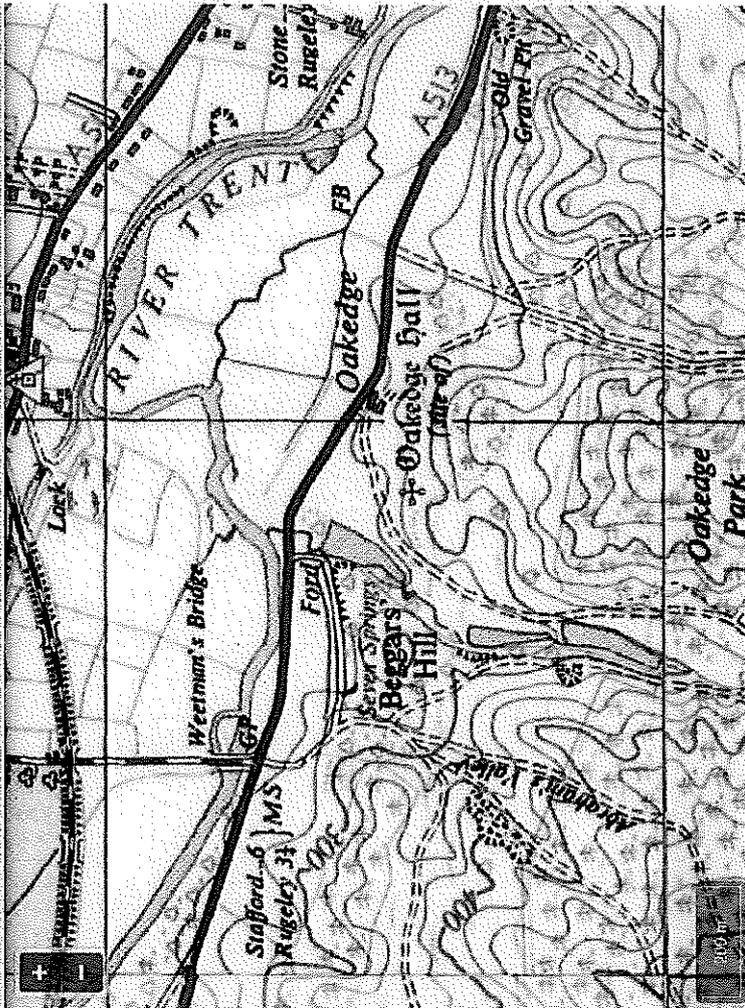
1. Select a category: **Great Britain**  Only show maps with more detail than the current zoom level - (15) **Zoom to extent**

2. Select a map series: **OS One-inch, 1885-1903 - Hills**  Only show maps with more detail than the current zoom level - (15) **Zoom to extent**



1. Select a category: **England and Wales**  Only show maps with more detail than the current zoom level - (15) **Zoom to extent**

2. Select a map series: **OS 1:25,000, 1937-61**  Only show maps with more detail than the current zoom level - (15) **Zoom to extent**



We are very grateful to David Rumsey for supporting the scanning and georeferencing of this overlay

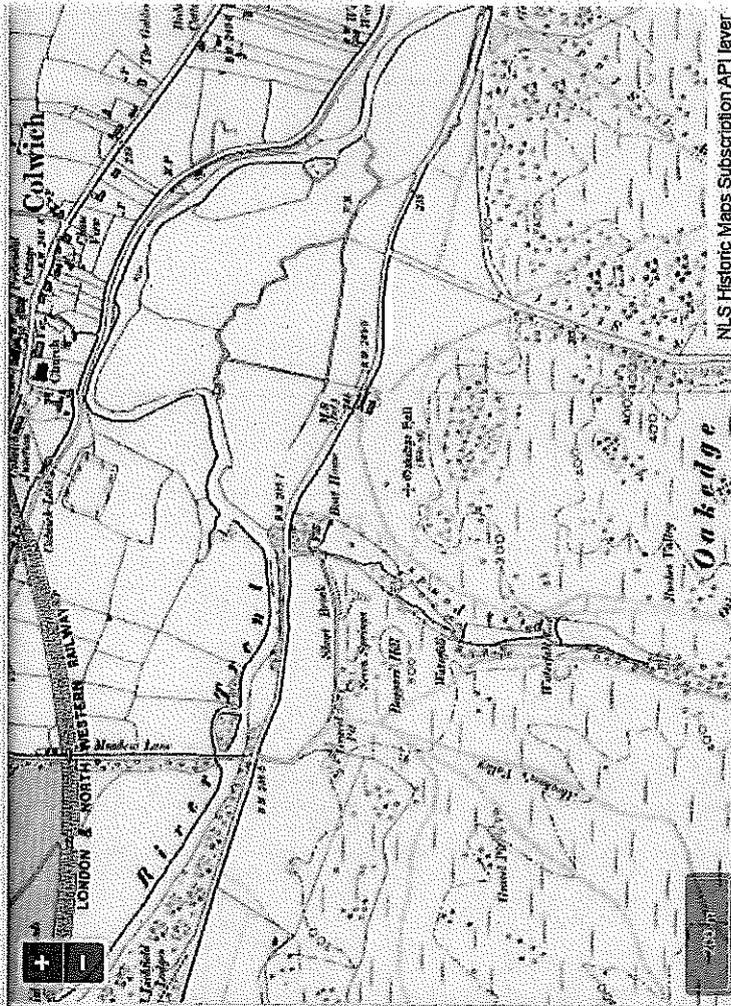
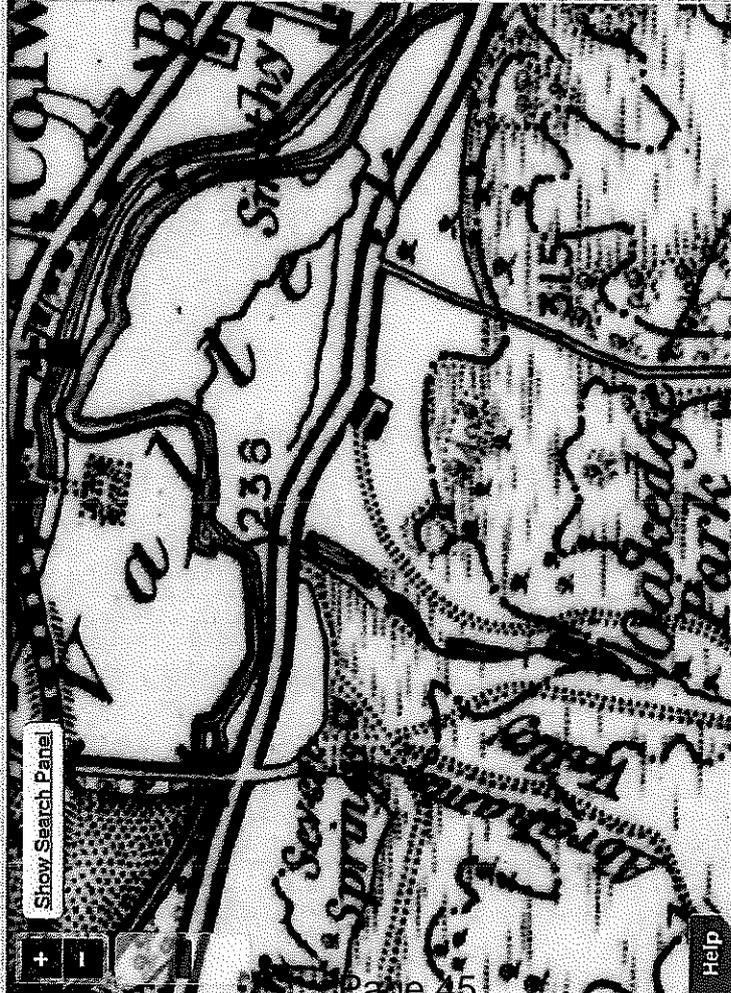
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Zoom to extent





Surveyed 1878-1872 Revised 1900

National Library of Scotland  
 Staffordshire XLV.NW (includes: Baswich; Brocton; Colwich.)  
 Revised: 1900, Published: 1902  
 Size: map 31 x 46 cm (ca. 12 x 18 inches), on sheet ca. 43 x 58 cm (ca. 17 x 23 inches)

Keyword search  
 Re-use: CC-BY-NC-SA  
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Surveyed 1880-1881

National Library of Scotland  
 Staffordshire XLV.NW (includes: Baswich; Brocton; Colwich.)  
 Surveyed: 1880 to 1881, Published: 1884  
 Size: map 31 x 46 cm (ca. 12 x 18 inches), on sheet ca. 43 x 58 cm (ca. 17 x 23 inches)

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Revised for major changes 1949

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

SK02SW - A (Includes: Blithfield; Colton; Colwich; Stowe)  
Surveyed / Revised: Pre-1930 to 1954, Published: 1955  
Size: map 47-50 x 47-50 cm (ca. 19 x 20 inches), on sheet ca. 68 x 58 cm (27 x 23 inches)

Keyword search

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**APPLICATION FOR ALLEGED FOOTPATH FROM BRIDLEWAY 25  
TO BRIDLEWAY 13 COLWICH**

**RESPONSE BY PETER TILL TO THE REPORT TO COMMITTEE**

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**Birketts**

Birketts LLP: Offices in Cambridge | Chelmsford | Ipswich | Norwich |  
London  
[www.birketts.co.uk](http://www.birketts.co.uk)

APPLICATION FOR ALLEGED FOOTPATH FROM BRIDLEWAY 25 TO BRIDLEWAY 13  
COLWICH

---

**RESPONSE BY PETER TILL TO THE REPORT TO COMMITTEE**

---

1. INTRODUCTION

- 1.1 This representation is made on behalf of Peter Till who owns part of the land crossed by the claimed route and land which is adjacent to the claimed route.
- 1.2 He is concerned with the application where it does not cross his land because he uses his land as a shooting school and the addition of a public right of way adjacent to his boundary would represent a hazard to users and increase the risk of an accident from the point of view of his customers.
- 1.3 We acknowledge that this is not material to the application but it is relevant to explain his interest given that the route does not cross his land.

2. EXECUTIVE SUMMARY

- 2.1 We do not agree with the recommendation to make an Order for the reasons set out below. We submit that the Council should reconsider its position and that the Order should not be made.
- 2.2 The test at this stage is that the route can reasonably be alleged to exist. This test would have to be satisfied for the whole of the route in order for the Order to be made for the whole of the route. In this case there is insufficient evidence in respect of the whole of the route for the Order to be made.

3. THE CLAIM

- 3.1 This claim for the addition of a public footpath was made in 1998 and is based purely on historical evidence. No user evidence has been provided. The historical evidence provided by the applicant was slight and poorly presented, consisting of a "deposited rail plan and book of reference 132 (1840)" and "2 in OS Sheet" for which no date is given or identifiable.
- 3.2 It appears from the report that, whilst the Ramblers Association and Byways and Bridleways support the application, no reason for that support is given and no additional evidence has been provided. It can be no surprise that these interest groups support the potential addition of a right of way to the Definitive Map.

#### 4. THE ROUTE

4.1 For convenience we have divided the route into sections W to X (the existing stretch of Bridleway 25 included in the claim) X to Y (the extension in a broadly southerly direction and Y to Z (a broadly westerly section to Colwich 13).

4.2 There was no justification for the inclusion of W to X in the claim as it is already a bridleway on the Definitive Map.

#### 5. THE EVIDENCE

##### 5.1 OS map (1817)

5.1.1 The OS map referred to is said to date from the 1817 but no evidence has been provided to indicate why that is asserted. We have no reason to challenge it and no basis to accept it.

5.1.2 Ordnance Survey maps do not give any indication of the legal status of a route. They indicate the physical existence of features on the ground at the time of the survey, but that is all.

5.1.3 This map provides no evidence of the existence of the route, save that the first short section W to X is shown depicted in the same way as the road. The remainder of the route is not shown at all. A boundary line is depicted to the west of the fishponds (which remains visible on modern OS maps) but the route cannot be discerned as a physical feature on the poor quality copy which we have seen.

5.1.4 The arrow which is marked on the map in manuscript is in significantly the wrong location. There is a line drawn in highlighter on the map in roughly the location of the route but it appears not to relate to any discernible feature on the map. The map offers no evidence of the existence or status of the route.

##### 5.2 Beau Desert Estate Map

5.2.1 This is said to date from the 1820s but no evidence has been provided to indicate why that is asserted. We have no reason to challenge it and no basis to accept it.

5.2.2 Whatever its date, this is an estate map prepared for a private purpose by the landowner. Whilst it may provide evidence of the reputation of a route, or of the existence of a feature on the ground at the time of the survey, it can provide no evidence of the status of the route. There is nothing on this map to indicate that the claimed route was a public right of way.

5.2.3 The first section W to X appears to be depicted in the same manner as the Rugeley Road and that part is already on the DM as Colwich 25. The

continuation south (equated roughly to X to Y) is shown by a pecked line and there is nothing to suggest that it was more than a private track within the estate. No conclusion as to its status can be drawn from the map but see the comments below at paragraph 5.3.9 with reference to the implications of the land being common land. It is most likely that it was not public.

5.2.4 There is no evidence at all on this map of any route which equates to Y to Z of the claimed route. There is a pecked line shown in an east-west orientation but it is not close to the location of the claimed route, being significantly further north than the claimed route and not reaching the location of the modern Colwich 13. Its status is not indicated so there is no reason to assume that it was public.

### 5.3 Railway Maps

5.3.1 These are said to date from the 1840s but no evidence has been provided to indicate why that is asserted. We have no reason to challenge it and no basis to accept it.

5.3.2 Two maps have been included. They have the same Records Office reference number, but they appear to be of different scales and the information included is not the same. As set out below, it seems that the larger scale plan is the one referred to in the book of reference. No reliance can be placed on the smaller scale plan unless or until its origin is established and the discrepancies between that and the book of reference are explained.

5.3.3 The report refers to the book of reference but does not set out what it says and a copy was not included with the report. The book is essential to fully understand the maps and having been requested, copies have now been provided by the Council and are appended at Appendix 1 for ease. Page 49 of the book of reference indicates that parcels 27 and 23 are public highway. This numbering makes sense when compared to the map on the larger scale and those parcels equate to BR25. The numbers do not make sense when referenced to the smaller scale plan so it cannot be the plan that is referred to in the book of reference. Page 47 appears not to assist the matter one way or the other as it relates to parcel 1 which is not numbered on the plan.

5.3.4 On the larger scale plan parcel 27 is enclosed at its southern end and there is a distinct difference between that and the narrow pecked line extending South, which crosses the common and has been given no separate parcel number. It cannot be concluded from the map and book of reference that there is any public right of way extending South from the parcel which is now part of BR25 (parcel 27).

5.3.5 It is notable that the map apparently resulting from the railway survey does not support the alignment of any feature X to Y as claimed and shows no

evidence of the existence on the ground of a feature on alignment Y to Z. It is not possible to extrapolate from the information and to assume that there is any continuation of the route shown or make any assumption as to its alignment. It does not contain evidence that the indicated route was public.

5.3.6 The larger scale map (apparently referred to in the book of reference) shows present day Colwich 25 depicted in a similar manner to the Rugeley Road, and a continuation to the South with pecked lines i.e. depicted distinctly differently from the highway. It is aligned to the SSW (unlike the claimed route) and is much narrower than the Colwich 25 section. It shows the legend "Common Lane and Footway to Brockton". This feature extends only to the southern end of the first fishpond to the west and does not include the claimed section Y to Z at all. It is impossible to draw any conclusion as to its continuation (see paragraph 18 of the report) and most certainly, there is no reason to assume that it bends to the west and follows the route Y to Z.

5.3.7 "Common Lane" has no accepted meaning, but may refer to an access to the common. This does not, however, indicate that the route was or was likely to be, a public route. The conclusion drawn by the officer that because the land was common land at the time that these maps were made, it is reasonable to assume that the route was public, is seriously in error. Common land was not owned in common by the public, it was private land and there was no general right of access for the public. Common rights holders (not the general public) would have a right to take certain benefits from the common, often grazing, firewood or similar. The common rights holders were a limited group of people and it may be that "Common Lane" was a route for the use of the landowner and/or the common rights holders to access areas which they were entitled to use, not a route for public use.

5.3.8 The railway map provides no evidence of the existence of Y to Z. and no evidence that any route approximating to X to Y was public. On the contrary, the distinction from parcel 27 (W to X), suggests that it had a different (very likely non-highway) status.

5.3.9 On the smaller scale plan (origin and status unknown) the legend "footway to Brocton" appears (roughly X to Y) but there is no indication as to its status and absolutely no suggestion that it turned to the west to join the present day Colwich 13. The alignment is SSW and it is not adjacent to the boundary with the land to the east where the fishponds are located.

#### 5.4 Additional Map Evidence not Identified by the Council

5.4.1 OS Maps 1880 to 1881, 1878-1872 Revised 1900, 1885-1900, 1888- 1913, 1937 to 1961, 7<sup>th</sup> Series 1955-1961 and 1945-1970 (All attached at Appendix 2)

- 5.4.1.1 There is no evidence of the route on these maps except for W to X, which is already a bridleway.
  - 5.4.1.2 This indicates that from at least 1880 there was no feature on the ground representing the line of the claimed route.
  - 5.4.1.3 The line extending south from W to X is a boundary line which continues to be depicted on OS maps today; it is not a track or path.
- 5.4.2 Bartholomew Map Half Inch 1897-1907 (Appendix 2)
- 5.4.2.1 There is no indication of the claimed route on this map.
  - 5.4.2.2 Bartholomew's maps became a trademark series. The maps were popular and influential, especially for recreation, and the series sold well, particularly with cyclists and tourists. If the route had been for public use and in existence it is likely that it would be shown on the map.

## 6. CONCLUSION

- 6.1 There is insufficient evidence to determine that the route is reasonably alleged to exist.
- 6.2 The evidence is weakest in respect of Y to Z in respect of which there is nothing to indicate any feature.
- 6.3 In respect of X to Y there is some evidence that there was at times a feature on approximately that alignment, but there is no evidence that it has ever been a public right of way.
- 6.4 This route cannot be reasonably alleged to exist and Order should not be made.

Birketts LLP

13 October 2021

# Appendix K

**Email from Ramblers Association**

**From:** A Bell

**To:** Stephanie Clarkson

**Date** 3/6/2021

**Alleged Public Footpath between Public Bridleway 25 and Public  
Bridleway 13, Stafford**

---

Hi Stephanie

Regarding a proposed upgrade for a footpath between Bridleway 25 and 13 we support this amendment.

Regards Alan Bell.

# Appendix L

## **Email from Byways and Bridleways Trust**

**From:** M Rowley

**To:** Stephanie Clarkson

**Date** 6/7/2021

**Alleged Public Footpath between Public Bridleway 25 and Public  
Bridleway 13, Stafford**

---

Dear Ms Clarkson,  
Thank you for your letter of the 3rd June, and apologise for the delay in responding. I support Mr.Reay's application.

Regards,

Michael Rowley

## **ADDENDUM TO REPORT**

The below additional evidence was received following circulation of the second draft report:

**Email received on 07/02/2022 from Marcia Grice of Birketts LLP on behalf of Mr Peter Till (landowner adjoining the claimed route) to Stephanie Clarkson, Legal Officer, Staffordshire County Council**

*“Thank you for your email and for the revised report.*

*We agree with the recommendation within the report which advises that the Council considers that there is insufficient evidence for the claimed footpath. We make the following comments, however, which we hope you will find helpful:-*

- 1. In the response which we submitted on 13 October 2021, we referred to two appendices - ‘Appendix 1’ and ‘Appendix 2’. For ease of reference they are attached. We also followed up our response with a further plan, also attached, which was annotated with lettering referred to in the report. For ease of reading and referencing could you please ensure that they are included and are clearly identified in your report. Overall, clearer referencing and identification of the location of maps and documents in the body of the report would assist readers.*
- 2. In your paragraph 20. You observe that the 1817 map shows a feature on the ground. In our view there is no feature which could be properly interpreted as a track or route. The map is of very poor quality and is not possible to make a determination or interpretation as we set out in our response paragraph at 5.1.3.*
- 3. In your paragraph 43 we feel that there is some confusion as to the way in which the applicable test has been stated. The test at this stage (which is not met) is that the route can be reasonably alleged to exist. The balance of probabilities test only applies at the confirmation stage.*

*We hope that these comments are clear but please contact us if you have any questions.”*



## Appendix 2

1. Select a category:  Only show maps with more detail than the current zoom level - (15)   
 2. Select a map series:  Zoom to extent



1. Select a category:  Only show maps with more detail than the current zoom level - (15)   
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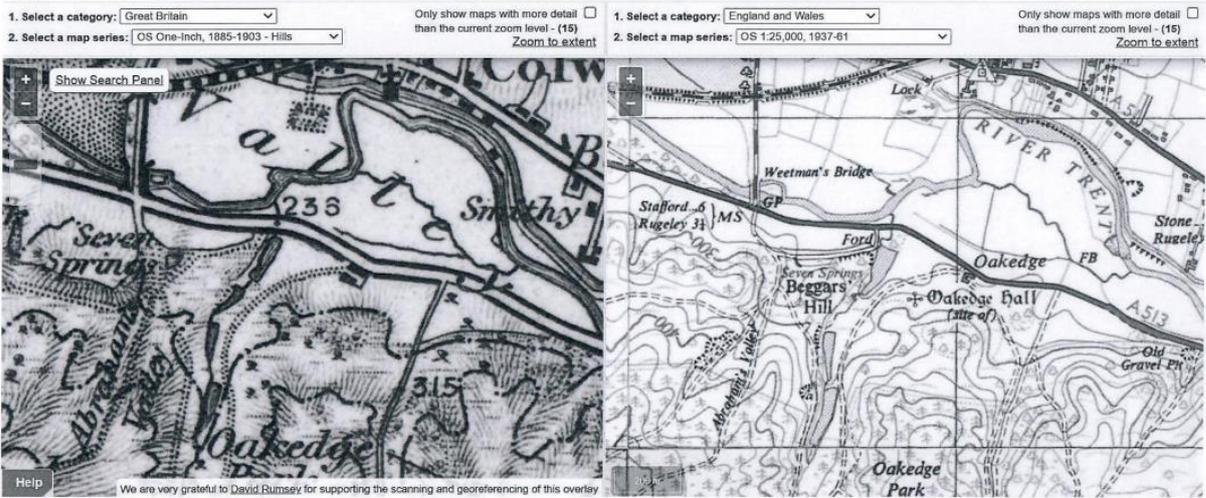


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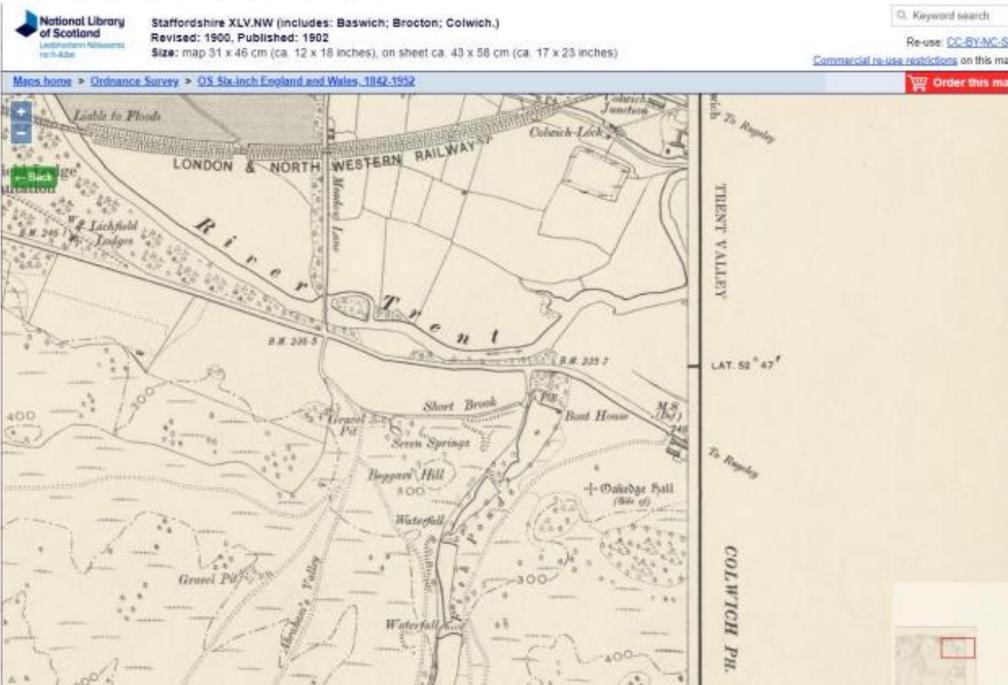


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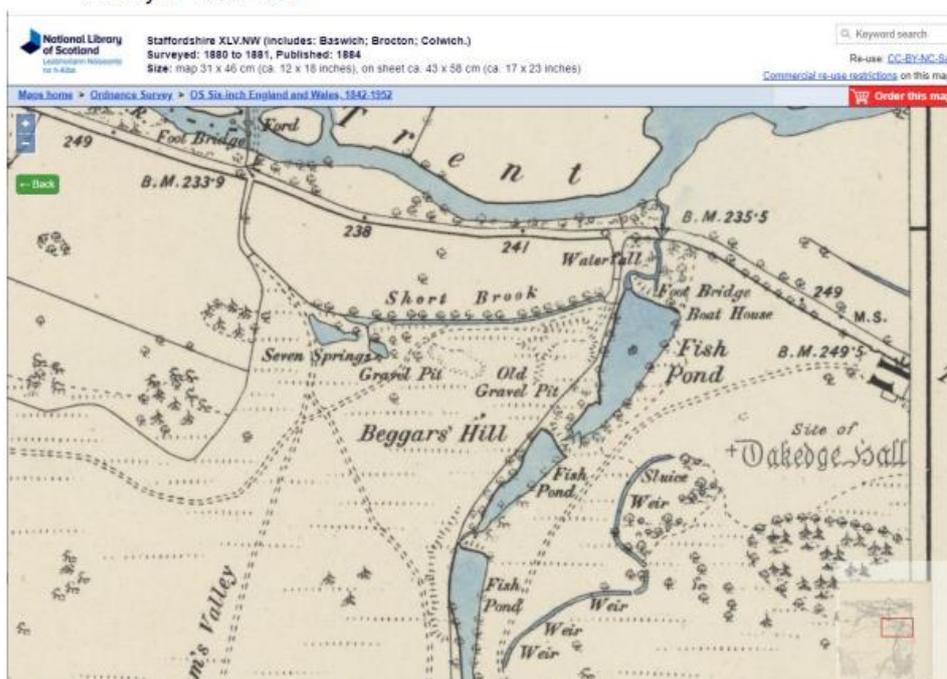




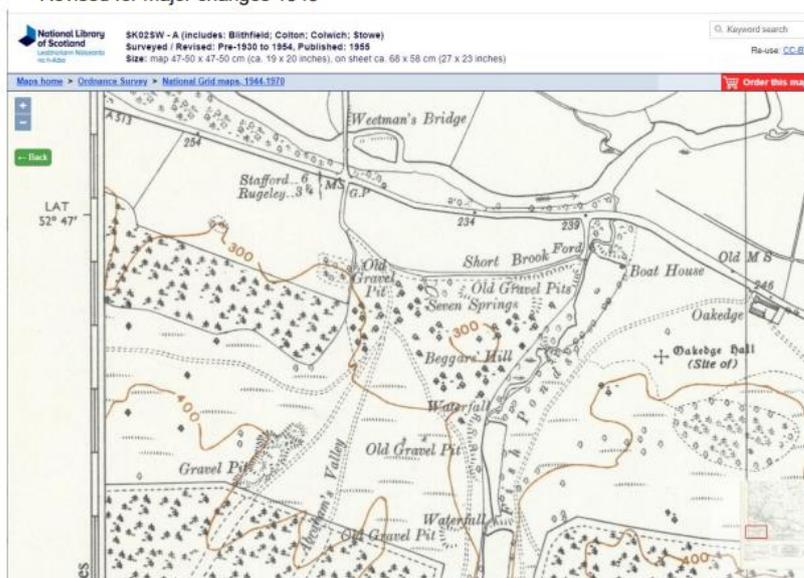
### Surveyed 1878-1872 Revised 1900



## Surveyed 1880-1881



## Revised for major changes 1949



## **Explanation concerning the salient point raised by the adjoining Landowner's Solicitor - Stephanie Clarkson, Legal Officer**

### Item 1

In response to item 1, the annotated plan is illustrated above. Schedule 1 can be found in Appendix C and Appendix J of the report and Schedule 2 can be found in Appendix J. The addition of the annotated plan although a new piece of evidence, does not turn the case. The strengths and weaknesses of the remaining plans have already been discussed within the report.

## Item 2

The adjoining Landowner's Solicitor considers that with regard to paragraph 20 within the report, there is no feature which could be properly interpreted as a track or route on the plan. They observe that the map is poor quality and that it is not possible to make a determination or interpretation. Their comments may be found in paragraph 5.1.3 of their Representation. Whilst the plan could be considered to be far from convincing, your officers aver that the feature on the ground of the 1817 is open to interpretation and considers that it does show a track or route. They do not consider that the map can be dismissed.

## Item 3

Your officers consider that this has already been addressed in the body of the report. The report spells out the two tests for s 53(3)(c)(i) in paragraph 41 either of which must be satisfied to be able to consider that the claimed right exists. The report has outlined both tests. In light of the scarcity of evidence, your officers concentrated on the lower evidential burden test for the report, and whether it could be reasonably alleged that the footpath subsists based upon the evidence. Your officers believed that this test could not be satisfied, and your Officers recommendation is that an Order is not made to have the footpath registered on the Definitive Map and Statement.

These comments do not turn or impact on the recommendation within the report.

Not for publication by virtue of paragraph(s) 2, 6a, 6b  
of Part 1 of Schedule 12A  
of the Local Government Act 1972

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