

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

Friday 19 January 2024

**10:00**

Oak Room, County Buildings, Stafford

The meeting will be webcast live and archived for 12 months. It can be viewed at the following link: <https://staffordshire.public-i.tv/core/portal/home>

John Tradewell  
Deputy Chief Executive and Director for Corporate Services  
11 January 2024

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### **Agenda**

- 1. Apologies**
- 2. Declaration of Interest**
- 3. Minutes of meeting held on 8th December 2023** (Pages 3 - 6)
- 4. LF602G s53 Wildlife and Countryside Act Application to upgrade Public Footpath 18 Swynnerton to a Public Bridleway** (Pages 7 - 246)
- 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)

| <b>Membership</b> |                         |
|-------------------|-------------------------|
| Jak Abrahams      | Carolyn Trowbridge      |
| Robert Pritchard  | Jill Waring             |
| David Smith       | Mark Winnington (Chair) |
| Paul Snape        |                         |

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

### **Filming of Meetings**

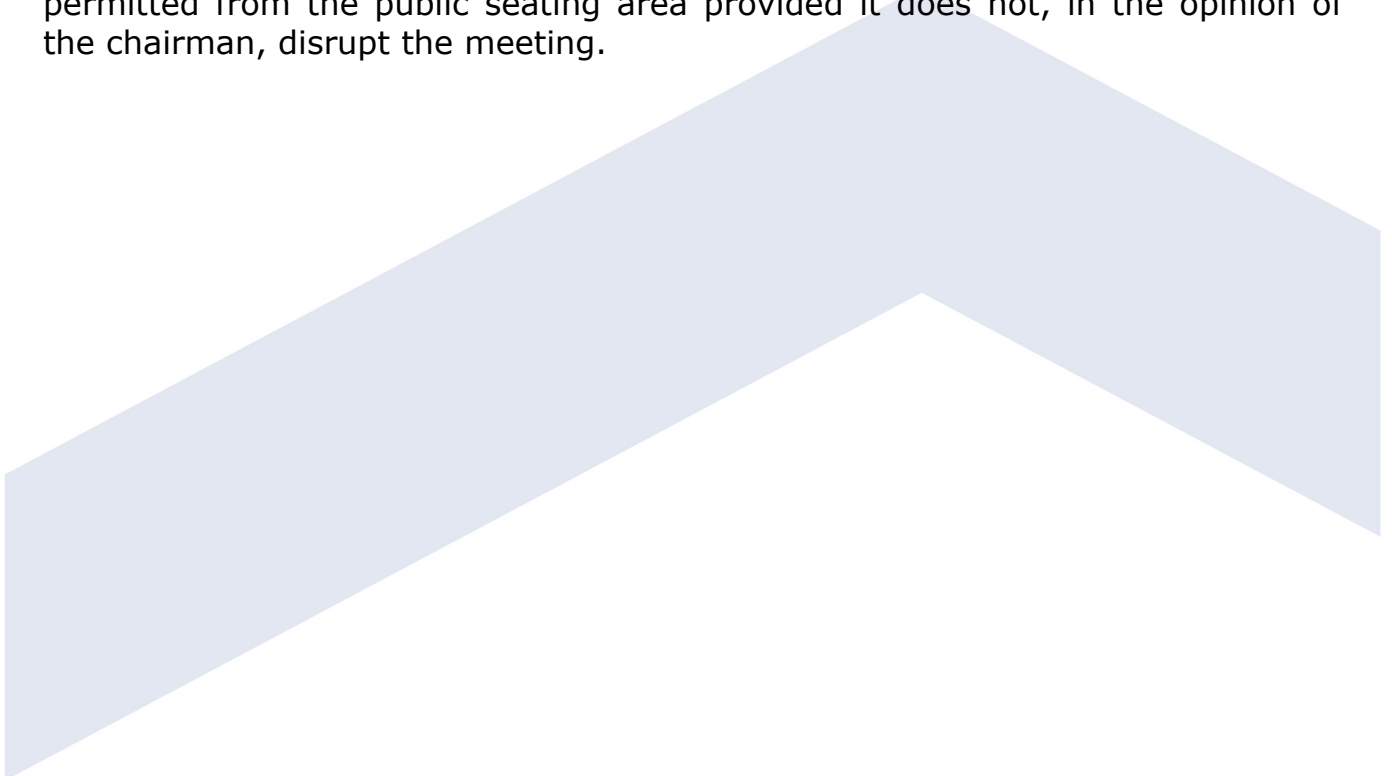
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### **Recording by Press and Public**

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 8 December 2023**

Present: Mark Winnington (Chair)

| <b>Attendance</b> |
|-------------------|
| David Smith       |

**Apologies:** Jak Abrahams, Robert Pritchard, Paul Snape, Carolyn Trowbridge and Jill Waring

**Part One**

**33. Declaration of Interest**

There were no declarations of interest on this occasion.

**34. Minutes of meeting held on 10 November 2023**

**Resolved** – That the minutes of the meeting held on 10 November 2023 be confirmed and signed by the Chairman.

**35. Definitive Map Modification Order Backlog**

The Panel were presented with a report from the Director for Corporate Services updating the position regarding the Definitive Map Modification Order application backlog and it was reported that the number of applications had increased in recent years, but the number of outstanding directed applications is decreasing. However, there were a number of appeals and public inquiries which impact the County Councils ability to process the outstanding applications.

The Panel were also informed that one report had been determined using delegated powers, and that work was ongoing in relation to ICT solutions and alternative resolutions which were intended to reduce officer time in processing applications, and a further update will be reported to Panel at a future meeting.

The Panel queried if the reason for the backlog was a lack of resource. In response, the Committee were informed that it was. The Panel agreed for the Chairman to invite the Cabinet Member for Communities and Culture to a meeting discuss the backlog and next steps.

**Resolved** – That (a) the report be noted.

(b) the Chairman invite the Cabinet Member for Communities and Culture to discuss the backlog of Definitive Map and Modification Orders and next steps.

### **36. Application to upgrade Public Footpath 18, Quarnford to a Restricted Byway**

The Panel considered a report from the Director for Corporate Services for an application to upgrade Public Footpath 18, Quarnford to a Restricted Byway.

The report was presented verbally to take Members through the historical evidence relevant to the application. 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:

- Copy of application and associated submitted letters and documents.
- Plan of claimed route.
- 1929 Handover Map for the parish of Quarnford.
- Landowner questionnaire dated December 2018
- Copies of statutory consultee responses
- Copy of Parish Survey Card for Public Footpath 18, Quarnford.
- Copy of applicant's response and further evidence to draft report and copy of officer's response.
- Copy of applicant's further letter and comments regarding evidence, including further OS maps.

The Panel decided that the available evidence was not sufficient to conclude that Public Footpath 18, Quarnford, should be upgraded to a Restricted Byway and should not be upgraded to the Definitive Map and Statement of Public Rights of Way as such.

**Decided** – That (a) the evidence submitted by the applicant and that discovered by the County Council was not sufficient to show that Public Footpath 18, Quarnford has the status of a Restricted Byway.

(b) an Order should not be made to upgrade Public Footpath 18 as shown on the plan attached at Appendix B and marked A to B to a Restricted Byway to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

### **37. Application for the addition of a Byway Open to All Traffic from Clayalders Bank to Footpath 62 Eccleshall**

The Panel considered a report from the Director for Corporate Services for an application for the addition of a Byway Open to All Traffic from

Clayalders Bank to Footpath 62 Eccleshall.

The report was presented verbally to take Members through the various legal documentary and historical evidence relevant to the application. 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:

- Plan of claimed Route
- Copy of application
- Copy of 1910 Finance Act Plan
- Copy of Podmore Tithe Map dated 1838
- Copy of O.S. Map dated 1817
- Copy of Teesdale Map dated 1832
- Landowner Evidence Form and Plan showing the extent of their land
- Comments received from Statutory Consultees

The Panel decided that the available evidence was not sufficient to conclude that a public right of way of any status from Clayalders Bank to Footpath 62 Eccleshall subsisted and should not be added to the Definitive Map and Statement of Public Rights of Way as such.

**Decided** – That (a) the evidence submitted by the applicant was not sufficient to reasonably allege that a public right of way of any status which is not shown on the Definitive Map and Statement, shown marked A to B on the plan attached at Appendix A to this report exists.

(b) an order should not be made to add the alleged public right of way, shown A to B on the plan attached at Appendix A, to the Definitive Map and Statement of Public Rights of Way as a byway open to all traffic, or as a public right of way of any other status.

### **38. Application to Add a Public Footpath From Basford Lane to Existing Public Footpath 33, Cheddleton**

The Panel considered a report from the Director of Corporate Services for an application for the addition of an alleged Public Footpath from Basford Lane to existing Public Footpath 33, Cheddleton.

The report was presented verbally to take Members through the various legal documentary and historical evidence relevant to the application. 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:

- Application
- Plan

- Highways Diversion Order 1852
- Completion Certificate 1853
- Landowner Submissions
- Statutory Consultees Responses

The Panel decided that the available evidence was sufficient to conclude that a Public Footpath from Basford Lane to existing Public Footpath 33, Cheddleton subsisted and should be added to the Definitive Map and Statement of Public Rights of Way as such.

**Decided** - That (a) the evidence submitted by the applicant and that discovered by the County Council was sufficient to show that a Public Footpath subsists on the balance of probabilities along the route marked A to B as shown in the report.

(b) an Order should be made to add the right of way shown marked A to B on the plan at Appendix B to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands at the minimum width to be 1m throughout its length.

### **39. 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 12A (as amended) of the Local Government Act 1972 indicated below.

**Chair**

## Report

| <b>Local Members' Interest</b> |                       |
|--------------------------------|-----------------------|
| Cllr. J Pert                   | Stafford - Eccleshall |

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

### **Wildlife and Countryside Act 1981**

#### **Application for Upgrading Public Footpath 18 Swynnerton to Bridleway Status**

#### **Report of the Director for Corporate Services**

#### **Recommendation**

1. That the evidence submitted by the Applicant and that discovered by the Council is insufficient to show, on the balance of probabilities, that a public bridleway subsists along the route marked "A to B" on the plan attached at Appendix B to this report, and therefore **should not** be upgraded to a public bridleway on the Definitive Map and Statement of Public Rights of Way as such.
2. That the evidence submitted by the Applicant in the application is sufficient to show, on a balance of probabilities, that a public bridleway subsists along the route marked "B to C" on the plan attached at Appendix B to this report and therefore **should** be upgraded on the Definitive Map and Statement of Public Rights of Way as such.
3. That an Order be made to upgrade the footpath marked "B to C" on the attached map at Appendix B to the definitive map and statement of public right of way for the District of Stafford.

### **PART A**

#### **Why is it coming here – what decision is required?**

4. 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.



5. To consider an application attached at Appendix A for an Order to modify the Definitive Map and Statement for the District of Stafford. The effect of such an Order, should the application be successful, would:
  - (i) upgrade existing footpath 18 Swynnerton Parish to a bridleway 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.
  - (ii) The lines of the route which are the subject of the application are shown highlighted and marked "A to B" and "B to C" on the plan attached at Appendix B.
6. 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.

### **User Evidence Submitted**

7. The evidence of use takes the form of 14 user statements made by members of the public who claim to have used the route over varying periods of time. Some user evidence forms were submitted with the original application in 1996 and the remaining forms have been submitted more recently in 2020. Copies of their statements are attached at Appendix C.
8. The salient points from the user evidence forms have been compiled into a user matrix which can be seen at Appendix D.

### **Documentary Evidence Submitted**

9. The Applicant, through their representative, also submitted emails and documentary evidence in support of the application in 2023 the correspondence can be seen at Appendix E.
10. The documentary evidence in support of the application is a Finance Act Map dated 1910 which can be found at Appendix F.
11. A 1986 Ordnance Survey Map has also been submitted in support of the claim and this evidence can be found at Appendix G.

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

12. Officers have conducted research into the extent of the footpath and have discovered that a landowner declaration form is in place over some of the land in question regarding Public Footpath 18 Swynnerton. This application was lodged with Staffordshire County Council in October 1992 and again in 2016. A copy of the landowner declaration forms can be found at Appendix H.
13. Section 31(6) Highways Act 1980 allows landowners to state their intentions by depositing with the authority a map and statement. This highlights any ways over their land which they accept to be public rights of way. The landowner then reaffirms this every twenty years. It is

pertinent to the claim that any public use of the land during this period will not count towards the establishment of new or upgrading existing public rights of way.

14. It is significant to note however, that the lodging of a s31(6) application will not defeat an application where it is possible to establish a 20-year period *before* the initial deposition of the statement and plan as considered further in the report.
15. Officers obtained a copy of the Parish Survey Card and evidence in relation to Public Footpath 18 Swynnerton. This can be found at Appendix I.
16. According to the records, Public Footpath 18 was originally assumed to be private, but following an exchange of letters, it was added to the parish survey as a public footpath in 1953.
17. Swynnerton Parish Council were consulted by the County Planning Development Officer on 6<sup>th</sup> July 1953 in connection with the route in question following a survey of public rights of way in Swynnerton Parish.
18. The path was originally surveyed under the National Parks and Access to the Countryside Act 1949 and a letter addressing the queries which arose from the inspection included that path 18 which had originally been considered by the survey as a private path.
19. A letter to the County Planning Officer dated June 1953 addressed the issues in respect of the gates along the route and confirmed that HM Forestry Commission states that "the only known public footpath within the area is the one from Dukes Lodge to Hobgoblin Gate". "On reforestation the field gates on the Duke's Lodge – Hobgoblin Gate portion were chained and padlocked, but on representation being made by the society, the state Forests Officers at Upton Grange wrote "on making inquiries I find that the Forester has fenced the area and erected a gate across the Right of Way from Dukes Lodge to Hobgoblin Gate. I have therefore instructed him to unlock the gate and leave it unlocked and I trust that this arrangement will be acceptable to you".
20. The Parish Council responded to the query raised by the County Planning Officer and confirmed on 4<sup>th</sup> August 1953 that the path in question "should be included as a public footpath".
21. The Parish Survey record card in respect of Public Footpath 18 Swynnerton details the route and confirms it has been used by members of the public for more than 20 years.
22. There is no evidence to suggest that there were any other objections at that time to the status of the route in question being included on the Definitive Map and Statement with the classification of a public footpath.
23. Officers also examined the Parish Survey card records in respect of Public Bridleway 9 Whitmore, which joins Public Footpath 18 Swynnerton at a section to the south-east of Acton Hill Farm. This can be found at Appendix J.
24. It can be seen from the records, that whilst this was recorded originally as a footpath, this was queried at the time, and upgraded due to the mention

of the use of "motors" recorded on the Parish record card. The route was added to the Definitive Map as a bridleway.

25. The map shows that Public Bridleway 9 Whitmore finishes south-east of Action Hill Farm.

### **Evidence Submitted by the Landowners**

26. The Forestry Commission provided confirmation in their letter dated May 1996 that there was permissive use granted over the land. A number of the users have provided confirmation that this was also in place. Their letter dated 2<sup>nd</sup> May and 19<sup>th</sup> May 1996 are attached at Appendix K.
27. The letter from the Forestry Commission indicates that Lord Stafford was persuaded to allow the Forestry Commission to "use the woodland for public recreation and in particular horse riding through a permit system, policed by local riders". Permissive use can be fatal to a claim.
28. John German on behalf of the Freehold landowner, responded to the initial consultation and completed a landowner evidence form. They confirmed that the land was leased to the Ministry of Agriculture, Fisheries and Food in 1948 on a 999-year lease.
29. John German also noted that the Forestry Commission lodged with Staffordshire County Council a notice accepting a public right of way across the land a "few years ago" and have been operating a system of riding by permit only for some of the time.
30. A copy of their evidence form and letter can be found at Appendix L.
31. When Officers consulted the Forestry Commission in 2023, in contrast to that evidence received in May 1996 and the evidence provided by users, a short reply indicating that they were not aware of a permit system for horse riders at "Swynnerton Old Park". There were no other comments or evidence provided in relation to the land over which the claimed path runs. A copy of the email can be found at Appendix M.
32. Landowner A has evidenced within their form that they do not own the land affected by the proposal but the land adjacent to it. Their evidence form states that they have been resident at their current address for 23 years and have always believed the path referred to is a bridleway and in the ownership of Staffordshire County Council.
33. A copy of the evidence form can be found at Appendix N.
34. Landowner A indicated that "a kissing gate" was erected but removed by the Council due to objections to the S.C.C" in May 2020.
35. Landowner B returned a landowner evidence form in 2023, owning land adjacent to the path subject to the claim. Landowner B considers the route to be a footpath only and contends that the route into the wood is private land with "no public access" and there are signs on the gates in place to suggest this.

36. Landowner B has seen people using the way on foot and horse back on a daily basis.
37. Landowner B clarified their position in relation to the erection of kissing gates along the route in 2020. Upon taking ownership of the adjoining land; discussions were held with the Council "to agree to work to reinstate the footpath for its intended use. The Council agreed to carry out drainage, base preparation and resurfacing of the footpath the over growth of trees and shrubs were trimmed back to footpath width, the Council would only agree to the repairs if two sets of kissing gates were installed, on the route. This work was completed in spring 2020, the Council then removed the gates within 2 weeks due to complaints from horse riders who would not have been able to use the path".
38. At this time landowner B highlighted concerns regarding tree surveys and the impact to the woodland that would be affected by the widening of the existing right of way.
39. Landowner B objects to the application and the path being upgraded to a bridleway as the path is not wide enough.
40. A copy of the landowner response form and landowner email can be found at appendix O.
41. Landowner C returned a landowner evidence form in 2023, indicating that they own land adjacent to the claimed path.
42. The evidence form can be seen at Appendix P.
43. Landowner C claims that their family has owned their part of the land adjacent to a section of the route in question for "over 150 years" and this is used for grazing and crops.
44. Landowner C states, "I am aware this has been a bridleway for my lifetime and my father's lifetime" and the path has been regularly used by horses, walkers and cyclists on a daily basis.
45. Landowner C also indicates that a "gate was erected but immediately requested to be removed by the Council as not permitted".

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

46. Swynnerton Parish Council responded to the initial consultation upon receipt of the application, and they confirmed that no objections had been made to the application.
47. This response can be seen at Appendix Q.
48. Stafford Borough Council also responded to the initial consultation and confirmed that they had no comments to make in connection with the application.
49. This can be seen at Appendix R.
50. The Ramblers Association responded to the initial consultation and confirmed that they had no further information to provide at that time and their letter can be found at Appendix S.

## **Comments on Evidence**

### **User Evidence**

51. Section 31 of the Highways Act 1980 sets out the test that must be satisfied for a way to become a public highway through usage by the public.
52. In 1932 the Rights of Way Act introduced the statutory presumption of dedication by the landowner of a public right of way which could be proven by evidence of twenty years usage as of right and without interruption.
53. This presumption could be rebutted by the landowner providing that he had shown that he had no such intention to dedicate the route. However, the onus was on the landowner to do so.
54. For the application to be successful, it will have to be shown that the public have used the alleged route, as of right and without interruption, for a period of at least twenty years prior to the status of the route being brought into question, or that it can be inferred by the landowner's conduct that he had actually dedicated the route as a public right of way, and the right of way has been accepted by the public.
55. For the purposes of the report the application route has been split into two sections marked "A to B" and "B to C" on the map attached at Appendix B.
56. The land marked "A to B" of the attached plan is Crown Land and is owned by the Forestry Commission. A landowner declaration form is also lodged in respect of this land, and this is discussed earlier within the report.
57. The statutory test will therefore fail in relation to the section of the route marked "A to B" and so the legal test to be applied to the route marked "A to B" is Common Law.
58. For the route marked "B to C" on the attached plan at Appendix B both the Statutory test and the Common Law test will be considered.
59. Therefore, in order to consider the application; the legal tests will need to be considered independently in respect of the two sections of the route.
60. For section "A to B" of the route the landowner lodged a S31(6) declaration over the land, 1992. The relevant period has been taken to be from 1972 to 1992 - as this is 20 years prior to the challenge date.
61. The evidence of use is relatively low, in that only 14 users testified to using the route and have submitted user evidence forms. Of these users, 7 users claim to have used the section of the route marked "A to B" after the landowner declaration was submitted in 1992.
62. There are 8 users who have used the route during the relevant twenty-year period, but only 2 of these are for the entirety of that period.

63. Four of the user evidence forms submitted are for use 8 years prior to the relevant 20-year period. Two of these users are father and daughter as detailed below.
64. There is also 6-year period where there is no evidence of use.
65. User A is the owner and resident at a local riding school and has indicated that *"when the forestry permit system was introduced, Hobgoblin gate was replaced by a vehicle gate which is locked". "At Dukes lodge the bridle gate was replaced by a kissing gate for pedestrians and a bridle gate was replaced on the other side of the vehicle gate as part of the permit systems key holders only gate"*. This notation of a permit system is fatal to the claim as this identifies that permission has been granted to users for use on horseback. This evidence supports the evidence received from the Forestry Commission in respect of the route.
66. User B has purported to use the route since 1920 to 1960 on horseback with family and has indicated there have never been any stiles or gates along the route in question.
67. User B had always considered the way to be a public bridleway.
68. It is crucial to note from correspondence from the County Planning Officer dated June 1953 and referred to at paragraph 17 - that the gates had been padlocked and chained in 1953 and subsequently unlocked. This is not mentioned in the user evidence form of User B.
69. This use does not fall within the relevant 20-year period, however, it does raise uncertainty to the continuous use of the route of users B and C without obstruction until 1960. There is no mention in the forms that there had been padlocked gates along the route which was used.
70. User C is of the same abode as user B and rode the route on horseback frequently together. User C indicates in their statement that *"my father and I were riding our horses along the side of the path with the locked gate on it"*. The form was signed and dated in 1992 and the assertion clause accompanying the form is dated 1994.
71. In relation to the dates stated on the form, the user claims to have known the way for 40 years, however the date of use has been calculated when the user turned 16. It is from this age they are considered to have used the route, as of right.
72. There is no evidence of use provided after 1960 for users B and C despite the form being completed and signed in 1994, 34 years after use discontinued.
73. User D has confirmed they used the route 4 times a week for pleasure purposes and reported two locked gates along the route in 1992 and marked these on the attached map.
74. User E's use has again been calculated from when they were post 16 years of age and considered using the route as of right. Any use prior to the age of 16 would not be considered as of right.

75. User E has used the route on foot and horseback for pleasure purposes and indicated that there was a "*swing gate attached to a large gate.. at the top corner of hobgoblins gate - and double gates attached to a swing gate following out on road opposite Hanchurch Picnic area*".
76. User F, who's use has again been calculated from when they reached 16, referenced wooden gates at each end of the route that were "usually open". (sic)
77. There is no evidence of use for 29 years for user F between 1963 and the time at which the evidence form was signed in 1992.
78. User G, again who's use has been calculated from when they reached 16 provides further exposition. They stated there was a 10-year break in the use of the route between 1962 and 1972.
79. The user claimed there was a permit in place by the Forestry Commission from 1992 and the user paid for a permit to use the way.
80. User G also states that "*the bridleway used to be fenced so there was no riding in the wood*". (sic)
81. User H, again whose use has been calculated from when they reached 16, stated their use was for pleasure and on a regular basis. The user indicates that there were "*gates along the route but were clearly marked for horses*".
82. User H also claims that gates were chained and padlocked along the route, with wicket gates still open for use, but there is no date given for when this occurred. The user claims a hand painted horse-shoe sign was placed to the side of the gate.
83. User I claims to have used the route for 16 years, and during that time the Forestry Commission closed the woods to riders except those holding permits.
84. Of the users A to I, 4 of them claimed to have paid for a permit to use the route.
85. The following users submitted evidence in 2020.
86. User J claims to have used the route for "about" 40 years.
87. User J claims that two kissing gates were erected along the route in 2020 by a local landowner, and these were removed shortly after.
88. There are inconsistencies with the evidence in that user J claims to have used the route from 1980, however there is no mention of the locked gates into Hanchurch Woods which had been mentioned by previous users who submitted their evidence forms with the original application in 1996.
89. User J suggested that when the kissing gates were erected in 2020, they took a "long diversion was taken through Hanchurch woods".
90. User K kept their horse at the local stable and has known the way for 26 years. The user refers to the erection of the two kissing gates along the route in 2020 which were removed shortly after.

91. User L has used the route for 25 years and again kept their horse at a local stable and used the route as a circular route.
92. This user also states that there were kissing gates erected along the route in 2020 and these were subsequently removed.
93. User M has used the route for 23 years, for pleasure purposes on a circular route and on a weekly basis, keeping their horse at a local stable.
94. Again, the user identifies the obstruction of 2 kissing gates along the route in 2020, however, these were removed shortly after.
95. User N has used the route for 41 years. Again, use has been calculated from when the user reached 16 and purports that there were no stiles or gates along the route.
96. The route map provided with the evidence form does not highlight the route used, although it suggests that the route identified "*clearly a lane on map. Not just a footpath*".
97. Again, there are discrepancies with the evidence in that user N claims to have used the route from 1978, however there is no mention of interruption or gates into Hanchurch woods which does not correspond with users who signed their forms in 1994 and submitted their evidence with the original application.
98. User N has also provided a copy of an extract from a book and labelled this "local Acton history". The source of the evidence is not identified. There is no map or plan provided within the 2-page extract and there is little that can be gleaned from this evidence.
99. There are inconsistencies in respect of some of the claims particularly regarding the route used in Hanchurch Woods, it would appear that 6 of the users have referred to locked gates and the requirement of permits to use the way on horseback in respect of access via Hanchurch Woods and these are potentially fatal to the claim.
100. The users J – M submitted their forms in 2020 - none of which have referred to any mention of gates or access into Hanchurch Woods.
101. These users however do mention the erection of gates in 2020 along the section of the path marked "B to C" which were removed within 2 weeks.
102. Users J – M have claimed to have used the section of the route "A to B" during the time which the landowner declaration form has been in place, since 1992 and therefore this use cannot be considered in connection with that section of the route. There is a clear intention by the landowner not to dedicate the route by lodging the s36 declaration with the local authority.
103. The erection of the kissing gates along the route mentioned by users J - M, whilst this is considered an obstruction along the route, the application was submitted in 1996 and therefore use of the route had already been brought to question by the time of the gate's installation. Following investigation at the time, the Council removed the gates following complaints.



104. In relation to the section of the route marked "A to B" the statutory test would not be applicable as the land is subject to Crown Immunity.
105. Therefore the test to be applied in respect of the section of the route marked "A to B" is the common law test; this is based on a somewhat similar criteria to the statutory test although the use does not necessarily have to be for 20-years or more.
106. The test needs to demonstrate that that the landowner firstly intended to dedicate the route and secondly that he had the capacity to do so.
107. It is a test that applies to the Crown, the Forestry Commission, the Duchies of Lancaster and Cornwall and government departments - unless expressly excluded by statute.
108. Under the common law test it may be necessary to show higher levels of use in urban areas during shorter periods of time. This enhances the overall integrity of the claim.
109. Given that there were a low number of users in this case it is necessary to have a more substantial timeframe.
110. The conduct of the landowner by submitting a landowner declaration is held to be evidence that the route had not been dedicated for use on horseback – this in itself is fatal to the claim – as in the case of *Nicholson v Secretary of State for Environment (1996)*.
111. The essential point in the common law test is that there must be a capacity to dedicate, and only the owner of the freehold title can, by his actions, dedicate a right of way.
112. All of the users A to I have identified that there were gates along the route into Hanchurch Woods and many of whom contend that there was also a permit required for use of the route through the wood on horseback.
113. Of the remaining users since 1992 it can only be reiterated that a landowner declaration was in place over the land, and that this is fatal to the claim.
114. In respect of the length of the route marked "A to B", it is Officers opinion that there is insufficient compelling user evidence to satisfy the common law test and thus this test would also fail in respect of this section of the route.
115. Turning to the section of the route marked "B to C" on the map attached at Appendix B, the evidence here can be considered under statute and under the common law test. There are no landowner declarations in place for this section of the route and this section of land is not owned by the Crown or Forestry Commission.
116. Therefore, the relevant 20-year period here would begin retrospectively from the date of challenge on the route.
117. We are aware that there were kissing gates erected along the route in 2020, however this application was made prior to the said obstruction and therefore the date of the application will be considered as the date

of challenge and therefore the relevant 20-year period will be 1976 – 1996.

118. There is not one user identified who claims to have used this the path for the full duration of the relevant 20-year period from 1976 – 1996.
119. However, when we calculate evidence of use together, that of user G and user J, this would constitute 1 user for the duration of the 20-year period.
120. Also, user H and user N calculated together would constitute another user for the duration of the 20-year period.
121. So, when considered collectively, it can be said that there are 2 users who have used the route for the full relevant 20 year period.
122. In addition, there are another 4 users who have returned user evidence forms who claim to have continued to use the route in question after the date of application, this use is all for 20 years or more, however, it does not fall within the relevant 20-year period.
123. There are a further 4 users who have claimed to use the route during the relevant 20 year period but not for its entirety.
124. Another 3 users claim to have used the route, however this is prior to the relevant 20 year period.
125. Whilst, when calculated together, there are 2 users who have used the route for the duration of the relevant 20 year period, this is not considered enough evidence to satisfy the test under statute – for clarity being the path marked “B to C” on the attached map at Appendix B.
126. In the case of R. v. SSETR (ex p. Dorset) [1999] it was accepted that, although the evidence within five UEFs was truthful, it was insufficient to satisfy the statutory test. The finding did not consider whether use by five witnesses would satisfy the test.
127. Therefore the section of the route marked “B to C” on the plan should be considered under the common law test.
128. Whilst the level of user evidence forms submitted is fairly low, we do have 14 users who have used the route, for long periods of time prior to the route being brought into question - the amount of usage described by each user is relatively frequent.
129. It would appear from the evidence that the users were accessing the section of the route marked “B to C” on the attached plan, as of right.
130. The land over which the section of the path marked “B to C” runs is not recorded at the Land Registry.
131. There is a rebuttable presumption in law that operates where for example there is a track that is unregistered and has no apparent owner, despite the land either side having registered owners.
132. This principle is the ad medium filum rule and in respect of highways, which are often not the property of the Highway Authority, it is used to determine the ownership of the subsoil.

133. In the absence of any other evidence, the rule holds that the interest is vested in the adjoining landowners despite it being unregistered land.
134. In the terms of the right of way, the ad medium filum rule will apply, in that the subsoil to the midline of the right of way will belong to each of the adjoining landowners.
135. It is apparent from Landowner A that they believe that the path adjoining their land is a bridleway and has been so for 23 years.
136. In respect of Landowner B, as their evidence form would suggest, their ownership of the adjoining land commenced in 2014, after the date of the S53 application; they accept that the route is a footpath only.
137. For clarity, all users of the alleged route claim to have used it on a regular basis - and landowners of the adjoining land claim to have seen members of the public accessing the route on a daily basis either on foot, horse or cycle.
138. Therefore, it is evident that the frequency of use was sufficient enough to bring it home to a landowner that they were present and that a right on horseback was being asserted across their land.
139. Despite the implied intention to prevent horses accessing the route in 2020 by the erection of kissing gates, these were subsequently removed following complaints and the matter was addressed by the Council at that time.
140. In connection with the rejection and removal of the kissing gates along the path, the Council found that the gates were erected with the intent for them to aid repair works to the surface of the route and the installation of a drainage system. This was to alleviate the muddy deteriorating condition of the route.
141. The Council found that whilst this was the intention, the action was somewhat precipitous and on review ought not to have been carried out. Consequently, the Council accepted that the structures should be removed, and this was subsequently achieved shortly after.

### **Historical Evidence**

142. The 1910 Finance Act shows the application route - "B to C" into Hanchurch Woods as "uncoloured" and separate from the adjoining hereditaments.
143. Its exclusion from the Incremental Duty Tax is indicative of its likely public status.
144. Public footpaths were included in land value assessments under the 1910 Act and also noted in the accompanying Field Books. There was a deduction in Duty Value for the negative burden on land value they created.
145. If a route in dispute is external to any numbered hereditament, then there is a good possibility that it was considered public.

146. The Finance Act Plan submitted does not evidence the full length of Public Footpath 18 Swynnerton.
147. It can be seen from the map that whilst the top section of the route to Hanchurch Woods is uncoloured, this does not remain the same for the continuation of the route into Hanchurch Woods, and therefore this evidence does not support the contention that the entirety of the route could have a higher status due to it being separate from adjoining land.
148. No field book has been provided to accompany the map and therefore no inference can be made in relation to the hereditaments of the route in Hanchurch Woods, marked "A to B" on the plan, however this section appears to be included within a hereditament.
149. It should be noted however that there may be other reasons to explain the exclusion of the path from the Finance Act Map, in respect of the section "B to C" of the plan. In some cases a private road set out in an inclosure award for the use of a number of people but without its ownership being assigned to any individual may also be excluded from hereditaments.

### **Tinted OS Map 1896**

150. The Applicant, through their representative submitted an 1896 Ordnance Survey tinted map for consideration in respect of the application.
151. Again, the map is limited to the northern section of the route and this is depicted tinted in sienna leading up to Hanchurch Woods. The colouring could be suggestive of rights higher than that of a footpath as this appears to be shown in a similar way connecting routes in the local area, however this is not conclusive.
152. This could suggest that the alleged route is of a higher status than a footpath, as it is shown by two solid lines and entirely separate from the adjoining landholdings, and in a similar way to other highways, however this is not conclusive.
153. Ordnance Survey Maps do provide evidence of the physical existence of features on the ground extant at the time of the survey, however they are usually unable to provide any evidence of status.
154. From the early 1880's the maps included a disclaimer to the effect that the depiction of any path, track or way was not evidence of the existence of any public rights of way.

### **Legal Tests**

155. With regard to the status of the route, the burden is on the Applicant to show, that on the balance of probabilities, that it is more likely than not, that the Definitive Map and Statement is incorrect. The existing classification of the route, as public footpath, must remain unless and until the Panel is of the view that the Definitive Map and Statement are wrong.

156. If the evidence is evenly balanced, then the existing classification of the route as a public footpath on the Definitive Map and Statement prevails.

## **Summary**

157. The application is made under under Section 53(2) of the 1981 Act, relying on the occurrence of the event specified in 53(3)(c)(i) of the Act.

158. The Panel need to be satisfied that, on the balance of probabilities, the evidence shows that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.

159. The relevant statutory provision, in relation to the dedication of a public right of way is found in Section 31 of the Highways Act 1980 ('the 1980 Act').

160. This requires consideration of whether there has been use of a way by the public, as of right and without interruption, for a period of twenty years prior to its status being brought into question and, if so, whether there is evidence that any landowner demonstrated a lack of intention during this period to dedicate a public right of way.

161. If it is decided that the statutory test fails or is inapplicable, consideration should be given to the issue of common law dedication; that is, whether the available evidence shows that the owner of the land over which a way passes has dedicated it to the public.

162. An implication of dedication may be shown at common law if there is evidence from which it may be inferred that a landowner has dedicated a right of way and that the public have accepted the dedication. Evidence of the use of a way by the public as of right may support an inference of dedication and may also be evidence of the acceptance of a dedication by the public.

163. Before a presumption of dedication can be raised under statute, Section 31 of the 1980 Act requires that a way must be shown to have been actually used by the public, as of right and without interruption, and for this use to have continued for a full period of twenty years.

164. In this case, we have separated the route to be considered into two sections. In terms of the section marked "A to B" on the map attached at Appendix B, the view taken is that the status of the route was brought into question in 1992, when the landowner declaration was submitted to the Council.

165. As explained, in this case the statutory test fails or is inapplicable in respect of the section marked "A to B" due to Sovereign Immunity. As such the application in respect of section "A to B" must succeed or fail under common law.

166. As a landowner declaration has been in place since 1992, it would appear from the evidence submitted by the Forestry Commission and quantified by users that access for horse riders was via a permit only or restricted

- via locked gates and therefore this does not satisfy the test under common law.
167. As such, it is Officers opinion that the evidence is insufficient to give rise to dedication beyond use as a public footpath and the application will fail under the common law test in respect of this section of the route marked "A to B".
  168. For clarity, the landowner has shown a clear intention not to dedicate the route on horseback.
  169. The historical evidence - Parish Survey Cards and information in support of these, the Finance Act Map 1910 and the 1896 OS Map, in respect of the route "A to B", (the section of the route through the woods at Hanchurch Hills) would all appear to be consistent with that of a public footpath.
  170. The Forestry Commission, the Parish Council and the County Surveyor have all contented that the route is a public right of way with the status of a public footpath.
  171. It should be noted that no objections were received regarding the designated status at the time of the initial definitive map and statement.
  172. In terms of the section of the path that is not subject to the landowner declaration, marked "B to C" on the attached map at Appendix B, the view taken was that the status of the route was brought into question in 1996, when the application to upgrade Public Footpath 18 was submitted to the Council.
  173. For this section it needs to be demonstrated that there was public use between 1976 to 1996 to satisfy the first part of the statutory test.
  174. As outlined all 14 users do show a degree of consistency in their evidence, however there are also some apparent inconsistencies.
  175. In terms of section "B to C" of the map the *as of right* status can be determined as use has clearly been *nec vi, nec clam, nec precario* – without force, secrecy, or permission.
  176. From the frequency of use claimed, combined with the preceding points above it can be demonstrated that adjoining landowners to the section of the route marked "B to C" on the attached plan, did show an intention to dedicate the route as a bridleway and that the public had accepted this.
  177. When added together there are 2 users who satisfy the test for use throughout the relevant 20 year period, although, this use alone is not strong enough to satisfy the statutory test, consideration should be given to the issue of common law dedication; that is, whether the available evidence shows that the owner of the land over which a way passes has dedicated it to the public.
  178. An implication of dedication may be shown at common law if there is evidence from which it may be inferred that a landowner has dedicated a right of way and that the public has accepted that dedication.

179. As with the statutory test the use must have been *as of right* and without challenge and enjoyed by the public at large – all of which appear to have been satisfied in terms of the northern most section of the route marked “B to C”.
180. There are discrepancies in the evidence of use submitted, and no use recorded between 1963 – 1969, a duration of 6 years.
181. That said, the use after that time from 1969 – 2020 has seen no interruption - quantified by no challenge in respect of the section of the route marked “B to C” until the erection of the kissing gates in 2020.
182. In respect of the historical evidence submitted by the Applicant through their representative, the 1910 Finance Act Map is suggestive of higher rights over the northern section of the route, being the section marked “B to C” on the attached map however this is not conclusive.
183. The Finance Act Map does not support the contention that the section of the route marked “A to B” is of the same status. The entirety of the route cannot be seen from this evidence, however what can be seen is a coloured route, within a plot of land; this is suggestive that higher rights do not exist in relation to the southern section of the footpath marked “A to B”.
184. The 1896 Ordnance Survey map would appear to show the route-coloured sienna and linked with other local routes in the area, in particular with Public Bridleway 9 Whitmore. Again, this is suggestive that the section marked “B to C” on the attached map was considered to have higher rights over it than a footpath.
185. The correspondence and evidence considered does refute the claim as to the status of the route in respect of the land marked “A to B”.
186. The Applicant, through their representative, also provided information in their email dated the 16 June 2023 in respect of the complaints raised regarding the kissing gates and the obstruction along the route in 2020.
187. This associated complaint was investigated by the Council at the time and resolved in May 2020. The response to the complainant can be found at Appendix T.
188. The legal aspects in connection with the section 53 application of the complaint have been fully investigated and commented upon within the report.
189. In terms of the comments made in respect of the sale particulars referred to and sent to Officers for consideration as part of the investigation of the section 53 application, this was considered as part of the complaints procedure and the Council responded as follows: “I appreciate the sale particulars and their mention of a bridleway but they are produced for a particular purpose, to sell a property. They are not legally binding documents.”
190. All of the evidence when considered together, would indicate that the section of the route marked “B to C” on the attached map would succeed

under the common law test, that is a dedication by the landowner and acceptance of this dedication by the public.

## **Conclusion**

191. It is the opinion of Officers that based upon the balance of probabilities and in light of the evidence, as set out above, that a public right of way, with the status of a Public Bridleway, which is not shown on the map and statement does not subsist along the section of the route marked "A to B" on the attached map.
192. It is the opinion of Officers that the County Council should not make a Modification Order to upgrade the route marked "A to B" on the attached plan to Public Bridleway status on the Definitive Map and Statement of Public Rights of Way.
193. It is the opinion of Officers that, based upon the balance of probabilities and in light of the evidence, as set out above, that a public right of way, with the status of a Public Bridleway, which is not shown on the map and statement subsists along the section of the route marked "B to C" on the attached map.
194. It is the opinion of Officers that the County Council should make a Modification Order to upgrade the route marked "B to C" on the attached plan to Public Bridleway status on the Definitive Map and Statement of Public Rights of Way.

## **Recommended Option**

195. To **reject** the application in respect of the section of the route marked "A to B" on the attached map at Appendix B based upon the reasons contained in the report and outlined above and to decide not to make an Order to upgrade the section of the route to the Definitive Map and Statement of Public Rights of Way.
196. To **accept** the application in respect of the section of the route marked "B to C" on the attached map at Appendix B based upon the reasons contained in the report and outlined above and to decide to make an Order to upgrade the section marked "B to C" of the route of Public Footpath 18 Swynnerton to a Public Bridleway on the Definitive Map and Statement of Public Rights of Way.
197. It is further recommended that this should be to the minimum width of 2 metres throughout its length.

## **Other Options Available**

198. The Panel has the authority to reach a different decision and therefore:
  - a) can *accept* to upgrade the entirety of the route to make an Order to upgrade the alleged route to the Definitive Map and Statement of Public Rights of Way or;



- b) can *reject* to upgrade the entirety of the route to and not make any Order to upgrade the alleged route to the Definitive Map and Statement of Public Rights of Way or;
- c) can *accept* to upgrade the section "A to B" of the route to make an Order to upgrade the alleged route to the Definitive Map and Statement of Public Rights of Way or;
- d) can *reject* to upgrade the section "B to C" of the route to not make an Order to upgrade the alleged route to the Definitive Map and Statement of Public Rights of Way.

### **Legal Implications**

199. The legal implications are contained within the report.

### **Resource and Financial Implications**

- 200. The costs of determining applications are met from existing provisions.
- 201. 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**

- 202. 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 15 of the 1981 Act. The Secretary of State would appoint an Inspector to consider the matter afresh, including any representations or previously unconsidered evidence.
- 203. The Secretary of State may uphold the Council's decision and confirm the Order; however there is always a risk that an Inspector may decide that the County Council should not have made the Order and decide not to confirm it. If the Secretary of State upholds the Council's decision and confirms the Order it may still be challenged by way of Judicial Review in the High Court.
- 204. Should the Council decide not to make an Order the Applicant may appeal that decision under Schedule 14 of the 1981 Act 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.
- 205. 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**

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

---

J Tradewell

Director for Corporate Services

**Report Author: Laura James**

**Background File: LF602G**

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Appendix A

FORM OF APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

Definitive Map and Statement - Staffordshire County Council

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

Parish of .....SWYNNERTON.....

Definitive Footpath No. 18

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

I/We .....NORTH STAFFORDSHIRE BRIDLEWAYS ASSOCIATION.....

of ..Chairman..Mrs., S. Tams, Bungalow Farm, Hill Chorlton,.....  
Newcastle, Staffs.....

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 .....to .....

\*(upgrading)~~(downgrading)~~ to a ~~(footpath)(bridleway)(byway open to all traffic)~~ from Dukes Lodge, Dog Lane, end of county road at Welldale Cottages.....

~~\*(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 hereto.

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

\*delete as appropriate.

List of Documents

Sworn Statement & Evidence Form: [REDACTED]

Evidence Form: [REDACTED]  
[REDACTED]  
[REDACTED]

Date *10 April*

19*96*

signed [REDACTED]

*Research Officer  
N.S.B.I.A.*

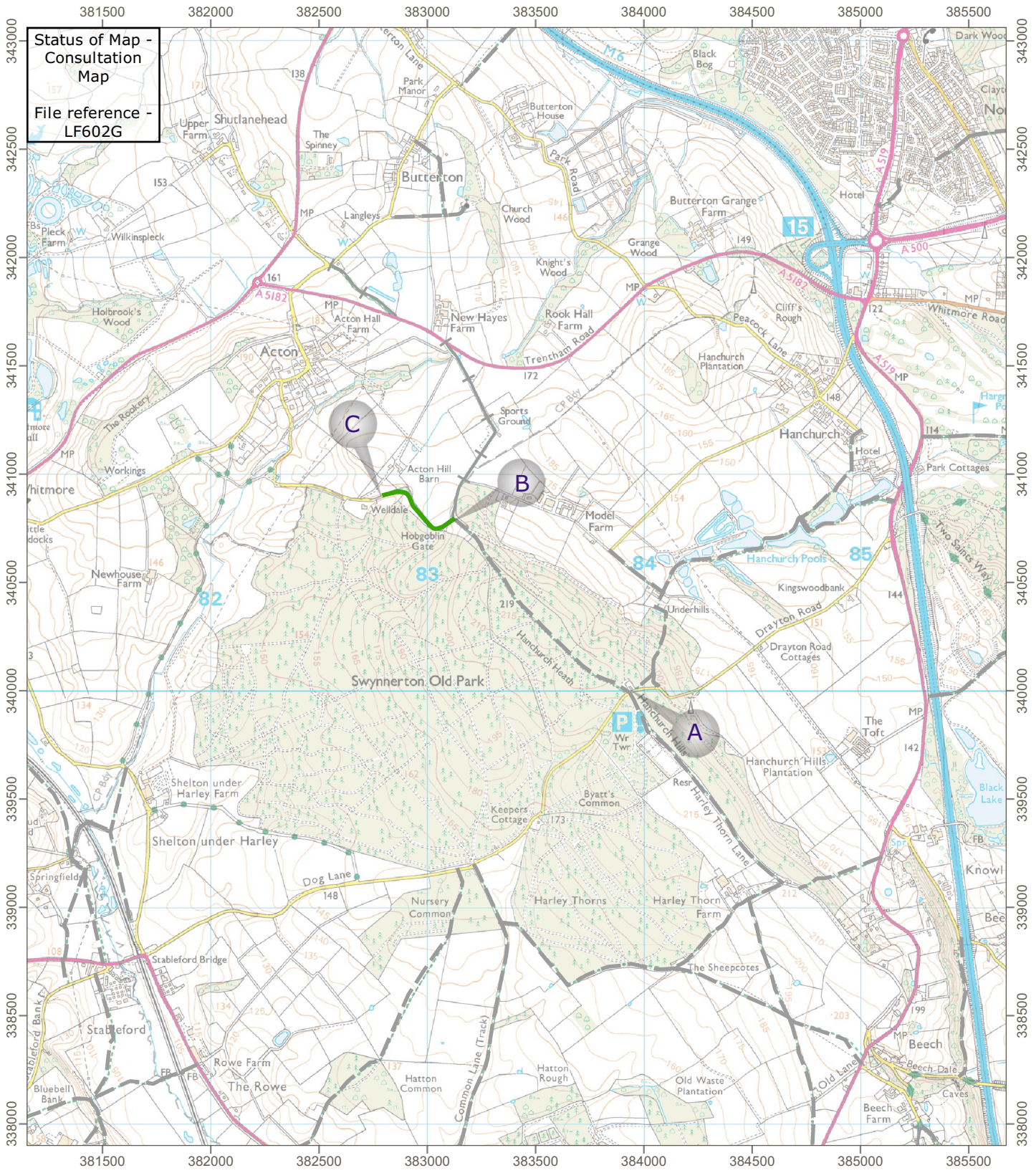




Appendix B

# Wildlife and Countryside Act 1981, Section 53A(2)(b)

Proposed regrading to bridleway  
of public footpath no.18 Swynnerton Parish,  
Staffordshire.



Map created at the scale of 1:25000  
(facsimiles may vary)

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Ordnance Survey 100019422. You are not  
permitted to copy, sub-license, distribute or  
sell any of this data to third parties in any form.  
Use of this data is subject to the terms and conditions  
shown at [www.staffordshire.gov.uk/maps](http://www.staffordshire.gov.uk/maps).  
Produced by Staffordshire County Council, 01/11/2023.

- Route of footpaths to be regraded as  
bridleways ( B - C )
- Footpaths unaffected by proposal
- Bridleway unaffected by proposal

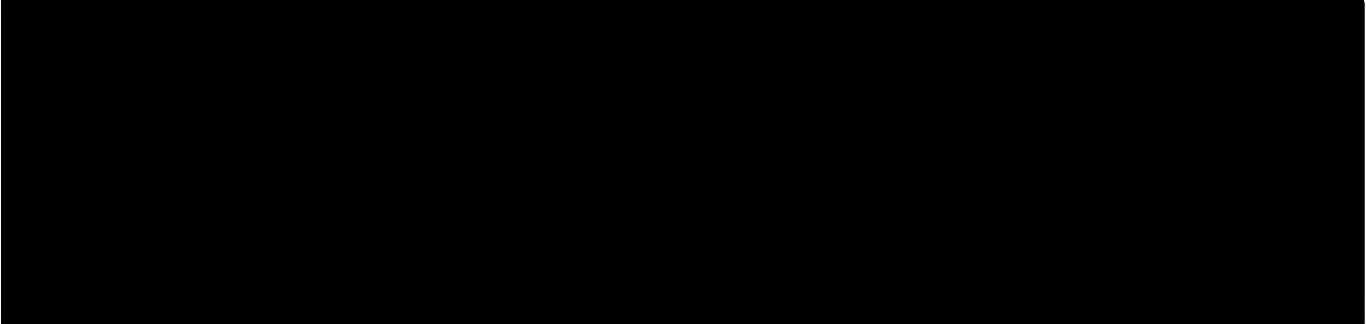
Appendix C

PUBLIC RIGHT OF WAY EVIDENCE FORM

User A

Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.



Description of way (include grid references if known):- F.P. N<sup>o</sup> 18 SWYNNERTON C.P.  
From DOG LANE, HANChurch HILLS OPPOSITE F.P. 19 SJ 839 400  
To END OF COUNTY ROAD ABOUT 150 YDS. S.W. OF ACTON HILL FARM  
SJ 828 409

\* Please delete as appropriate

1. How many years have you known the way? APPROX. 15 YRS.

2.(a) Do you believe the way to be a public right of way? \*YES/NO

(b) If so, is the way

(i) a footpath? (pedestrians only) \*YES/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) \*YES/NO

(iii) a by-way open to all traffic? (all uses including vehicles) \*YES/NO

3. How wide is the way? 15'-20'

4. Have you used the above way? \*YES/~~NO~~

If so: (a) During which years? 1977 - 1992.

- (b) Where were you going from/to? FROM ALTON TO HAN CHURCH  
(c) For what purpose? (eg work, pleasure) PLEASURE  
(d) How many times a year? (eg daily) DAILY.  
(e) By what means? (eg on  
foot, horseback, HORSEBACK.  
motor vehicle etc)  
(f) Please show the route of  
the way used on the  
attached plan.

---

5.(a) Has the way always been on the same route? \*YES/~~NO~~

- (b) If not, please give details of original route, date of diversion and show details on a plan.

---

6. Have there, to your knowledge, ever been on the way any stiles or gates? \*YES/~~NO~~

If so, state (with details of location) where the stiles or gates stood. HOBBOBLIN CAZE

---

7.(a) Were you working for any owner or tennant of land crossed by the way at the time when you used it. \*YES/~~NO~~

- (b) If so, give particulars and say whether you received any instructions from the owner/tennant as to the use of the way by the public? If so, what were they?

---

8.(a) Have you ever been stopped or turned back when using the way or do you know, or have you heard, of anyone else having been prevented from using the route? \*YES/~~NO~~

- (b) If so, please give particulars.

9.(a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public?

~~YES/NO~~

(b) If so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way?

~~YES/NO~~

(b) If so, state when and where and show its approximate position on the attached plan.

Dukes Lodge  
HOBGOBLIN GATE

P.T.O.

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way?

~~YES/NO~~

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way?

~~YES/NO~~

(b) If so, by whom?

13. Can you give any further particulars about the way (continue on a separate sheet of paper if necessary).

DO REMEMBER A FENCE BOTH SIDES OF TRACK.

14. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

~~YES/NO~~

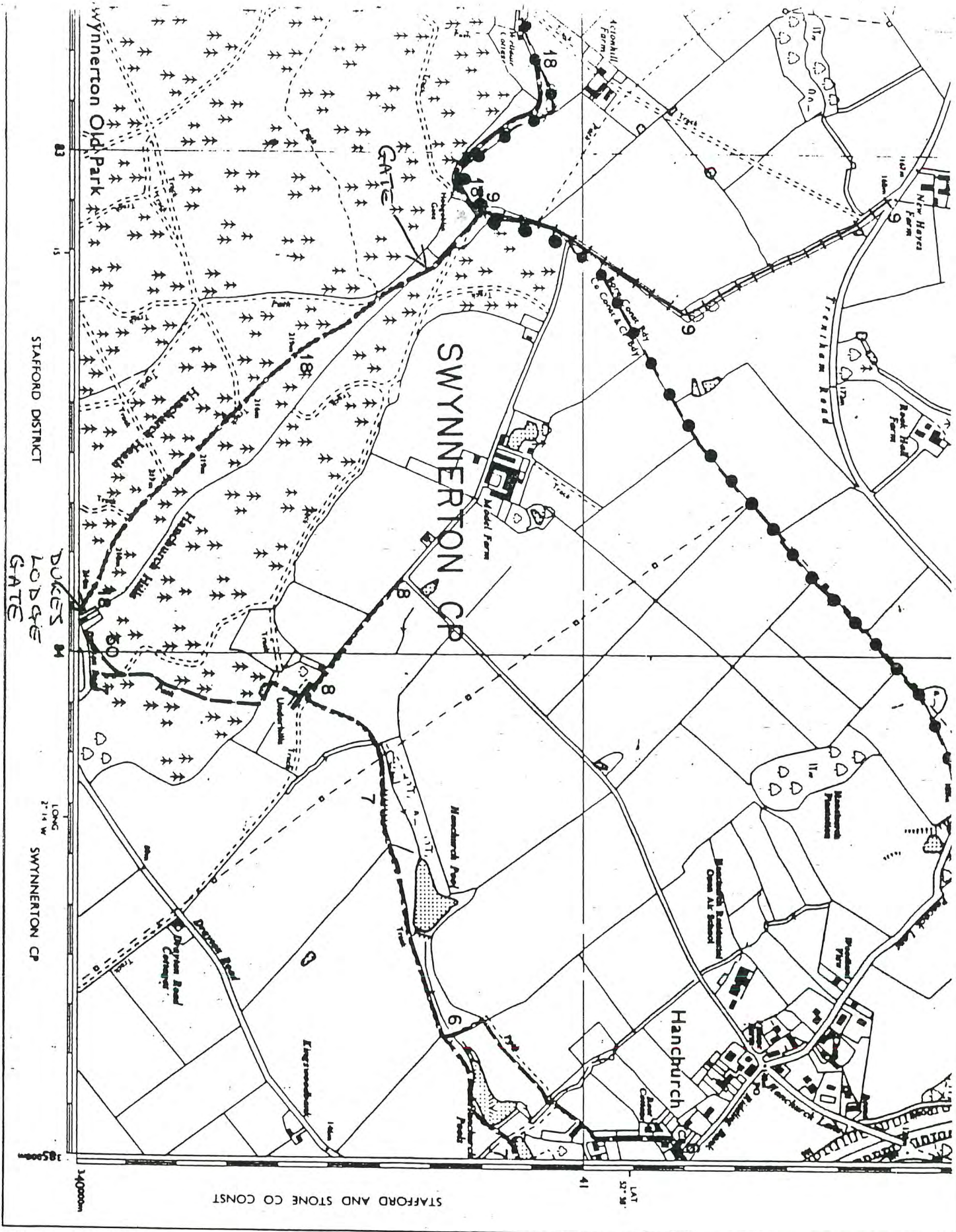
I certify that, to the best of my knowledge and belief, the facts I have stated are true

Person taking this statement

Date..... 26/8/97.....

HubGoblin Gate And Dukes Lodge were Bridal Gates which were always open. When the Forestry Permit System was introduced, HubGoblin Gate was replaced by a vehicle Gate which is locked. At Dukes Lodge the Bridle Gate was replaced by a kissing Gate for Peckstrass and a Bridle Gate was replaced on the other side of the vehicle Gate as part of the Permit System Key holders only Gate

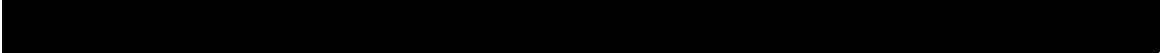
*[Signature]*



SJ 84 SW





I,  DO

**SOLEMNLY AND SINCERELY DECLARE** as follows:-

1. Since 1920 I have used footpath number 18 in Swynnerton Parish Staffordshire shown edged red on the plan annexed hereto (Exhibit 1) regularly on horseback in order to go from Harley Thorne to Acton.
2. So far as I can remember the path mentioned has always been open to horse riders and to my knowledge there have never been any gates or stiles preventing access.
3. I have never been prevented or stopped or turned back by any persons and have always exercised a right of way on horseback freely and without interruption.
4. I have always believed the right to be a public right of way and to my knowledge there has never been any gate or obstruction crossing the path.
5. I believe that the way extends to some fifteen to eighteen feet.
6. Over the course of many years, certainly in excess of twenty five, I have used the way in this manner either alone or with other members of my family also on horseback, at least once a week.
7. I do believe that this way should be shown on the definitive map as a bridle way. It has always been used as such and I believe it should continue to be used as an access way for those on foot and on horseback.

**AND I MAKE** this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835

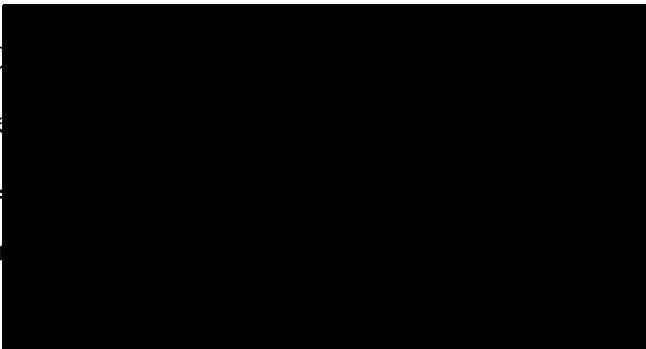
DEC

in the

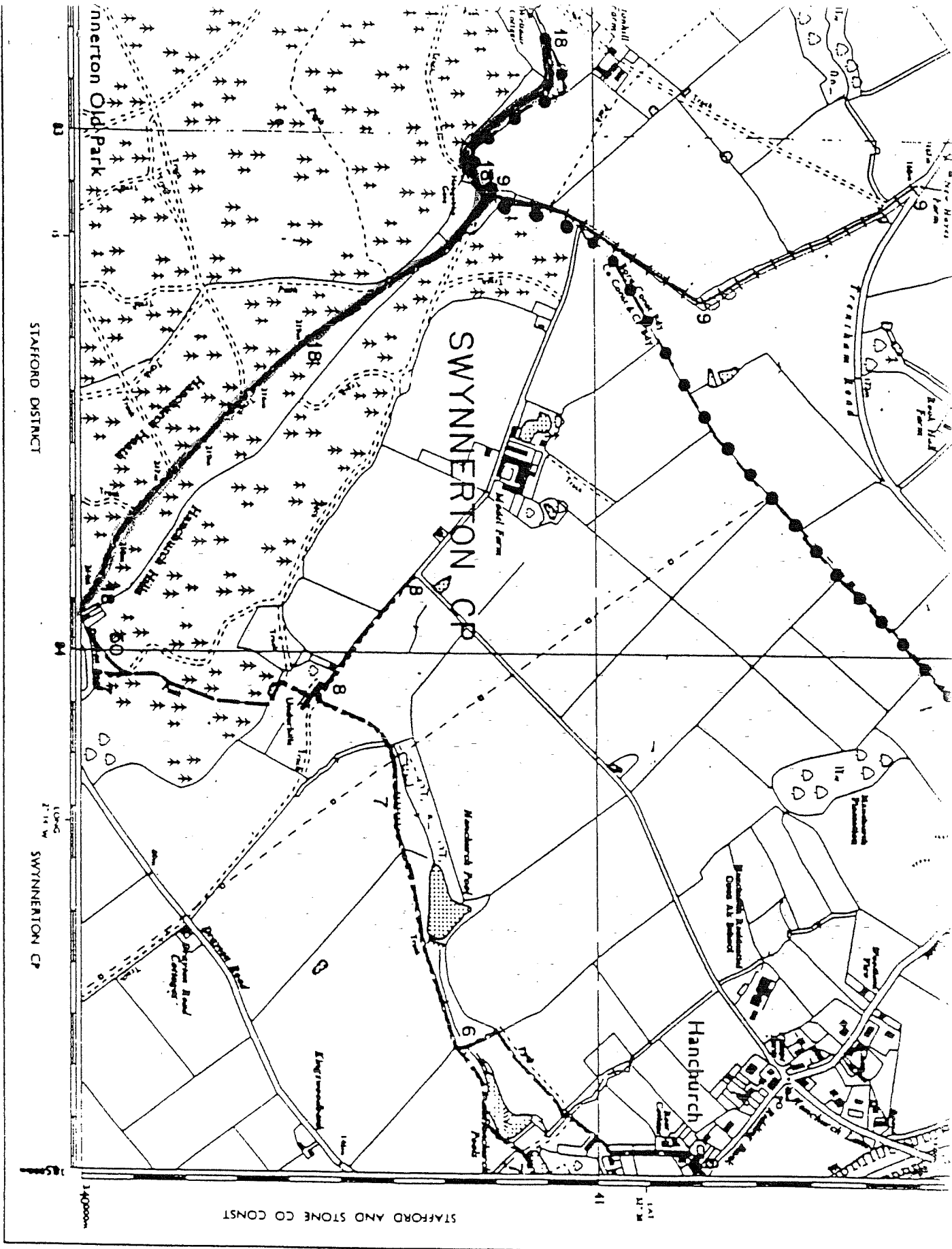
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Before

.....



Solicitor/ Commissioner for Oaths



SJ 84 SW

PUBLIC RIGHT OF WAY EVIDENCE FORM

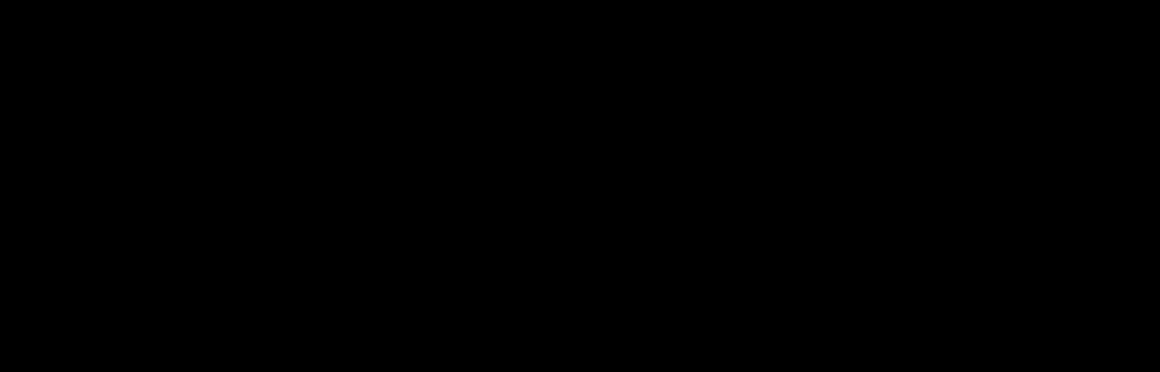
Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness.  
(Block Capitals pl

Address  
(Block Capitals pl

Date of Birth



Description of way (include grid references if known):- FOOTPATH N<sup>o</sup> 18 SWYNNERTON C. P.  
From  
To

\* Please delete as appropriate

1. How many years have you known the way? 70

2.(a) Do you believe the way to be a public right of way? \*YES/NO

(b) If so, is the way

(i) a footpath? (pedestrians only) \*YES/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) \*YES/NO

(iii) a by-way open to all traffic? (all uses including vehicles) \*YES/NO

3. How wide is the way?

15 - 18 FT

4. Have you used the above way?

\*YES/NO

If so: (a) During which years?

1920 ~~around~~ 1960  
then occasionally till 1970

(b) Where were you going from/to?

HARLEY THORN TO ACTON

(c) For what purpose? (eg work, pleasure)

PLEASURE

(d) How many times a year? (eg daily)

VERY MANY

(e) By what means? (eg on

foot, horseback,

motor vehicle etc)

HORSEBACK

(f) Please show the route of

the way used on the

attached plan.

---

5.(a) Has the way always been on the same route?

\*YES/NO

(b) If not, please give details

of original route, date of diversion and show details on a plan.

---

6. Have there, to your knowledge, ever been on the way any stiles or gates?

\*YES/NO

If so, state (with details of location) where the stiles or gates stood.

---

7.(a) Were you working for any owner or tennant of land crossed by the way at the time when you used it.

\*YES/NO

(b) If so, give particulars and say whether you received any instructions from the owner/tennant as to the use of the way by the public? If so, what were they?

---

8.(a) Have you ever been stopped or turned back when using the way or do you know, or have you heard, of anyone else having been prevented from using the route?

\*YES/NO

(b) If so, please give particulars.

9.(a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public?

\*YES/NO

(b) If so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way?

\*YES/NO

NOT ACROSS THE PATH

(b) If so, state when and where and show its approximate position on the attached plan.

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way?

\*YES/NO

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way?

\*YES/NO NO

(b) If so, by whom?

13. Can you give any further particulars about the way (continue on a separate sheet of paper if necessary).

See [REDACTED] STATEMENT I KEPT MY HORSE AT LIVERY AT HARLEY THIRNE FARM, SO OF COURSE OFTEN USED THE ROUTE WITH MY FAMILY

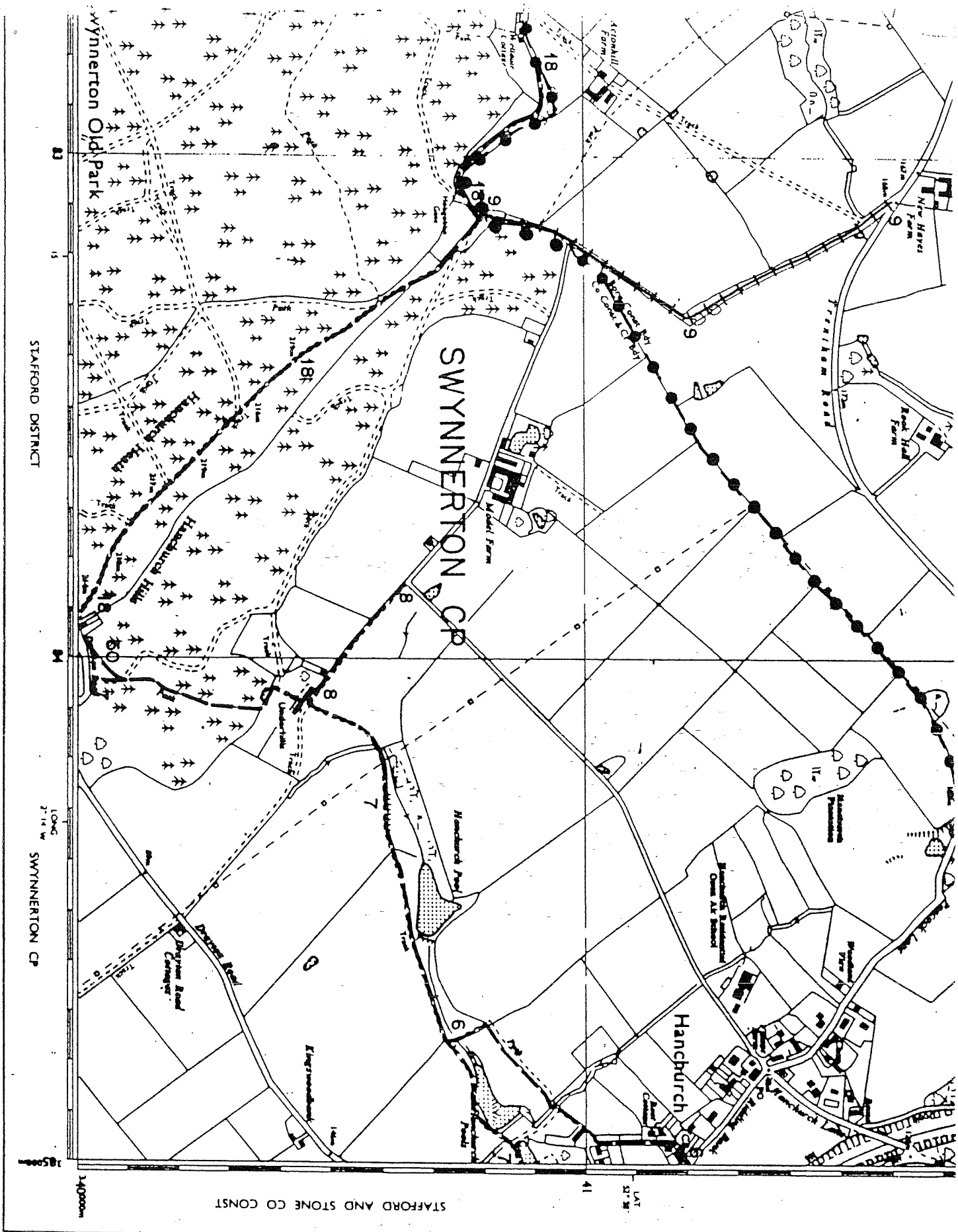
14. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

ONLY BY LETTER OR IF SOMEONE CAME TO THE HOUSE AS I AM NEARLY 90 YRS OF AGE AND WOULD FIND ANYTHING ELSE TOO TIRING

I certify that to the best of my knowledge and belief the facts I have stated are true

Person

Date 3<sup>rd</sup> SEPT. 1992



SW 84 SJ

DO

I

**SOLEMNLY AND SINCERELY DECLARE** as follows:

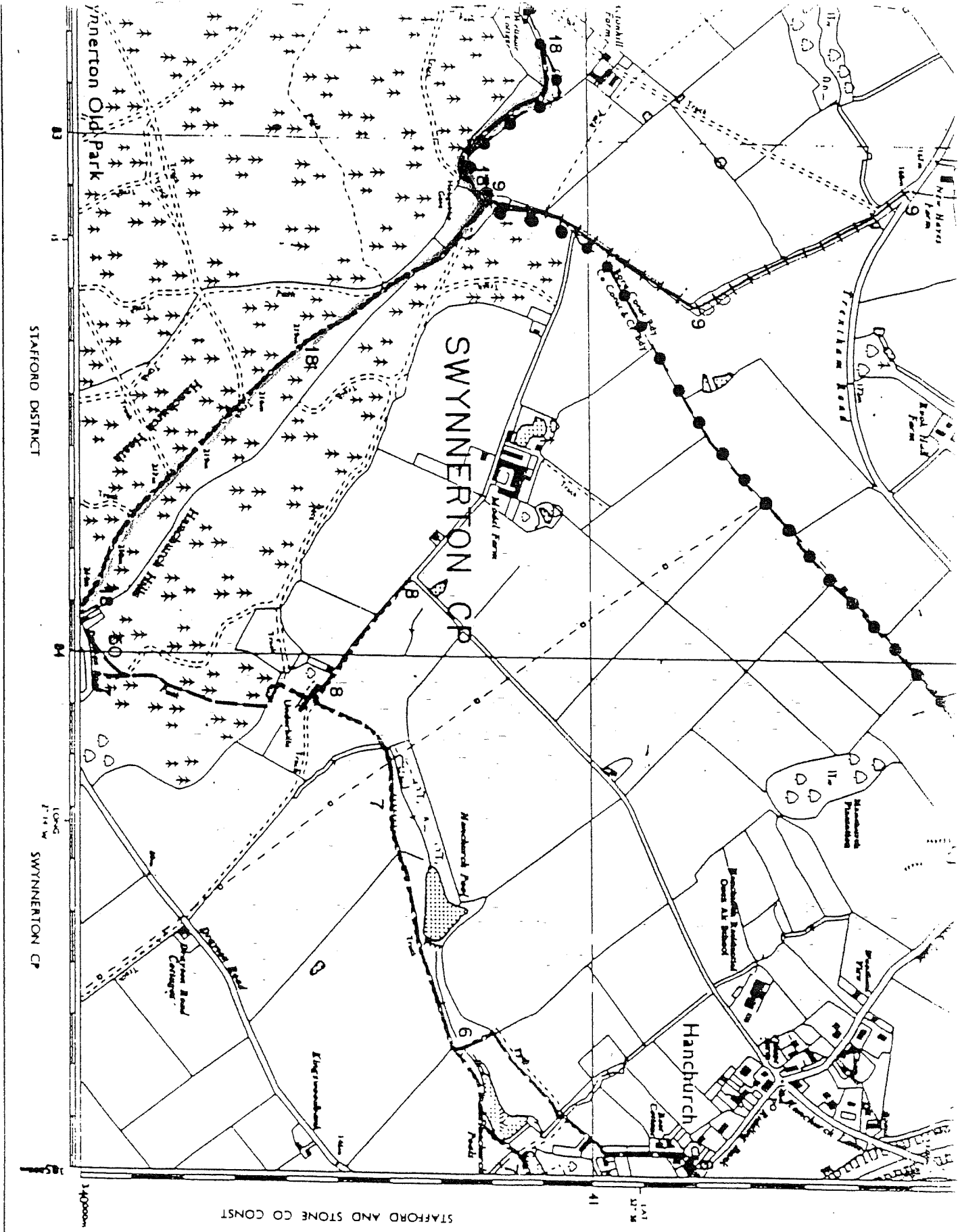
1. I have personally used the footpath number 18 in Swynnerton Parish shown edged red on the plan annexed hereto (exhibit 1) for some forty years both on foot and on horseback either alone or with other members of my family.
2. During all that time the route of the path has never altered to my knowledge. I have always believed it to be a public right of way for people on foot and on horseback.
3. I believe the width of the way to be some fifteen to eighteen feet.
4. Since 1945 approximately I have used the path to cross from Harley Thorne to Acton. I frequently have taken this route on horseback.
5. To my knowledge I have never been prevented from obtaining access nor have I seen any gates or stiles preventing access.
6. I truly believe the way to be a public right of way and that it should be shown on the definitive map as a bridle way in the event that it is not already shown as such.
7. I would be quite prepared to come to Court to give evidence in person if required and I whole heartedly support any application by the Bridle Way Association to confirm the way's true status.

**AND I MAKE** this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835

**DECLARED** at *Stone*  
in the County of *Staffordshire*  
This *24th* day of *June* 1994

Before me

Solicitor/Commissioner for Oaths



WS 84 JS



PUBLIC RIGHT OF WAY EVIDENCE FORM

Important Note

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Name of witness  
(Block Cap)

Address  
(Block Cap)

Date of Birth

Description of way (include grid references if known): FOOTPATH N<sup>o</sup> 18 SWYNNERTON C.P.  
From  
To

\* Please delete as appropriate

1. How many years have you known the way? OVER 40

2.(a) Do you believe the way to be a public right of way? \*YES/NO

(b) If so, is the way

(i) a footpath? (pedestrians only) \*YES/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) \*YES/NO

(iii) a by-way open to all traffic? (all uses including vehicles) \*YES/NO

3. How wide is the way?

15 - 18 ft

4. Have you used the above way?

\*YES/NO

If so: (a) During which years?

1945 ~~1946~~ 1960  
then infrequently till 1960  
Harlington to Acton  
pleasure  
frequently  
horseback

- (b) Where were you going from/to?
- (c) For what purpose? (eg work, pleasure)
- (d) How many times a year? (eg daily)
- (e) By what means? (eg on foot, horseback, motor vehicle etc)
- (f) Please show the route of the way used on the attached plan.

5.(a) Has the way always been on the same route?

\*YES/NO

(b) If not, please give details of original route, date of diversion and show details on a plan.

6. Have there, to your knowledge, ever been on the way any stiles or gates?

\*YES/NO

If so, state (with details of location) where the stiles or gates stood.

7.(a) Were you working for any owner or tenant of land crossed by the way at the time when you used it.

\*YES/NO

(b) If so, give particulars and say whether you received any instructions from the owner/tenant as to the use of the way by the public? If so, what were they?

8.(a) Have you ever been stopped or turned back when using the way or do you know, or have you heard, of anyone else having been prevented from using the route?

\*YES/NO

(b) If so, please give particulars.

9.(a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? \*YES/NO

(b) If so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way? \*YES/NO

*the side only to*

(b) If so, state when and where and show its approximate position on the attached plan.

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way? \*YES/NO

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way? \*YES/NO *No*

(b) If so, by whom?

13. Can you give any further particulars about the way (continue on a separate sheet of paper if necessary)

*About 1950. My father (C.R. Burne) and I were riding our horses along the side the path, with locked gates in it. A wire fence had been put along the path. My father's horse was frightened by a deer and jumped the wire fence.*

14. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

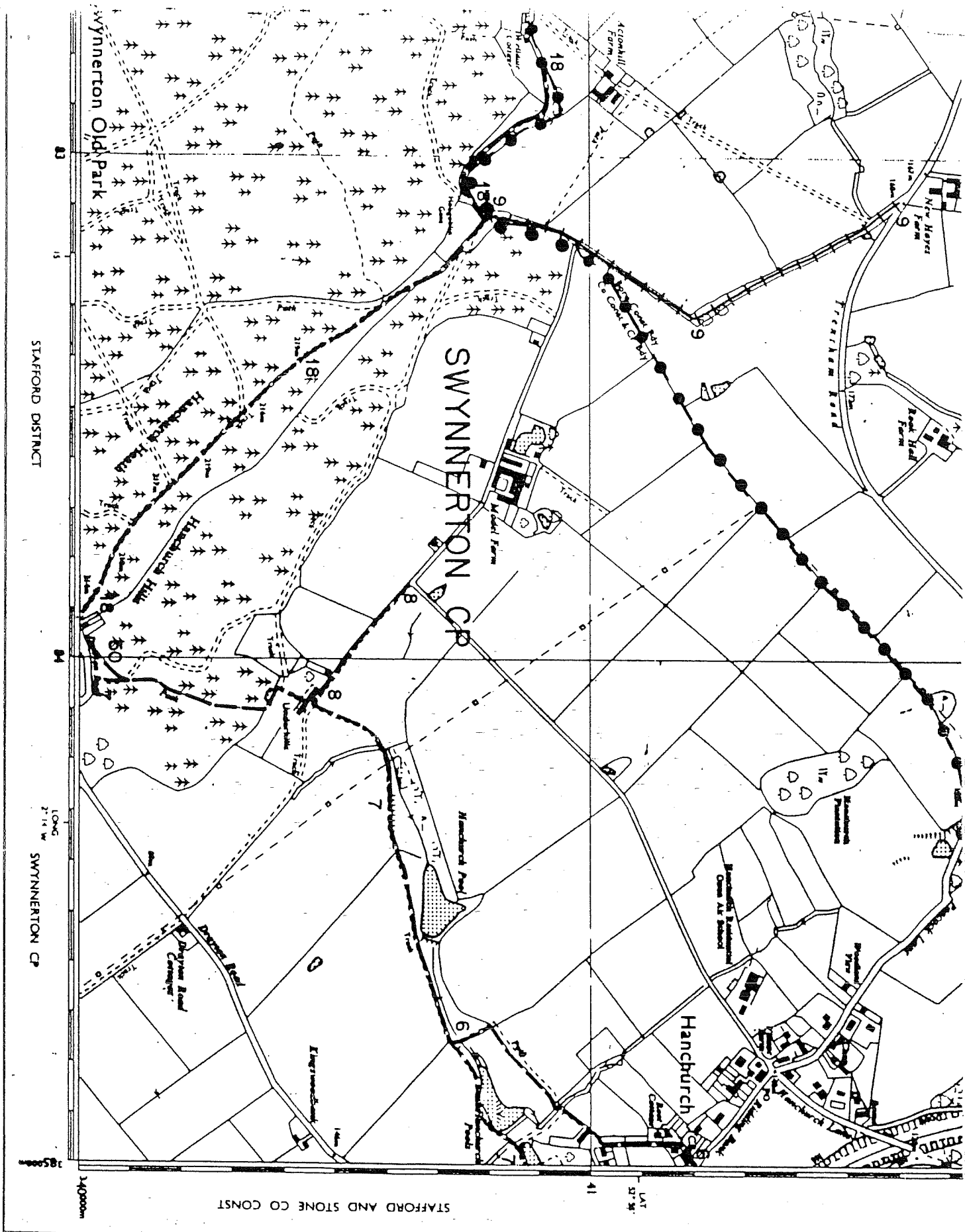
\*YES/NO

I certify that, to the best of my knowledge and belief, the contents of this statement are true and correct.

Person taking this statement...

Date *Sept 3<sup>rd</sup> 1992*

*As the gates were locked the only way they could get back on the path was for my father to put his coat over the wire - so that the horse could see the fence and jump back again. I remember being frightened that the horse would hit the wire I fell (they cleared the fence!).*



SJ 84 SW

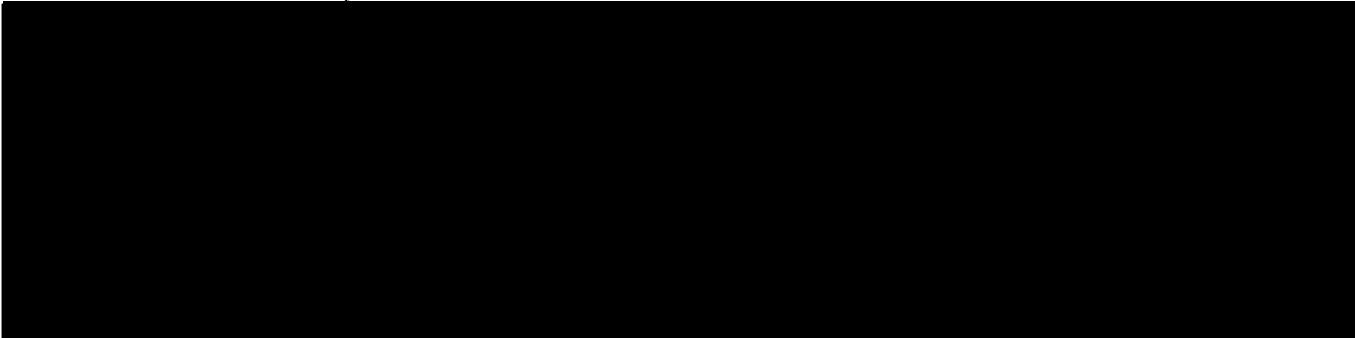
PUBLIC RIGHT OF WAY EVIDENCE FORM



User D

Important Note

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Description of way (include grid references if known):- F.P. N<sup>o</sup>18 SWYNNERTON C. P.  
From  
To

\* Please delete as appropriate

1. How many years have you known the way?

12 YEARS

2.(a) Do you believe the way to be a public right of way?

\*YES/NO

(b) If so, is the way

(i) a footpath? (pedestrians only)

\*YES/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists)

\*YES/NO

(iii) a by-way open to all traffic? (all uses including vehicles)

\*YES/NO

3. How wide is the way?

15' - 20'

9.(a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public?

\*YES/NO

(b) If so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way?

\*YES/NO

(b) If so, state when and where and show its approximate position on the attached plan.

RECENTLY (SINCE APRIL 1992) AT HOBGOBLIN GATE.

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way?

\*YES/NO

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way?

\*YES/NO

(b) If so, by whom?

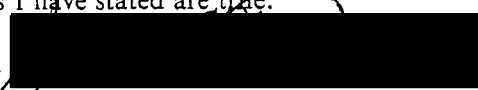
13. Can you give any further particulars about the way (continue on a separate sheet of paper if necessary).

14. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

\*YES/NO

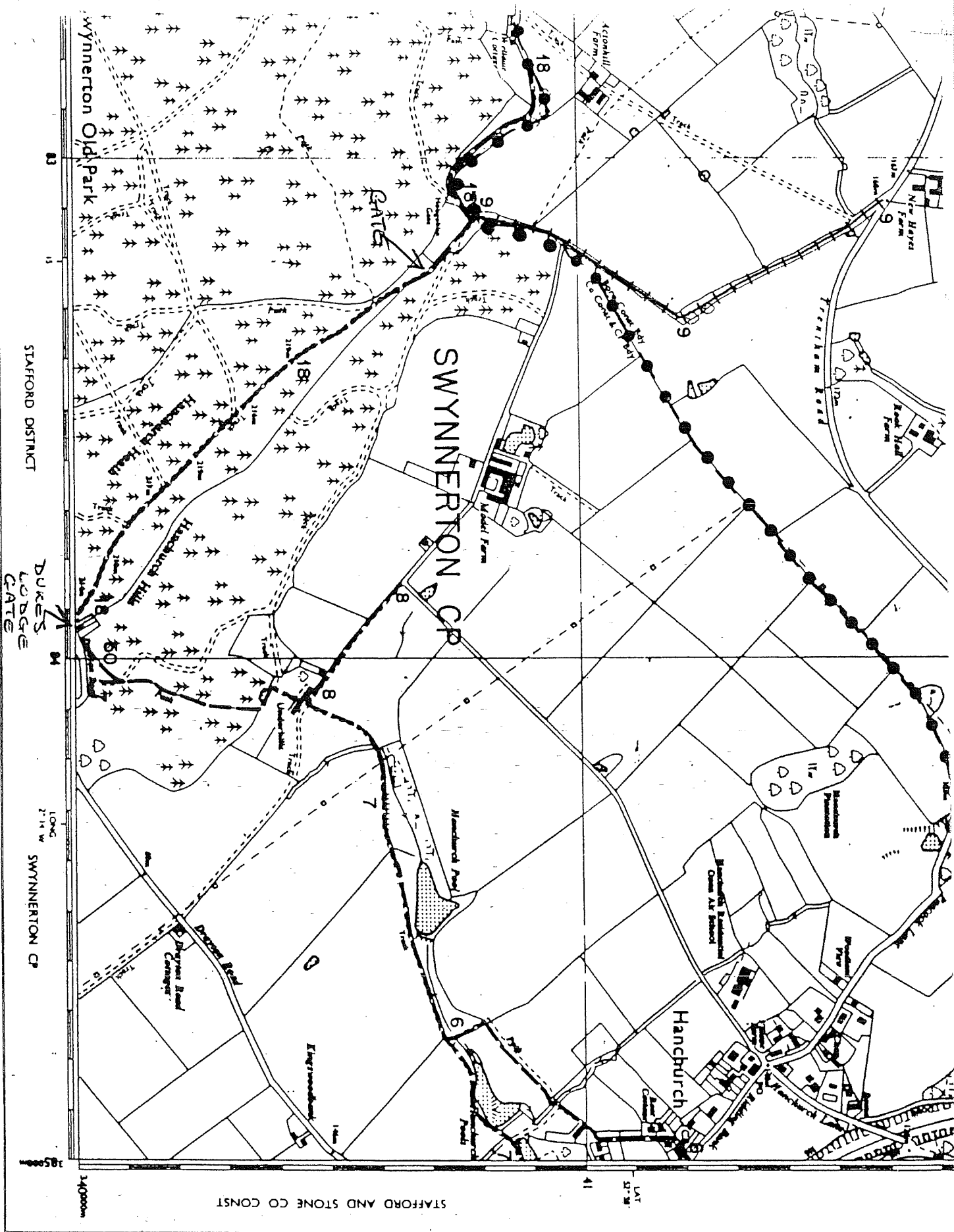
I certify that, to the best of my knowledge and belief, the facts I have stated are true.

Signature ...



Person taking this statement. MRS W. NAYLON FOR N. STAFFS. BRIDLEWAYS ASSOC.

Date... 26th August 1992...



WS 48 JS

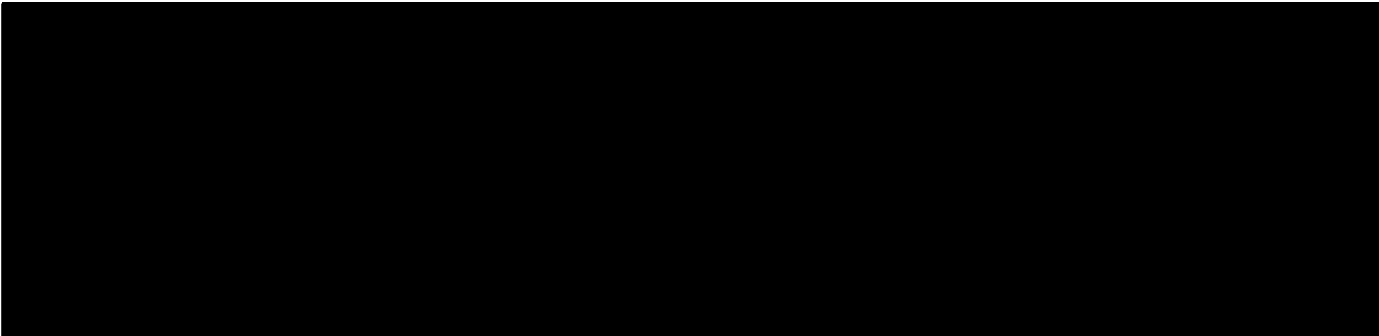
PUBLIC RIGHT OF WAY EVIDENCE FORM



Important Note

User E

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Description of way (include grid references if known):-

From DUKES LODGE  
To TARMAC LANE THAT THEN LEADS TO ACREW (PAST HORSESHOES GATE)

\* Please delete as appropriate

1. How many years have you known the way? PRACTICALLY ALL MY LIFE - 284 YEARS

2.(a) Do you believe the way to be a public right of way? \*YES/~~NO~~

(b) If so, is the way

(i) a footpath? (pedestrians only) \*YES/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) \*YES/~~NO~~

(iii) a by-way open to all traffic? (all uses including vehicles) \*YES/NO

3. How wide is the way?  
ABOUT 10 FOOT WIDE



4. Have you used the above way?

\*YES/~~NO~~

If so: (a) During which years?

FROM ABOUT 1972 ONWARDS

(b) Where were you going from/to? HOBBIOLINS GATE TO HANCAIKKI HILLS PICNIC AREA

(c) For what purpose? (eg work, pleasure) PLEASURE

(d) How many times a year? (eg daily) WEEKLY

(e) By what means? (eg on foot, horseback, motor vehicle etc) HORSEBACK + ON FOOT

(f) Please show the route of the way used on the attached plan.

---

5.(a) Has the way always been on the same route?

\*YES/~~NO~~

(b) If not, please give details of original route, date of diversion and show details on a plan.

---

6. Have there, to your knowledge, ever been on the way any stiles or gates?

\*YES/~~NO~~

If so, state (with details of location) where the stiles or gates stood. A SINGLE GATE ATTACHED TO A LARGER GATE (SIZE OF FIELD GATE) AT THE TOP CORNER OF HOBBIOLINS GATE - AND DOUBLE GATES ATTACHED TO A SINGLE GATE (GOING OUT ON ROAD OPPOSITE HANCAIKKI PICNIC AREA)

---

7.(a) Were you working for any owner or tenant of land crossed by the way at the time when you used it.

\*YES/NO

(b) If so, give particulars and say whether you received any instructions from the owner/tenant as to the use of the way by the public? If so, what were they?

---

8.(a) Have you ever been stopped or turned back when using the way or do you know, or have you heard, of anyone else having been prevented from using the route?

\*YES/NO

(b) If so, please give particulars.

9.(a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? \*~~YES~~/NO

(b) If so, give particulars and dates.

---

10.(a) Have you ever known of any locked gate or obstruction to the way? \*~~YES~~/NO

(b) If so, state when and where and show its approximate position on the attached plan.

---

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way? \*~~YES~~/NO

(b) If so, state what the notices said and show their approximate position on a plan.

BUT THERE USED TO BE A "STANDARD" HOLDING WOODEN BOARDS TO STAMP OUT ANY FIRES SOMEWHERE NEAR THE GATE OUTGANG - I CAN'T REMEMBER THE EXACT POSITION SOMEWHERE NEAR HOBBOBINS GATE - BUT THEY HAVE LONG SINCE GONE.

---

12.(a) Have you ever been given permission to use the way? \*~~YES~~/NO

(b) If so, by whom?

---

13. Can you give any further particulars about the way (continue on a separate sheet of paper if necessary).

---

14. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

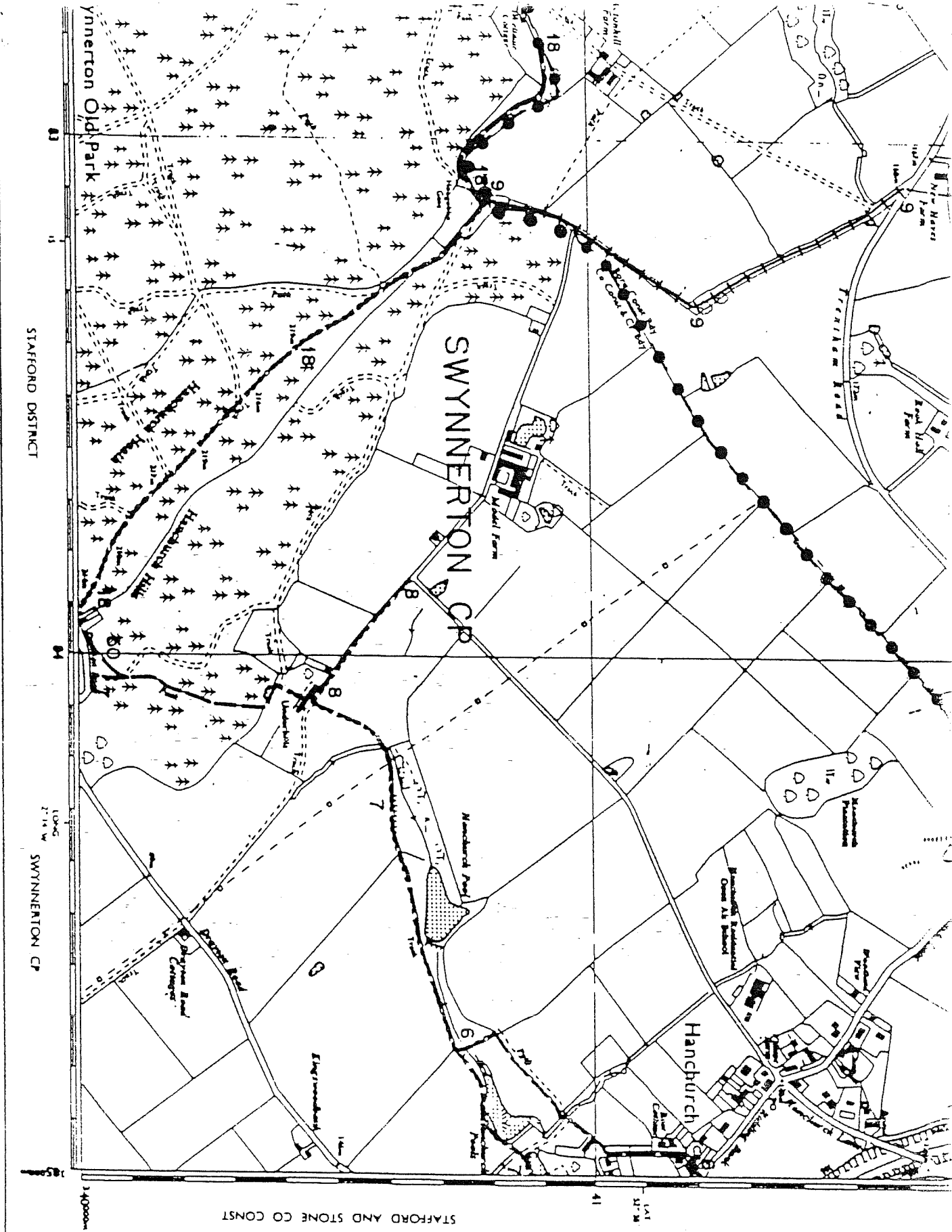
\*~~YES/NO~~ YES/NO

I certify that, to the best of my knowledge and belief, the facts I have stated are true

Signature [REDACTED]

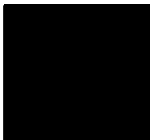
Person taking this statement.....

Date. 21/7/04.....



SJ 84 SW

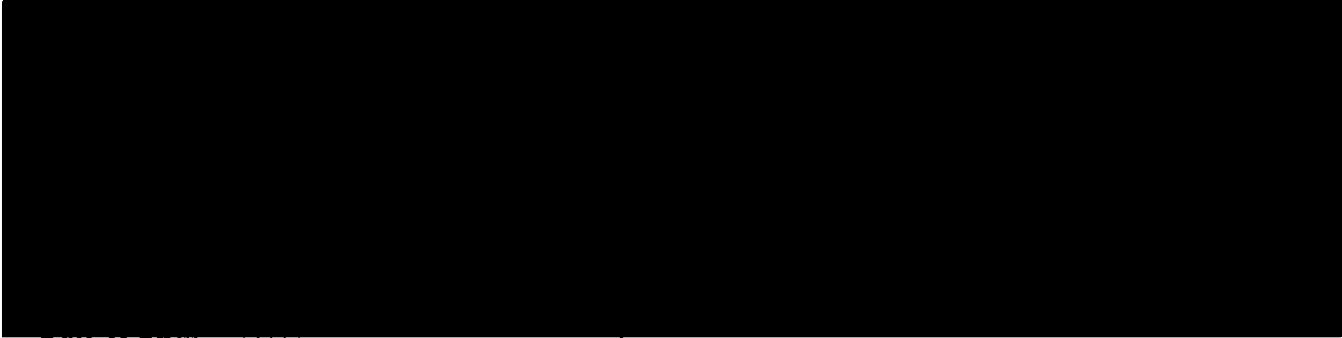
PUBLIC RIGHT OF WAY EVIDENCE FORM



Important Note

User F

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Description of way (include grid references if known):-

From  
To

\* Please delete as appropriate

1. How many years have you known the way? 34 YRS.

2.(a) Do you believe the way to be a public right of way? \*YES/NO

(b) If so, is the way

(i) a footpath? (pedestrians only) \*YES/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) \*YES/NO

(iii) a by-way open to all traffic? (all uses including vehicles) \*YES/NO

3. How wide is the way? approximately 15'

4. Have you used the above way?

\*YES/NO

If so: (a) During which years?

1958 to 1963

- (b) Where were you going from/to? CIRCULAR RIDE FROM NEWCASTLE, THROUGH BITTERTON
- (c) For what purpose? (eg work, pleasure) PLEASURE
- (d) How many times a year? (eg daily) WEEKLY DURING SUMMER MONTHS.
- (e) By what means? (eg on foot, horseback, motor vehicle etc) ON HORSEBACK
- (f) Please show the route of the way used on the attached plan. ✓

5.(a) Has the way always been on the same route?

\*YES/NO

(b) If not, please give details of original route, date of diversion and show details on a plan.

6. Have there, to your knowledge, ever been on the way any stiles or gates?

\*YES/NO

If so, state (with details of location) where the stiles or gates stood.

WOODEN GATE AT EACH END  
USUALLY OPEN

7.(a) Were you working for any owner or tennant of land crossed by the way at the time when you used it.

\*YES/NO

(b) If so, give particulars and say whether you received any instructions from the owner/tennant as to the use of the way by the public? If so, what were they?

8.(a) Have you ever been stopped or turned back when using the way or do you know, or have you heard, of anyone else having been prevented from using the route?

\*YES/NO

(b) If so, please give particulars.

9.(a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? ~~\*YES/NO~~

(b) If so, give particulars and dates.

---

10.(a) Have you ever known of any locked gate or obstruction to the way? ~~\*YES/NO~~

(b) If so, state when and where and show its approximate position on the attached plan.

---

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way? ~~\*YES/NO~~

(b) If so, state what the notices said and show their approximate position on a plan.

---

12.(a) Have you ever been given permission to use the way? ~~\*YES/NO~~

(b) If so, by whom?

---

13. Can you give any further particulars about the way (continue on a separate sheet of paper if necessary).

---

14. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

~~\*YES/NO~~

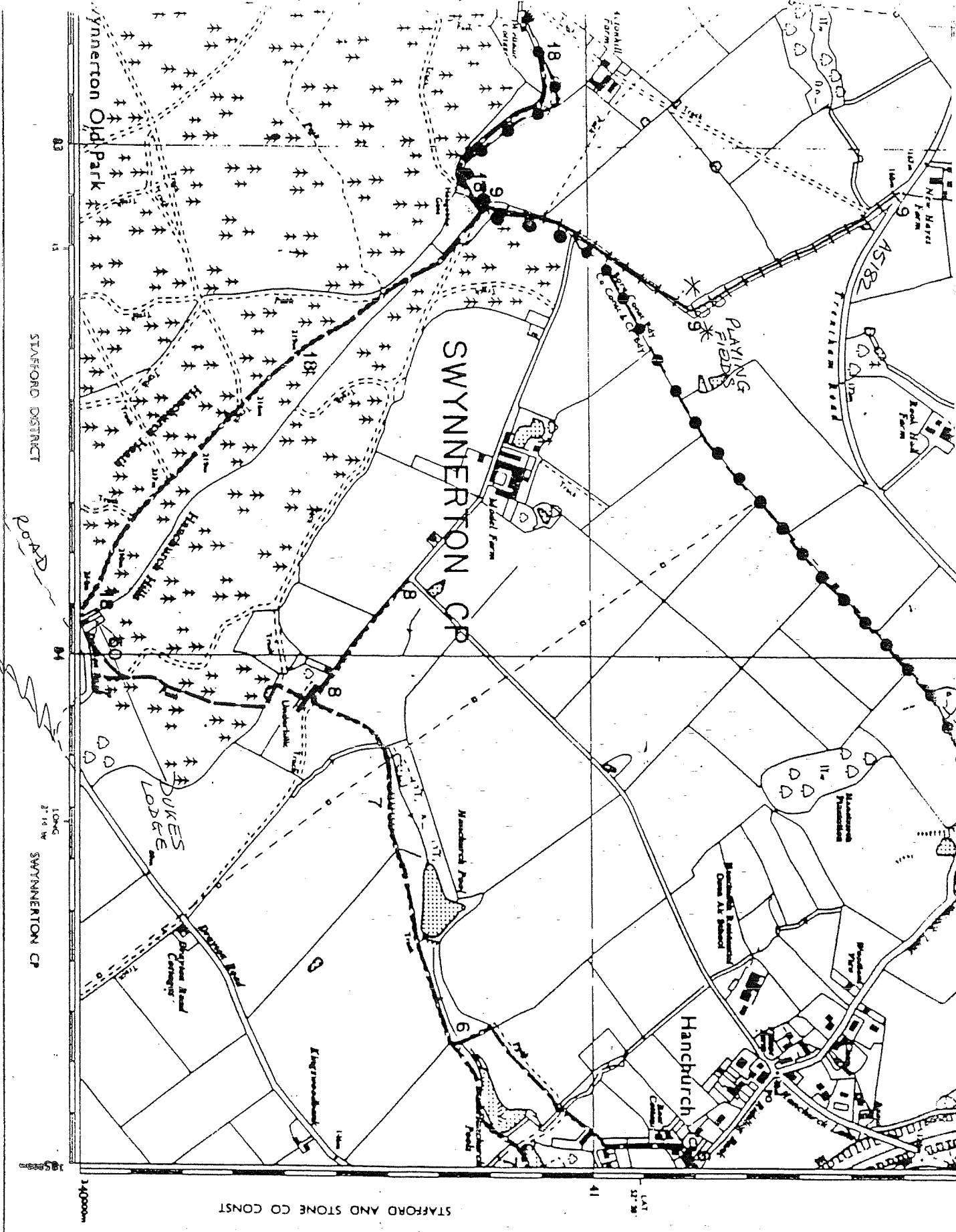
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I certify that, to the best of my knowledge

Person taking this statement.....

Date..... 9/9/93.....

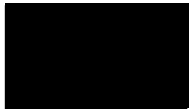
N.S.B.A.



\* WATER TOWER  
IS APPROX. HERE

WS 84 SW

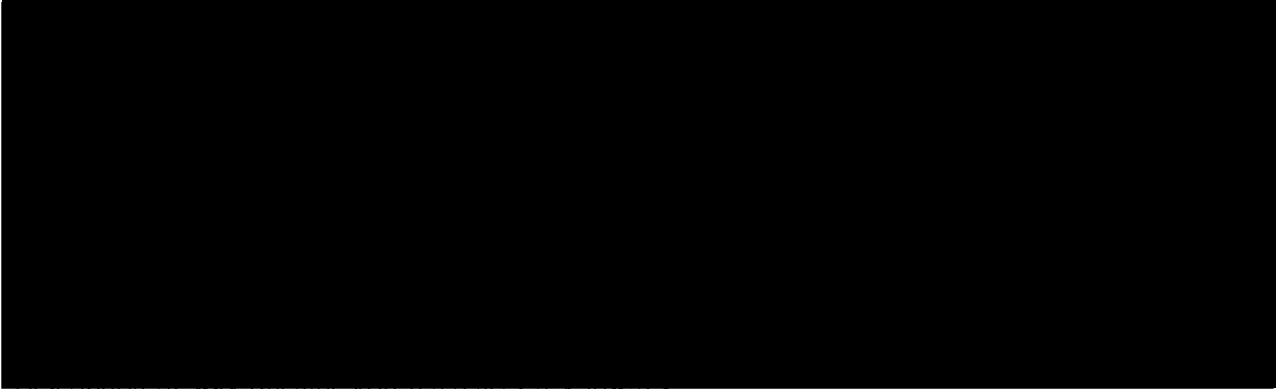
PUBLIC RIGHT OF WAY EVIDENCE FORM



User G

Important Note

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Description of way (include grid references if known)  
~~From~~ FP NO 18 SWYNNERTON CP.  
~~TO~~ FROM DEGT LANE HANChurch HILLS, OPPOSITE FP 19. SJ839400  
TO END OF COUNTY ROAD ABOUT 150 YDS S.W. OF ACTON HILL FARM  
\* Please delete as appropriate

1. How many years have you known the way? FORTY

2.(a) Do you believe the way to be a public right of way? \*YES/NO

(b) If so, is the way

(i) a footpath? (pedestrians only) \*YES/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) \*YES/NO

(iii) a by-way open to all traffic? (all uses including vehicles) \*YES/NO

3. How wide is the way?

APPROX 20 FEET



so: (a) During which years? 1952 - 1992. BETWEEN 1962 and 1972 only occasionally as I did not own a horse

- (b) Where were you going from/to?
- (c) For what purpose? (eg work, pleasure)
- (d) How many times a year? (eg daily)
- (e) By what means? (eg on foot, horseback, motor vehicle etc)
- (f) Please show the route of the way used on the attached plan.

1952 - 1962 from Butterton to Hanchurch, for pleasure on average once a week on horse back.  
 from 1972 - 1982 ~~for pleasure~~ from Chase Lane - Butterton from 1982 - 1992 from Oulton ~~for~~ Butterton to visit my mother now elderly, on horseback

5.(a) Has the way always been on the same route?

\*YES/NO

(b) If not, please give details of original route, date of diversion and show details on a plan.

6. Have there, to your knowledge, ever been on the way any stiles or gates?

\*YES/NO

If so, state (with details of location) where the stiles or gates stood.

HOBGOBLIN GATE  
 (MARKED ON MAP)  
 STILL STANDS.

7.(a) Were you working for any owner or tennant of land crossed by the way at the time when you used it.

\*YES/NO

(b) If so, give particulars and say whether you received any instructions from the owner/tennant as to the use of the way by the public? If so, what were they?

8.(a) Have you ever been stopped or turned back when using the way or do you know, or have you heard, of anyone else having been prevented from using the route?

\*YES/NO

(b) If so, please give particulars.

7.(a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public?

~~YES~~/NO

(b) If so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way?

1992 \*YES/NO

(b) If so, state when and where and show its approximate position on the attached plan.

DUKES LODGE GATE AND HOBGOBLIN GATE. (ON MAP)

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way?

\*YES/NO

(b) If so, state what the notices said and show their approximate position on a plan.

THIS YEAR 1992 IT SAYS PERMIT HOLDERS ONLY FOR RIDING FROM FORESTRY COMMISSION

12.(a) Have you ever been given permission to use the way?

\*YES/NO

(b) If so, by whom?

1992 I PAYED FOR A PASS FROM THE FORESTRY COMMISSION AS MY VISITS TO MY MOTHER ON MY HORSE BRING HER PLEASURE

13. Can you give any further particulars about the way (continue on a separate sheet of paper if necessary).

THE BRIDLEWAY USED TO BE FENCED SO THERE WAS NO RIDING

IN THE WOOD. THERE WAS A HORSESHOE SIGN ON DUKES LODGE GATE

14. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

\*YES/NO

I certify that, to the best of my knowledge and belief, the facts I have stated are true.

Signature



Person taking this statement

Date... 1992

PUBLIC RIGHT OF WAY EVIDENCE FORM

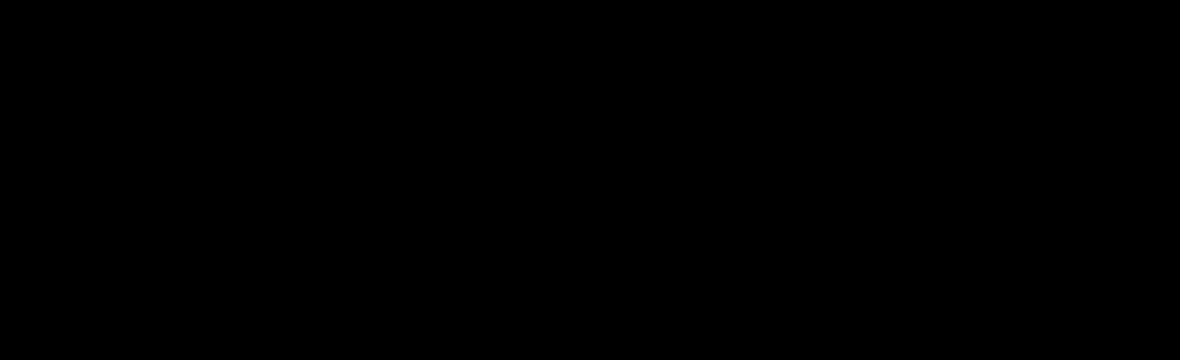
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Name of  
(Block Ca

Address  
(Block Ca

Date of B



Description of way (include grid references if known):-  
From  
To



\* Please delete as appropriate

1. How many years have you known the way? *All my life - hidden since 1969*

2.(a) Do you believe the way to be a public right of way? \*YES/~~NO~~

(b) If so, is the way

(i) a footpath? (pedestrians only) \*~~YES~~/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) \*YES/~~NO~~

(iii) a by-way open to all traffic? (all uses including vehicles) \*YES/NO *only Forestry Commission vehicles.*

3. How wide is the way?  
*In part very narrow (one vehicle width) from Acton widening into Limestone road with rough verges.*

4. Have you used the above way?

\*YES/

If so: (a) During which years?

1969 - 1992 (stopped in 1992 due to ill-health) started again in 1994.

(b) Where were you going from/to?

(c) For what purpose? (eg work, pleasure)

(d) How many times a year? (eg daily)

(e) By what means? (eg on foot, horseback, motor vehicle etc)

(f) Please show the route of the way used on the attached plan.

b) Toft Farm up Drayton Road to said route to ride to friends houses in Acton and return - twice weekly. (Welldale + The Gables)  
e) Horseback and foot with family.  
f) As marked in green on plan and beyond at either end.

5.(a) Has the way always been on the same route?

\*YES/

(b) If not, please give details of original route, date of diversion and show details on a plan.

6. Have there, to your knowledge, ever been on the way any stiles or gates?

\*YES/

If so, state (with details of location) where the stiles or gates stood.

Five bar gate at either end of the limestone path plus wicket gates (clearly marked for horses and easy to open).

7.(a) Were you working for any owner or tenant of land crossed by the way at the time when you used it.

\*/NO

(b) If so, give particulars and say whether you received any instructions from the owner/tenant as to the use of the way by the public? If so, what were they?

8.(a) Have you ever been stopped or turned back when using the way or do you know, or have you heard, of anyone else having been prevented from using the route?

\*/NO

(b) If so, please give particulars.

10.(a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public?

\*/NO

(b) If so, give particulars and dates.

\*YES/

10.(a) Have you ever known of any locked gate or obstruction to the way?

(b) If so, state when and where and show its approximate position on the attached plan.

Both five bar gates chained and padlocked wicket gates still open for use and light brown square signs placed on left hand side of gate with horse-shoe on, painted on white.

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way?

\*/NO

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way?

\*/NO

(b) If so, by whom?

13. Can you give any further particulars about the way (continue on a separate sheet of paper if necessary).

14. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

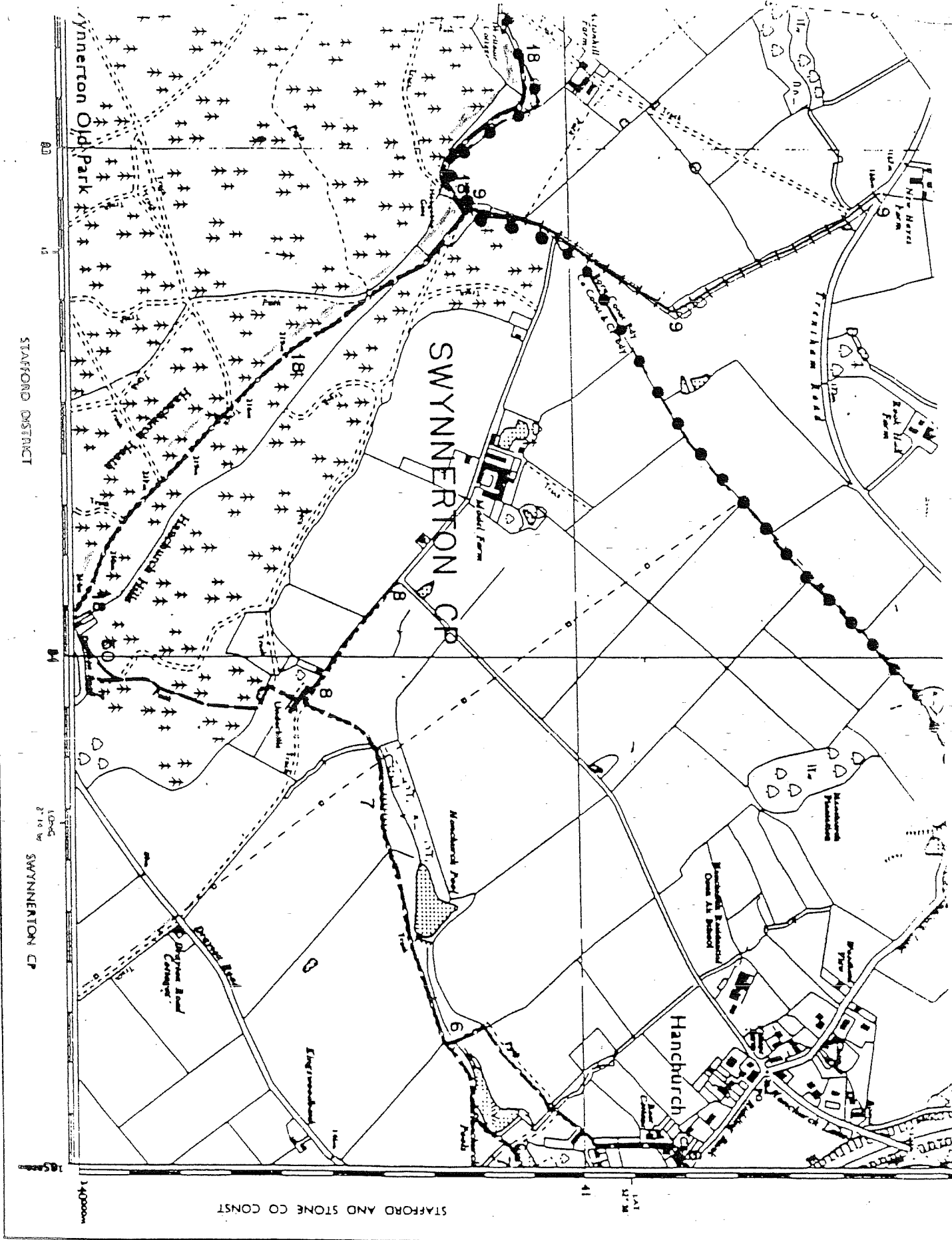
\*YES/

I certify that, to the best of my knowledge and belief, the facts I have stated are true.

Signature .....

Person taking this statement.....

Date..... 6th January 1995 .....



SJ 84 SW

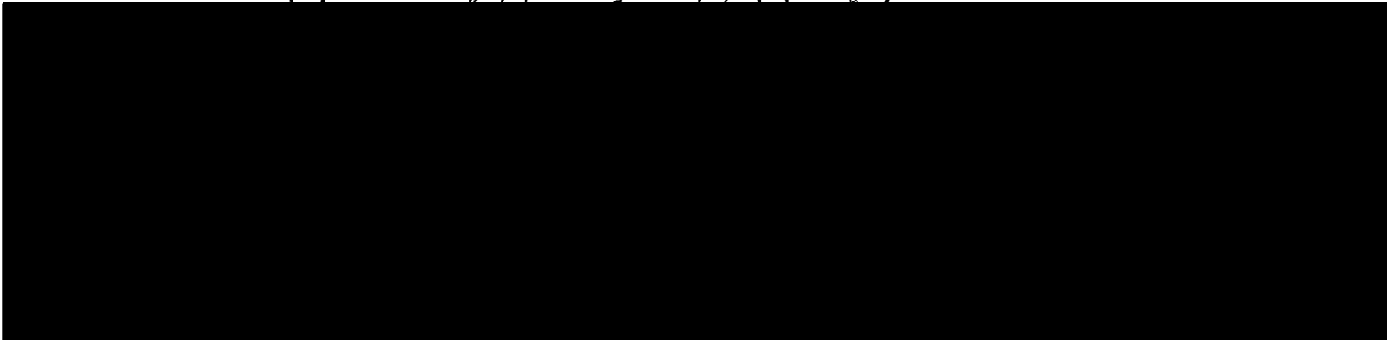
PUBLIC RIGHT OF WAY EVIDENCE FORM



User 1

Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.



Description of way (include grid references if known):-

From Welldale Cottage & Hobgoblin Gate to Dog Lane, Hanchure Hills  
To Opposite Footpath 19.

\* Please delete as appropriate *to*

1. How many years have you known the way? *1978.*

2.(a) Do you believe the way to be a public right of way? \*YES/~~NO~~

(b) If so, is the way

(i) a footpath? (pedestrians only) \*YES/~~NO~~

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) \*YES/~~NO~~

(iii) a by-way open to all traffic? (all uses including vehicles) \*YES/NO

3. How wide is the way? *As wide as a road*

4. Have you used the above way?

\*YES/NO

If so: (a) During which years?

1978 to the present

(b) Where were you going from/to?

to Haunchurch Hills from Acton

(c) For what purpose? (eg work, pleasure)

pleasure

(d) How many times a year? (eg daily)

at weekends

(e) By what means? (eg on

foot, horseback,

motor vehicle etc)

horseback

(f) Please show the route of

the way used on the

attached plan.

---

5.(a) Has the way always been on the same route?

\*YES/NO

(b) If not, please give details of original route, date of diversion and show details on a plan.

---

6. Have there, to your knowledge, ever been on the way any stiles or gates?

\*YES/NO

If so, state (with details of location) where the stiles or gates stood.

Gate at each end  
as marked

---

7.(a) Were you working for any owner or tenant of land crossed by the way at the time when you used it.

\*YES/NO

(b) If so, give particulars and say whether you received any instructions from the owner/tenant as to the use of the way by the public? If so, what were they?

---

8.(a) Have you ever been stopped or turned back when using the way or do you know, or have you heard, of anyone else having been prevented from using the route?

\*YES/NO

(b) If so, please give particulars.



9.(a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? \*YES/NO

(b) If so, give particulars and dates.

---

10.(a) Have you ever known of any locked gate or obstruction to the way? \*YES/NO

(b) If so, state when and where and show its approximate position on the attached plan. *Since the Forestry Commission closed all the woods to riders except those holding permits, they have keys*

---

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way? \*YES/NO

(b) If so, state what the notices said and show their approximate position on a plan.

---

12.(a) Have you ever been given permission to use the way? \*YES/NO

(b) If so, by whom? *By the Forestry Commission in the last couple of years*

---


13. Can you give any further particulars about the way (continue on a separate sheet of paper if necessary). *The route is a short cut to the other bridle path, near Keepers Cottage leading to the old pumping station*

---

14. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary? \*YES/NO

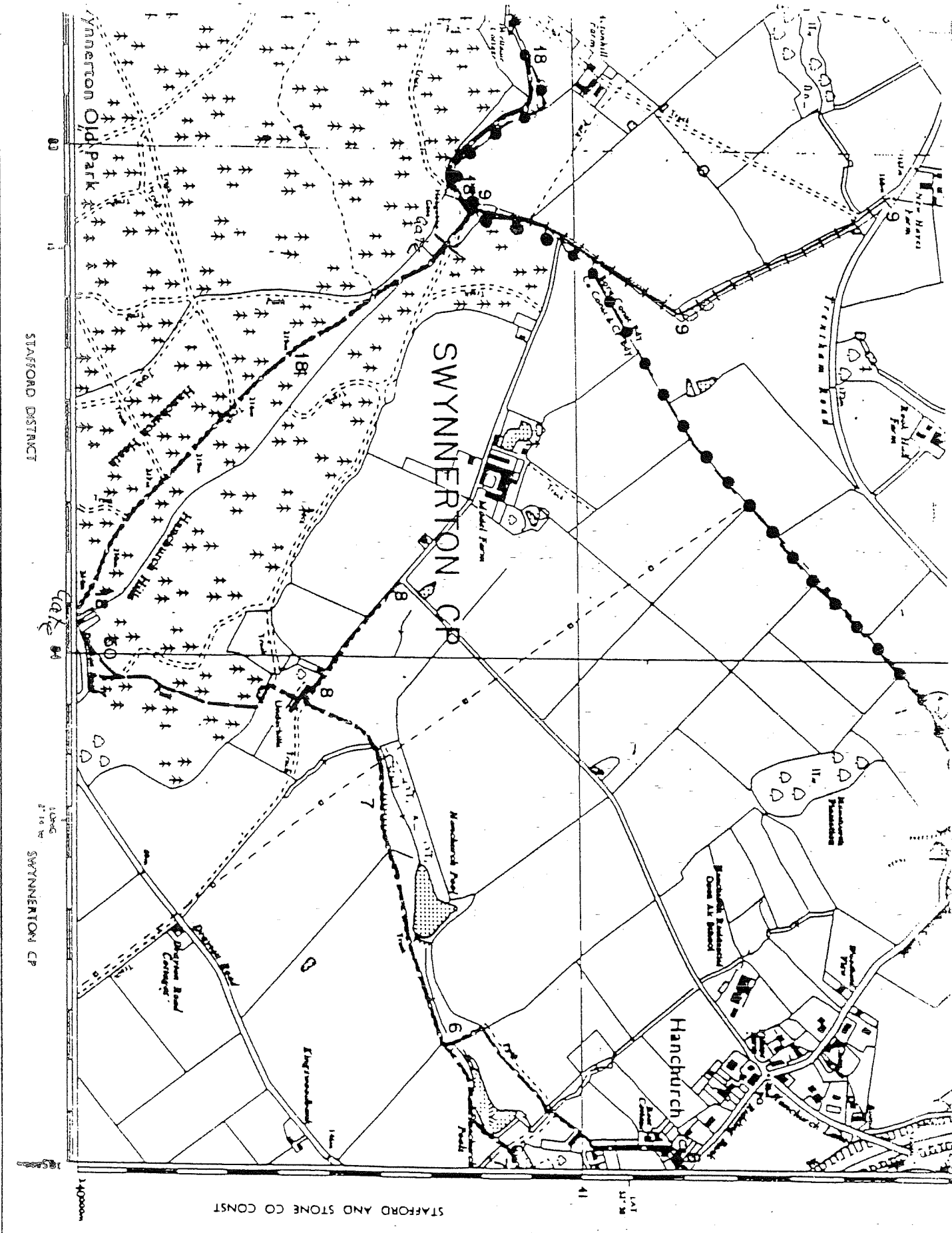
---

I certify that, to the best of my knowledge and belief, the facts I have stated are true.

Signature 

Person taking this statement.....

Date *3rd May 1994*.....



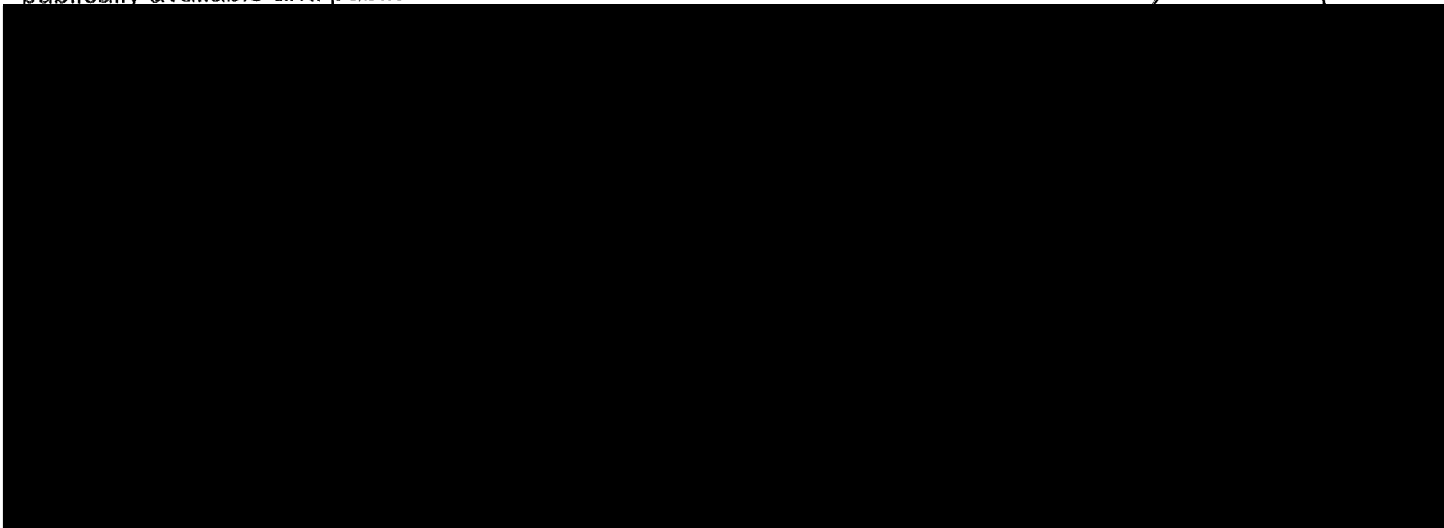
WS 84 SJ

**DECLARATION**

**Data Protection Act 1998**

Under the Data Protection Act the OMA has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person.

This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available and published on the OMA's website.



**Confidentiality – Please Read Carefully**

The information you give in this statement cannot be treated as confidential

It may be necessary for the OMA to disclose information received from you to others, which may include other local authorities, the Planning Inspectorate and other government departments, public bodies, other organisations, landowners and members of the public. If the application proceeds to a public inquiry your evidence will be made available to the inquiry.

If the OMA proceeds with the application but it is contested (for example by a landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but user evidence is of much greater value if you attend in person and are prepared to answer questions about it. Inquiries are kept as informal as possible and the OMA will help you with the procedure.

The information you give in this statement will be processed in accordance with the Data Protection Act 1998. It is held by the OMA's Rights of Way Service for the sole purpose of processing the application for the route referred to.

**Information on this page of the Statement will be redacted and not made publically available**

---

# Staffordshire

## County Council

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### PUBLIC RIGHT OF WAY EVIDENCE FORM

#### Important Note

This statement should be completed and returned to the person making the application so that it can be submitted with or form part of an application seeking a change to the Definitive Map and Statement of Public Rights of Way.

This statement is intended to provide preliminary evidence about the application. When the Order- Making Authority (OMA) commences detailed research, an officer from that authority may contact you to seek further information or ask you to be interviewed about your evidence.

This statement is designed to help establish whether or not the route being claimed in the application is a public right of way. It also provides evidence of how it is used (for example on foot, on horseback, by vehicles etc).

You should answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the application route. The information given may be examined at a public inquiry.

**This statement should be completed by one person only and should relate to only one route.** If you need more space please continue on a separate sheet which will need to be attached to this statement.

**If completing the statement by hand, please ensure it is written legibly and in black ink.**

Name of witness  
(Block Capitals please)

#### Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, if possible giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).

7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.

8. The information given on this form may become available for public inspection.

(BY WELDALE)

Description of claimed way:- (include grid references if known)

From FOOT PATH 18 AT END OF PUBIC ROAD  
To IN IT'S ENTIRETY TO PUBLIC ROAD BY  
DUKES LODGE

Please take time to answer the questions carefully and in full

1. Map of the Application Route

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please put your initials on your map and date it. If you have only used part of the way please mark or indicate the part used. DO NOT ADD YOUR FULL SIGNATURE.

2. (a) How many years have you known the way? ABOUT 40 YEARS

(b) Does the way have a popular name? \*YES/NO

If so, what is it? .....

(c) Have you personally used the above way? \*YES/NO

(d) Did you only use part of the way? \*YES/NO

Please do not use vague terms such as "often".

(e) During which years have you used the way? From 1980 To 2020

(f) Where were you going from/to? BATTERTON / SWYNERTON WOODS

(g) For what purpose? (eg work, pleasure) PLEASURE

(h) Is, or was, the way a short cut for you? NO

(i) If so why? .....

3. (a) Do you still use the way? \*YES/NO

(b) If not, why not? .....

4. Have you lived at any other addresses during the time you have used the path or way? \*YES/NO

If yes, please provide details of locations and years [full addresses are not required]

TUNSTALL 1980'S. ACTON 2020'S.

5. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

.....

.....

.....

6. How did you use the application route and how often? [Please tick any that apply]

|                        | Daily | Weekly | Monthly | Every few months | Once a year | Other (please describe) |
|------------------------|-------|--------|---------|------------------|-------------|-------------------------|
| On foot                |       |        |         |                  |             |                         |
| On horseback           |       | ✓      |         |                  |             |                         |
| By pedal cycle         |       |        |         |                  |             |                         |
| By motor vehicle       |       |        |         |                  |             |                         |
| By horse-drawn vehicle |       |        |         |                  |             |                         |

7. Has the application route always followed the same course?

\*YES/NO

If no – how and when was the route altered?

.....

.....

.....

8. Approximately how wide is the application route?

3 METRES

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how or please state 'don't know']

9. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

.....

STONE & GRAVEL

.....

10. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)? ~~YES~~/NO

If YES, please give details including when this happened

.....  
.....

11. (a) Have you ever been stopped or turned back when using the application route? ~~YES~~/NO

If YES, please give details including when this happened

.....  
.....  
.....

(b) Do you know, or have you heard of, anyone else having been prevented from using the way? ~~YES~~/NO

If YES please give details including dates.

.....  
.....

12. If you have ridden a horse on the way ~~YES~~/NO

(a) Where did you keep the horse? WHITMORE RIDING SCHOOL

(b) Where did you start and finish your ride? BUTTERTON (START)  
FINISH IN BUTTERTON (WHERE STABLED)

(c) Were you ever riding with the hunt when you used the way? ~~YES~~/NO

13. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? ~~YES~~/NO

(b) If YES, how often and what type of vehicle were they using? .....  
OCCASIONAL HORSE & CART

(c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? ~~YES~~/NO

(d) If YES to (c),

(i) How often was this? .....

(ii) What type of vehicle were you in? .....

(iii) For what purpose was it being used?

14. (a) Has the way always been on the same route? \*YES/~~NO~~

(b) If NO, please describe the original route, state when the way was diverted and show details on a plan. ....

(c) Is the way a clearly defined track or path which a stranger to the vicinity could follow? \*YES/~~NO~~

(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? .....

15. (a) Have there, to your knowledge, ever been any stiles on the way? \*~~YES~~/NO

(b) Have there, to your knowledge, ever been any gates on the way? \*~~YES~~/NO

(c) If YES, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed?

(d) If any gates on the way were ever locked please state, how often, and if known, by whom? .....

(d) Please mark on the attached plan the locations of the locked gates.

16. (a) Excluding locked gates, have you ever known of any other obstructions to the way? YES \*~~YES~~/~~NO~~

(b) If YES, state (i) what type of obstruction was this? 2 KISSING GATES  
ERECTED 27/04/2020  
(ii) When they were erected or removed? REMOVED 1/06/2020

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan

17. (a) Has your usage ever been hindered or prevented in any way? YES \*~~YES~~/~~NO~~

If so by whom or what? KISSING GATES, ERECTED BY LAND OWNER EITHER SIDE OF PATH.

When was this? 27<sup>th</sup> APRIL 2020 UNTIL 1/06/2020

(b) Have you continued to use the way despite hindrances or obstructions \*~~YES~~/NO

(c) How did you do this? (e.g. diversion) LONG DIVERSION THROUGH HANCHURCH WOODS



- (d) Is the hindrance or obstruction still in existence \*~~YES~~/NO  
 18. (a) Were you ever an owner or tenant of the land crossed by the way? \*~~YES~~/NO

If YES, please give dates.....  
 .....

- (b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? \*YES/NO

If YES, please give dates.....  
 .....

- (c) Was the land ever owned or tenanted by a relative of yours? \*~~YES~~/NO

If so, what was their relationship to you? .....

- (d) When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? \*YES/NO

(e) If YES to (d),

(i) What was your employment? .....

(ii) Between what years were you employed? .....

(f) If you were employed by the owner/tenant :

- (i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? \*YES/NO

(ii) If so, what were your instructions? .....

- (g) Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? \*YES/NO

If so, what was their relationship to you? .....

19. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? \*~~YES~~/NO

(b) If YES, please state:

(i) Who told you? .....

(ii) When were you told? .....

(iii) What were you told? .....

20. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? \*~~YES~~/NO

- (b) If YES, please state what the notices said appropriate date of their display and show their approximate position on the attached plan? \*YES/NO

.....  
 .....  
 .....

21. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? \*~~YES~~/NO

(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? \*YES/NO

(c) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan? .....

22. (a) Have you ever been given permission to use the way? (Whether or not you asked for it) \*~~YES~~/NO

(b) Have you ever asked permission to use the way? \*~~YES~~/NO

(c) If YES, who gave you permission? .....

(d) When were you given permission? .....

(e) For what purpose were you given permission to use the way? .....

23. (a) Have you seen other people using the way? \*YES/~~NO~~

(b) How were they using the way (ie foot, horse)? FOOT & HORSE

(c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)?

COMPANIONS -

(d) If they were not accompanying you, were these people known to you? \*YES/NO

(e) How frequently did you see other people using the way? (ie ~~daily~~, weekly, seasonal etc) .....

(f) How many other people; approximately, did you see on these occasions? 1-5

(g) Please give any further details of other people's use of the way which you feel may be important .....

24. Have you ever been charged a monetary sum for using the path? \*~~YES~~/NO  
If so, by whom? .....

25. (a) Do you have any documentary evidence about the way? \*~~YES~~/NO

(b) If so, in what form is this? i.e. maps, photos, etc please attach a copy if possible)

(c) Would you be willing to make the original document available if necessary? \*YES/NO

**Other Information**

26. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.) \*YES/NO

If yes – please provide details

.....  
.....  
.....

27. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? [Continue on a separate sheet if necessary] [If you wish to provide a separate sketch map, please do so and attach to this statement]

I HAVE RIDDEN THIS PATH FOR 40 YEARS  
ON HORSEBACK MANY TIMES WEEKLY  
OR MORE OFTEN AT WEEKENDS

28. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route? \*YES/~~NO~~

29. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary? \*YES/~~NO~~

**Statement of Truth**

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATIONS ABOVE AND THE WARNING BELOW

Your S

Date:

9th June 2020

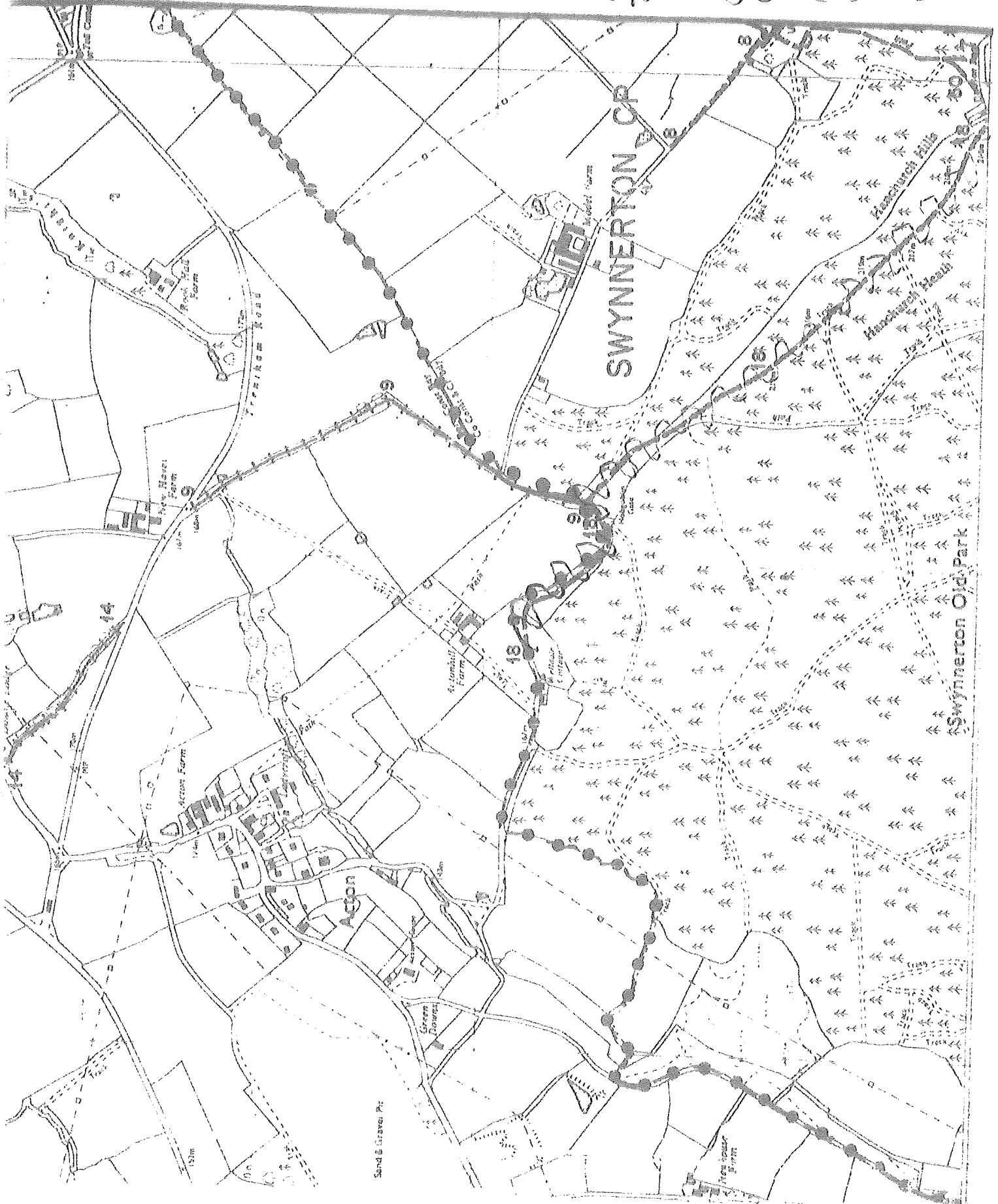
**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



MARKS ROAD

APR 20 2020



DEFINITIVE MAP

SCALE 1:10000 (ABOUT 6" = 1 MILE)

Page 85





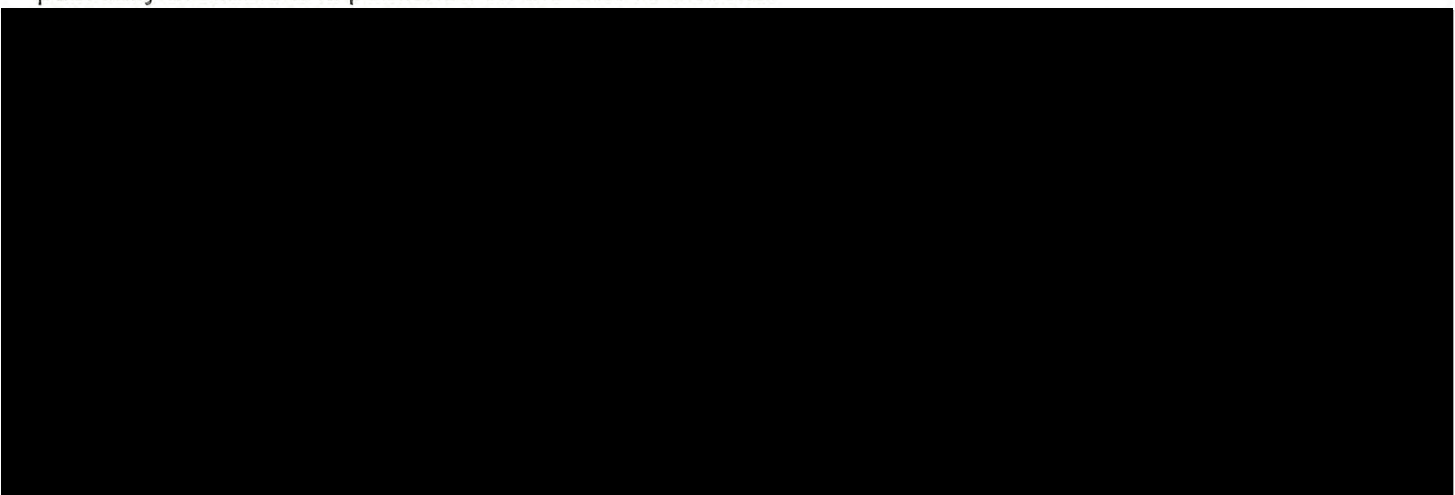
User K

**DECLARATION**

**Data Protection Act 1998**

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This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available and published on the OMA's website.



(If retired, what was your previous occupation?)

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Information on this page of the Statement will be redacted and not made publically available

---

# Staffordshire

## County Council

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### PUBLIC RIGHT OF WAY EVIDENCE FORM

#### Important Note

This statement should be completed and returned to the person making the application so that it can be submitted with or form part of an application seeking a change to the Definitive Map and Statement of Public Rights of Way.

This statement is intended to provide preliminary evidence about the application. When the Order-Making Authority (OMA) commences detailed research, an officer from that authority may contact you to seek further information or ask you to be interviewed about your evidence.

This statement is designed to help establish whether or not the route being claimed in the application is a public right of way. It also provides evidence of how it is used (for example on foot, on horseback, by vehicles etc).

You should answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the application route. The information given may be examined at a public inquiry.

**This statement should be completed by one person only and should relate to only one route.** If you need more space please continue on a separate sheet which will need to be attached to this statement.

**If completing the statement by hand, please ensure it is written legibly and in black ink.**

Name of witness

(Block Capitals please)

#### Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, if possible giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).



7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.

8. The information given on this form may become available for public inspection.

**Description of claimed way:-** (include grid references if known) FOOTPATH SWYNERTON LG  
From WELLDALE, SOUTH EAST OF ACTON, SJ 82752, 40887, ST54JD  
To DUKES LODGE, DRAYTON ROAD, SWYNERTON, STAFFORD, ST48SN  
SJ 83928, 39444

**Please take time to answer the questions carefully and in full**

1. Map of the Application Route

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please put your initials on your map and date it. If you have only used part of the way please mark or indicate the part used. **DO NOT ADD YOUR FULL SIGNATURE.**

2. (a) How many years have you known the way? ..... 26 YEARS

(b) Does the way have a popular name? ..... \*~~YES~~/NO

If so, what is it? .....

(c) Have you personally used the above way? ..... \*~~YES~~/NO

(d) Did you only use part of the way? ..... \*~~YES~~/NO

**Please do not use vague terms such as "often".**

(e) During which years have you used the way? From... 1994... To... 2020.....

(f) Where were you going from/to? ..... WHITMORE RIDGE SCHOOL, SHUTLAND HEAD

(g) For what purpose? (eg work, pleasure) ..... PLEASURE

(h) Is, or was, the way a short cut for you? ..... NO ALTERNATIVE FOR

(i) If so why? ..... HORSES

3. (a) Do you still use the way? ..... \*~~YES~~/NO

(b) If not, why not? .....

4. Have you lived at any other addresses during the time you have used the path or way? ..... \*~~YES~~/NO

If yes, please provide details of locations and years [full addresses are not required]

14. (a) Has the way always been on the same route? \*YES/~~NO~~

(b) If **NO**, please describe the original route, state when the way was diverted and show details on a plan. ....

.....

(c) Is the way a clearly defined track or path which a stranger to the vicinity could follow? \*YES/~~NO~~

(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? .....

..... **YES, KEPT TO THE ROUTE** .....

15. (a) Have there, to your knowledge, ever been any stiles on the way? \*YES/~~NO~~

(b) Have there, to your knowledge, ever been any gates on the way? \*YES/~~NO~~

(c) If **YES**, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed?

(d) If any gates on the way were ever locked please state, how often, and if known, by whom? .....

.....

(d) Please mark on the attached plan the locations of the locked gates.

16. (a) Excluding locked gates, have you ever known of any other obstructions to the way? \*YES/~~NO~~

(b) If **YES**, state (i) what type of obstruction was this? **2x KISSING GATES** .....

(ii) When they were erected or removed? **27/4/2020 INSTALLED**  
**1/6/2020 REMOVED**

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan. ....

..... **WELLDALE OWNER / WHITMORE PARISH COUNCIL** .....

17. (a) Has your usage ever been hindered or prevented in any way? \*YES/~~NO~~

If so by whom or what? **KISSING GATES ILLEGALLY ERECTED**

**BY WELLDALE OWNER AND WHITMORE PARISH** .....

When was this? **27/4/2020 TO 1/6/2020** .....

.....

(b) Have you continued to use the way despite hindrances or obstructions \*YES/~~NO~~

(c) How did you do this? (e.g. diversion) .....

..... **NO DIVERSION AVAILABLE** .....

- (d) Is the hindrance or obstruction still in existence \*YES/NO  
18. (a) Were you ever an owner or tenant of the land crossed by the way? \*YES/NO

If YES, please give dates.....  
.....

- (b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? \*YES/NO

If YES, please give dates.....

N/A

- (c) Was the land ever owned or tenanted by a relative of yours? \*YES/NO

If so, what was their relationship to you? .....

- (d) When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? \*YES/NO

- (e) If YES to (d),  
(i) What was your employment? .....

- (ii) Between what years were you employed? .....

- (f) If you were employed by the owner/tenant :

- (i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? \*YES/NO

- (ii) If so, what were your instructions? N/A .....

- (g) Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? \*YES/NO

If so, what was their relationship to you? .....

19. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? \*YES/NO

(b) If YES, please state:

- (i) Who told you? .....

- (ii) When you were told? .....

- (iii) What were you told? .....

20. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? \*YES/NO

- (b) If YES, please state what the notices said appropriate date of their display and show their approximate position on the attached plan? \*YES/NO

.....

.....

.....

21. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? \*YES/NO

(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? \*YES/NO

(c) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan? .....

FINGER POST AT HOBOGoblin - JUNCTION WITH WHITMORE'S BRIDLEWAY (WHISPER LAWF)

22. (a) Have you ever been given permission to use the way? (Whether or not you asked for it) \*YES/NO

(b) Have you ever asked permission to use the way? \*YES/NO

(c) If YES, who gave you permission? .....

(d) When were you given permission? .....

(e) For what purpose were you given permission to use the way? .....

23. (a) Have you seen other people using the way? \*YES/NO

(b) How were they using the way (ie foot, horse)? ..... HORSE, FOOT, BICYCLE

(c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? ..... SOME ON HORSE, FRIENDS

(d) If they were not accompanying you, were these people known to you? \*YES/NO

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) ..... WEEKLY

(f) How many other people, approximately, did you see on these occasions? ..... 5-10

(g) Please give any further details of other people's use of the way which you feel may be important ..... HORSE RIDERS

24. Have you ever been charged a monetary sum for using the path? \*YES/NO  
If so, by whom? .....

25. (a) Do you have any documentary evidence about the way? \*YES/NO

(b) If so, in what form is this? i.e. maps, photos, etc please attach a copy if possible

(c) Would you be willing to make the original document available if necessary? \*YES/NO

**Other Information**

26. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.) \*YES/~~NO~~

If yes – please provide details

..... APPLICATION LF602G .....

.....

.....

27. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? [Continue on a separate sheet if necessary] [If you wish to provide a separate sketch map, please do so and attach to this statement]

.....

.....

.....

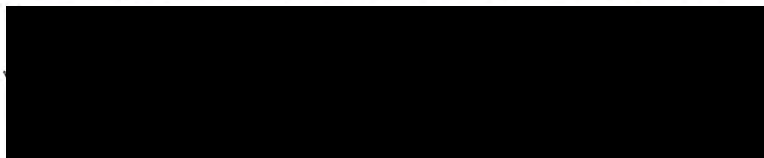
.....

28. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route? \*YES/~~NO~~

29. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary? \*YES/~~NO~~

**Statement of Truth**

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATIONS ABOVE AND THE WARNING BELOW**



Date: 14/6/2020

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

Furthermore, it is noted that the records should be kept in a secure and accessible format. Regular backups are recommended to prevent data loss in the event of a system failure or disaster.

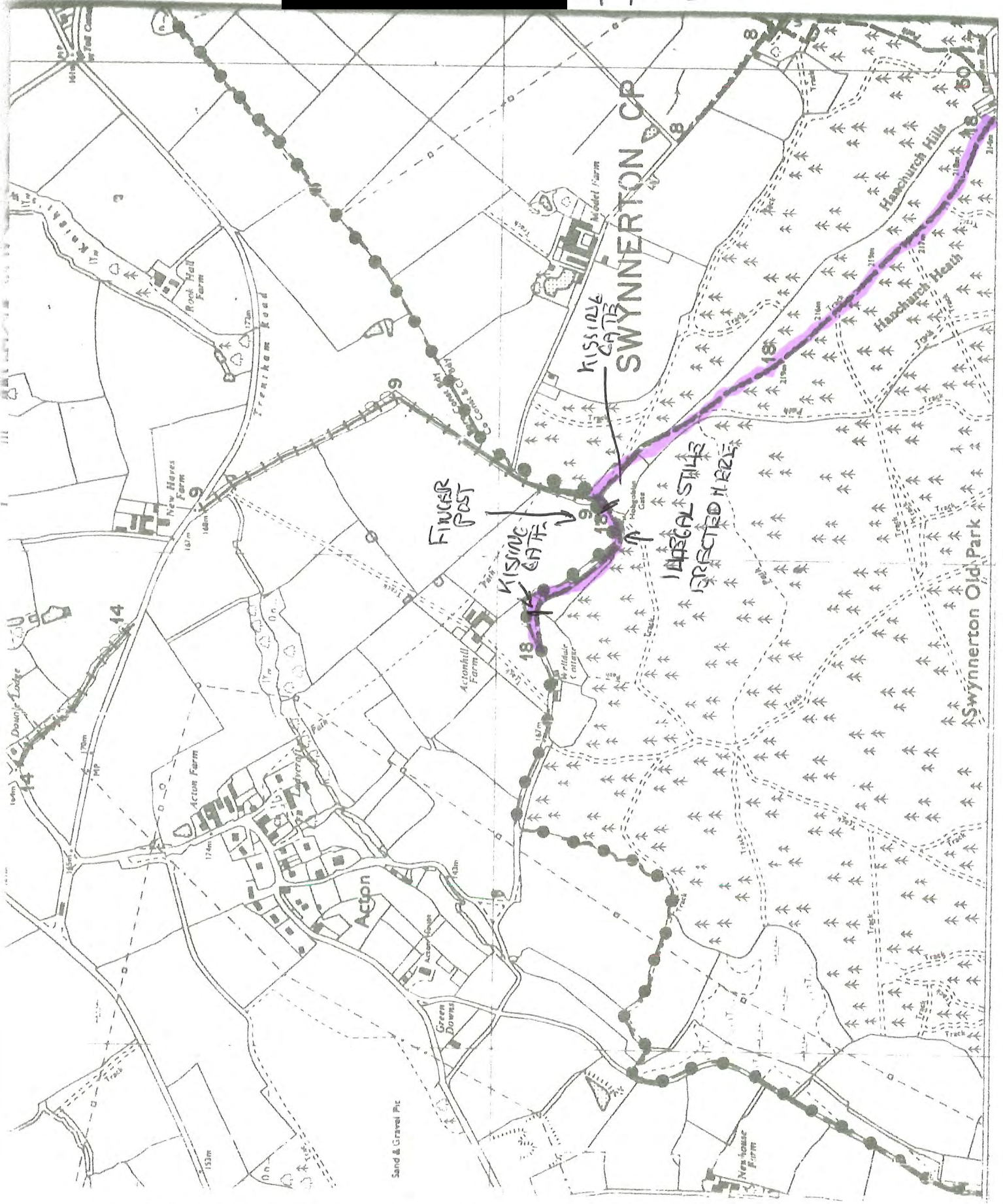
In addition, the document highlights the need for a clear and concise reporting structure. Management should be provided with regular updates on the current status of the project or business. This helps in identifying potential issues early on and allows for timely decision-making.

The final section of this part discusses the role of the finance department in ensuring that all financial activities are properly recorded and reported. It stresses the importance of collaboration between different departments to ensure the accuracy of the overall financial picture.

The document concludes by reiterating the importance of a strong financial foundation for the success of any organization. It encourages all stakeholders to take responsibility for their financial reporting and to work together to maintain the highest standards of accuracy and integrity.

By following these guidelines, the organization can ensure that its financial records are reliable and that its financial performance is accurately reflected in its reports.

02/09/2020



DEFINITIVE MAP SCALE 1:10 000 (ABOUT 6" = 1 MILE)

 = Route





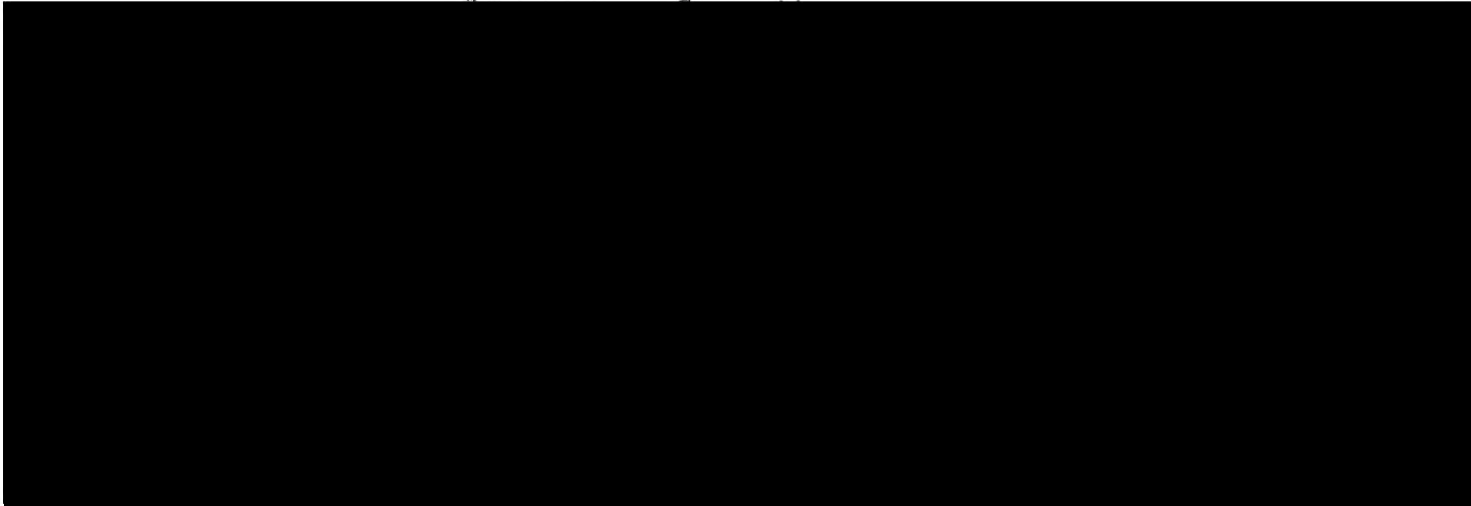


**DECLARATION**

**Data Protection Act 1998**

Under the Data Protection Act the OMA has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person.

This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available and published on the OMA's website.



**Confidentiality – Please Read Carefully**

The information you give in this statement cannot be treated as confidential

It may be necessary for the OMA to disclose information received from you to others, which may include other local authorities, the Planning Inspectorate and other government departments, public bodies, other organisations, landowners and members of the public. If the application proceeds to a public inquiry your evidence will be made available to the inquiry.

If the OMA proceeds with the application but it is contested (for example by a landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but user evidence is of much greater value if you attend in person and are prepared to answer questions about it. Inquiries are kept as informal as possible and the OMA will help you with the procedure.

The information you give in this statement will be processed in accordance with the Data Protection Act 1998. It is held by the OMA's Rights of Way Service for the sole purpose of processing the application for the route referred to.

**Information on this page of the Statement will be redacted and not made publically available**

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# Staffordshire

## County Council

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### PUBLIC RIGHT OF WAY EVIDENCE FORM

#### Important Note

This statement should be completed and returned to the person making the application so that it can be submitted with or form part of an application seeking a change to the Definitive Map and Statement of Public Rights of Way.

This statement is intended to provide preliminary evidence about the application. When the Order- Making Authority (OMA) commences detailed research, an officer from that authority may contact you to seek further information or ask you to be interviewed about your evidence.

This statement is designed to help establish whether or not the route being claimed in the application is a public right of way. It also provides evidence of how it is used (for example on foot, on horseback, by vehicles etc).

You should answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the application route. The information given may be examined at a public inquiry.

**This statement should be completed by one person only and should relate to only one route.** If you need more space please continue on a separate sheet which will need to be attached to this statement.

If completing the statement by hand, please ensure it is written legibly and in black ink.

Name of  
(Block C

#### Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, if possible giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).

7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.

8. The information given on this form may become available for public inspection.

**Description of claimed way:-** (include grid references if known)

From FOOT PATH IS That begins at The end of a public  
to road (Oak Tree lane) out of Acton to Drayton Road Harchurch

**Please take time to answer the questions carefully and in full**

1. Map of the Application Route

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please put your initials on your map and date it. If you have only used part of the way please mark or indicate the part used. **DO NOT ADD YOUR FULL SIGNATURE.**

2. (a) How many years have you known the way? 25 YEARS

(b) Does the way have a popular name? \*~~YES~~/NO

If so, what is it? .....

(c) Have you personally used the above way? \*YES/~~NO~~

(d) Did you only use part of the way? \*~~YES~~/NO

**Please do not use vague terms such as "often".**

(e) During which years have you used the way? From 1995 To 2020

(f) Where were you going from/to? WESTLANDS WHITMORE RIDING SCHOOL  
SHUT LANE HEAD.

(g) For what purpose? (eg work, pleasure) PLEASURE

(h) Is, or was, the way a short cut for you? NO

(i) If so why? .....

3. (a) Do you still use the way? \*YES/~~NO~~

(b) If not, why not? .....

4. Have you lived at any other addresses during the time you have used the path or way? \*YES/~~NO~~

If yes, please provide details of locations and years [full addresses are not required]

26 ABBOTS WAY, WESTLANDS, NEWCASTLE STAFFS.

1982 - 2012

5. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

Yes - When a Rising gale briefly blocked the way.

6. How did you use the application route and how often? [Please tick any that apply]

|                        | Daily | Weekly | Monthly | Every few months | Once a year | Other (please describe) |
|------------------------|-------|--------|---------|------------------|-------------|-------------------------|
| On foot                |       |        |         |                  |             |                         |
| On horseback           |       | ✓      |         |                  |             |                         |
| By pedal cycle         |       |        |         |                  |             |                         |
| By motor vehicle       |       |        |         |                  |             |                         |
| By horse-drawn vehicle |       |        |         |                  |             |                         |

7. Has the application route always followed the same course?

\*YES/~~NO~~

If no – how and when was the route altered?

.....

.....

.....

8. Approximately how wide is the application route?

3 METRES.....

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how or please state 'don't know']

9. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

EARTH NOW GRAVEL ON TOP.....

10. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)? \*~~YES~~/NO

If YES, please give details including when this happened

.....  
.....

11. (a) Have you ever been stopped or turned back when using the application route? \*YES/NO

If YES, please give details including when this happened

.....  
.....  
.....

(b) Do you know, or have you heard of, anyone else having been prevented from using the way? \*YES/NO

If YES please give details including dates.

.....  
.....

12. If you have ridden a horse on the way \*YES/~~NO~~

(a) Where did you keep the horse? ...WHITMORE RIDING SCHOOL.....

(b) Where did you start and finish your ride? ..FROM<sup>TO</sup> WHITMORE RIDING SCHOOL.....

(c) Were you ever riding with the hunt when you used the way? \*YES/NO

13. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? \*YES/NO

(b) If YES, how often and what type of vehicle were they using? .....

.....

(c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? \*YES/NO

(d) If YES to (c),

(i) How often was this? .....

(ii) What type of vehicle were you in? .....

(iii) For what purpose was it being used?

14. (a) Has the way always been on the same route? \*YES/~~NO~~

(b) If NO, please describe the original route, state when the way was diverted and show details on a plan. ....

(c) Is the way a clearly defined track or path which a stranger to the vicinity could follow? \*YES/~~NO~~

(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? .....

KEPT TO THE ROUTE

15. (a) Have there, to your knowledge, ever been any stiles on the way? \*YES/NO

(b) Have there, to your knowledge, ever been any gates on the way? \*YES/NO

(c) If YES, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed?

(d) If any gates on the way were ever locked please state, how often, and if known, by whom? .....

(d) Please mark on the attached plan the locations of the locked gates.

16. (a) Excluding locked gates, have you ever known of any other obstructions to the way? <sup>YES</sup> \*YES/~~NO~~

(b) If YES, state (i) what type of obstruction was this? 2 kissing gates

(ii) When they were erected or removed? erected ~ 27/4/20  
Removed 1/6/20

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan. ....

Mr Stuart Wilson - adjacent landowner Acton Hill Farm

17. (a) Has your usage ever been hindered or prevented in any way? \*YES/~~NO~~

If so by whom or what? kissing gates

When was this? 27/4/20 - 1/6/20

(b) Have you continued to use the way despite hindrances or obstructions \*YES/NO

(c) How did you do this? (e.g. diversion) .....

- (d) Is the hindrance or obstruction still in existence \*~~YES~~/NO  
 18. (a) Were you ever an owner or tenant of the land crossed by the way? \*~~YES~~/NO

If YES, please give dates.....

- (b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? \*YES/NO

If YES, please give dates.....

- (c) Was the land ever owned or tenanted by a relative of yours? \*YES/NO

If so, what was their relationship to you? .....

- (d) When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? \*YES/NO

(e) If YES to (d),

(i) What was your employment? .....

(ii) Between what years were you employed? .....

(f) If you were employed by the owner/tenant :

- (i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? \*YES/NO

(ii) If so, what were your instructions? .....

- (g) Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? \*YES/NO

If so, what was their relationship to you? .....

19. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? \*~~YES~~/NO

(b) If YES, please state:

(i) Who told you? .....

(ii) When you were told? .....

(iii) What were you told? .....

20. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? \*~~YES~~/NO

- (b) If YES, please state what the notices said appropriate date of their display and show their approximate position on the attached plan? \*YES/NO

.....  
 .....  
 .....

21. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? \*YES/NO

(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? \*YES/NO

(c) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan? finger post at the junction of this path + whisper have bridle path

22. (a) Have you ever been given permission to use the way? (Whether or not you asked for it) \*YES/NO

(b) Have you ever asked permission to use the way? \*YES/NO

(c) If YES, who gave you permission? .....

(d) When were you given permission? .....

(e) For what purpose were you given permission to use the way? .....

23. (a) Have you seen other people using the way? \*YES/NO

(b) How were they using the way (ie foot, horse)? FOOT HORSE BIKE

(c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? ON OCCASION - FAMILY

(d) If they were not accompanying you, were these people known to you? \*YES/NO

(e) How frequently did you see other people using the way? (ie ~~daily~~, weekly, seasonal etc) .....

(f) How many other people, approximately, did you see on these occasions? 5-10

(g) Please give any further details of other people's use of the way which you feel may be important cycling, walking

24. Have you ever been charged a monetary sum for using the path? \*YES/NO  
If so, by whom? .....

25. (a) Do you have any documentary evidence about the way? \*YES/NO

(b) If so, in what form is this? i.e. maps, photos, etc please attach a copy if possible

(c) Would you be willing to make the original document available if necessary? \*YES/NO



**Other Information**

26. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.) \*YES/NO

If yes – please provide details

.....  
.....  
.....

27. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? [Continue on a separate sheet if necessary] [If you wish to provide a separate sketch map, please do so and attach to this statement]

*This route is accessible from Acton, by horse, foot or cycle. It takes you into Hanchurch woods and a wider path that is fully accessible to families, cyclists, walkers and riders.*

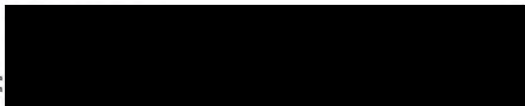
28. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route? \*YES/NO

29. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary? \*YES/NO

**Statement of Truth**

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATIONS ABOVE AND THE WARNING BELOW**

**Your Signature:**



**Date:**

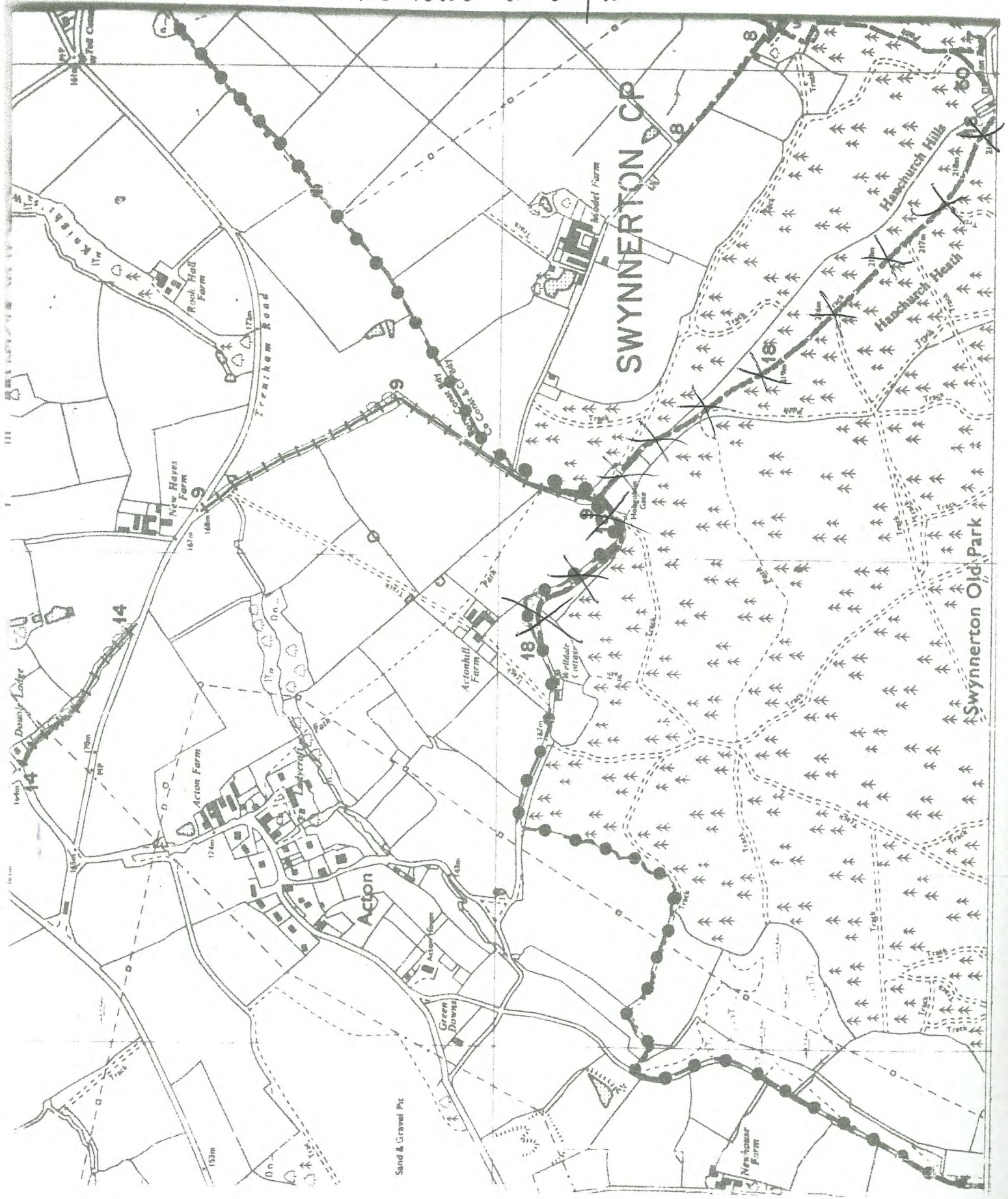
*10/6/2020*

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10<sup>th</sup> June 2020.

XX This marks the route in dispute



DEFINITIVE MAP

SCALE 1:10 000 (ABOUT 6" = 1 MILE)

# Staffordshire County Council



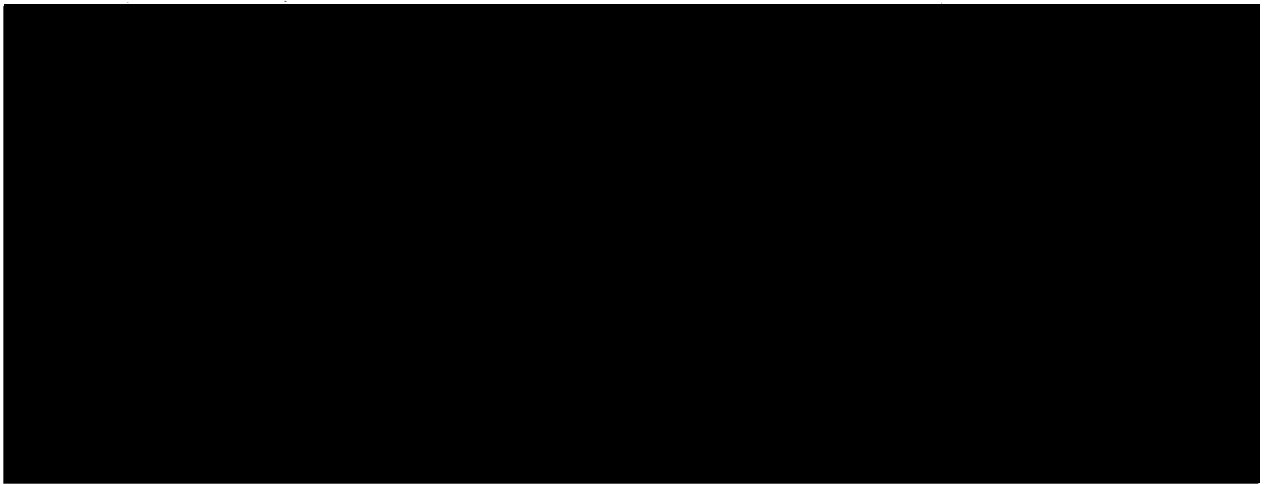
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## DECLARATION

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(If retired, what was your previous occupation?)

### Confidentiality – Please Read Carefully

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Information on this page of the Statement will be redacted and not made publically available

# **Staffordshire**

## **County Council**

### **PUBLIC RIGHT OF WAY EVIDENCE FORM**

#### **Important Note**

This statement should be completed and returned to the person making the application so that it can be submitted with or form part of an application seeking a change to the Definitive Map and Statement of Public Rights of Way.

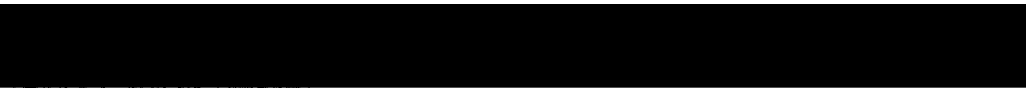
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You should answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the application route. The information given may be examined at a public inquiry.

**This statement should be completed by one person only and should relate to only one route.** If you need more space please continue on a separate sheet which will need to be attached to this statement.

**If completing the statement by hand, please ensure it is written legibly and in black ink.**



(Block Capitals please)

#### **Guidance Notes on the completion of Public Rights of Way Evidence Forms**

1. As far as possible the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, if possible giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
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7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.

8. The information given on this form may become available for public inspection.

Description of claimed way:- (include grid references if known)

From Public road at Welldale  
To Lodges on public road opposite Harley Thorn Lane

Please take time to answer the questions carefully and in full

1. Map of the Application Route

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please put your initials on your map and date it. If you have only used part of the way please mark or indicate the part used. **DO NOT ADD YOUR FULL SIGNATURE.**

2. (a) How many years have you known the way? 23 YEARS

(b) Does the way have a popular name? ~~YES~~/NO

If so, what is it? .....

(c) Have you personally used the above way? \*YES/~~NO~~

(d) Did you only use part of the way? \*~~YES~~/NO

Please do not use vague terms such as "often".

(e) During which years have you used the way? From 1997 To 2020

(f) Where were you going from/to? WHITMORE RIDING SCHOOL, SHUT LANE HEAD

(g) For what purpose? (eg work, pleasure) PLEASURE

(h) Is, or was, the way a short cut for you? NO

(i) If so why? .....

3. (a) Do you still use the way? \*YES/~~NO~~

(b) If not, why not? .....

4. Have you lived at any other addresses during the time you have used the path or way? \*~~YES~~/NO

If yes, please provide details of locations and years [full addresses are not required]

5. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

YES RECENTLY WHEN GATES WERE  
ERECTED BLOCKING THE ROUTE

6. How did you use the application route and how often? [Please tick any that apply]

|                        | Daily | Weekly | Monthly | Every few months | Once a year | Other (please describe) |
|------------------------|-------|--------|---------|------------------|-------------|-------------------------|
| On foot                |       |        |         |                  |             |                         |
| On horseback           |       | ✓      |         |                  |             |                         |
| By pedal cycle         |       |        |         |                  |             |                         |
| By motor vehicle       |       |        |         |                  |             |                         |
| By horse-drawn vehicle |       |        |         |                  |             |                         |

7. Has the application route always followed the same course?

\*YES

If no – how and when was the route altered?

.....  
.....  
.....

8. Approximately how wide is the application route?

3 METRES

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how or please state 'don't know']

9. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

GRAVEL, STONE AND EARTH

10. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)? ~~YES~~/NO

If YES, please give details including when this happened

.....  
.....

11. (a) Have you ever been stopped or turned back when using the application route? ~~YES~~/NO

If YES, please give details including when this happened

.....  
.....  
.....

(b) Do you know, or have you heard of, anyone else having been prevented from using the way? ~~YES~~/NO

If YES please give details including dates.

.....  
.....

12. If you have ridden a horse on the way ~~YES~~/NO

(a) Where did you keep the horse? ..... WHITMORE RIDING SCHOOL .....

(b) Where did you start and finish your ride? ..... RETURNING TO WHITMORE RIDING SCHOOL .....

(c) Were you ever riding with the hunt when you used the way? ~~YES~~/NO

13. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? ~~YES~~/NO

(b) If YES, how often and what type of vehicle were they using? .....

.....

(c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? ~~YES~~/NO

(d) If YES to (c),

(i) How often was this? .....

(ii) What type of vehicle were you in? .....

(iii) For what purpose was it being used? .....

14. (a) Has the way always been on the same route? \*YES/NO

(b) If NO, please describe the original route, state when the way was diverted and show details on a plan. ....

(c) Is the way a clearly defined track or path which a stranger to the vicinity could follow? \*YES/NO

(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? .....

..... KEPT TO THE ROUTE .....

15. (a) Have there, to your knowledge, ever been any stiles on the way? \*YES/NO

(b) Have there, to your knowledge, ever been any gates on the way? \*YES/NO

(c) If YES, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed?

(d) If any gates on the way were ever locked please state, how often, and if known, by whom? .....

(d) Please mark on the attached plan the locations of the locked gates.

16. (a) Excluding locked gates, have you ever known of any other obstructions to the way? \*YES/NO

(b) If YES, state (i) what type of obstruction was this? 2 x KISSING GATES.

(ii) When they were erected or removed? ERECTED 27.4.20 AND REMOVED 1.6.20.

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan. ....

..... OWNER AT WELLDALE .....

17. (a) Has your usage ever been hindered or prevented in any way? \*YES/NO

If so by whom or what? KISSING GATES ERECTED 27.4.20 - 1.6.20.

When was this? 27.4.20 - 1.6.20

(b) Have you continued to use the way despite hindrances or obstructions \*YES/NO

(c) How did you do this? (e.g. diversion) .....



- (d) Is the hindrance or obstruction still in existence \*~~YES~~/NO  
18. (a) Were you ever an owner or tenant of the land crossed by the way? \*~~YES~~/NO

If YES, please give dates.....

- (b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? \*YES/NO

If YES, please give dates..... N/A

- (c) Was the land ever owned or tenanted by a relative of yours? \*~~YES~~/NO

If so, what was their relationship to you? .....

- (d) When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? \*~~YES~~/NO

(e) If YES to (d),  
(i) What was your employment? .....

(ii) Between what years were you employed? .....

- (f) If you were employed by the owner/tenant :

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? \*YES/NO

(ii) If so, what were your instructions? .....

- (g) Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? \*~~YES~~/NO

If so, what was their relationship to you? .....

19. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? \*~~YES~~/NO

(b) If YES, please state:

(i) Who told you? .....

(ii) When you were told? .....

(iii) What were you told? .....

20. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? \*~~YES~~/NO

(b) If YES, please state what the notices said appropriate date of their display and show their approximate position on the attached plan? \*YES/NO

21. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? \*~~YES~~/NO

(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? \*YES/~~NO~~

(c) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan? .. FINGER POST AT THE .....

JUNCTION OF THE PATH WITH WHISPER LANE BRIDLE PATH .....

22. (a) Have you ever been given permission to use the way? (Whether or not you asked for it) \*~~YES~~/NO

(b) Have you ever asked permission to use the way? \*~~YES~~/NO

(c) If YES, who gave you permission? .....

(d) When were you given permission? .....

(e) For what purpose were you given permission to use the way? .....

23. (a) Have you seen other people using the way? \*YES/~~NO~~

(b) How were they using the way (ie foot, horse)? .. HORSE, BIKE, ON FOOT .....

(c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? .. RIDING COMPANIONS .....

(d) If they were not accompanying you, were these people known to you? \*~~YES~~/NO

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) .. WEEKLY .....

(f) How many other people, approximately, did you see on these occasions? ... 2-6 ...

(g) Please give any further details of other people's use of the way which you feel may be important .....

24. Have you ever been charged a monetary sum for using the path? \*~~YES~~/NO  
If so, by whom? .....

25. (a) Do you have any documentary evidence about the way? \*~~YES~~/NO

(b) If so, in what form is this? i.e. maps, photos, etc please attach a copy if possible) .....

(c) Would you be willing to make the original document available if necessary? \*~~YES~~/NO

**Other Information**

26. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.) \*~~YES~~/NO

If yes – please provide details

.....  
.....  
.....

27. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? [Continue on a separate sheet if necessary] [If you wish to provide a separate sketch map, please do so and attach to this statement]

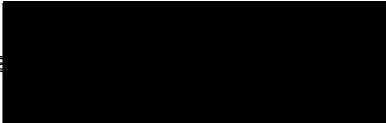
*This route has been used by horse riders for many years and provides safe access to hardwood woods.*

28. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route? \*YES/~~NO~~

29. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary? \*YES/~~NO~~

**Statement of Truth**

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATIONS ABOVE AND THE WARNING BELOW**

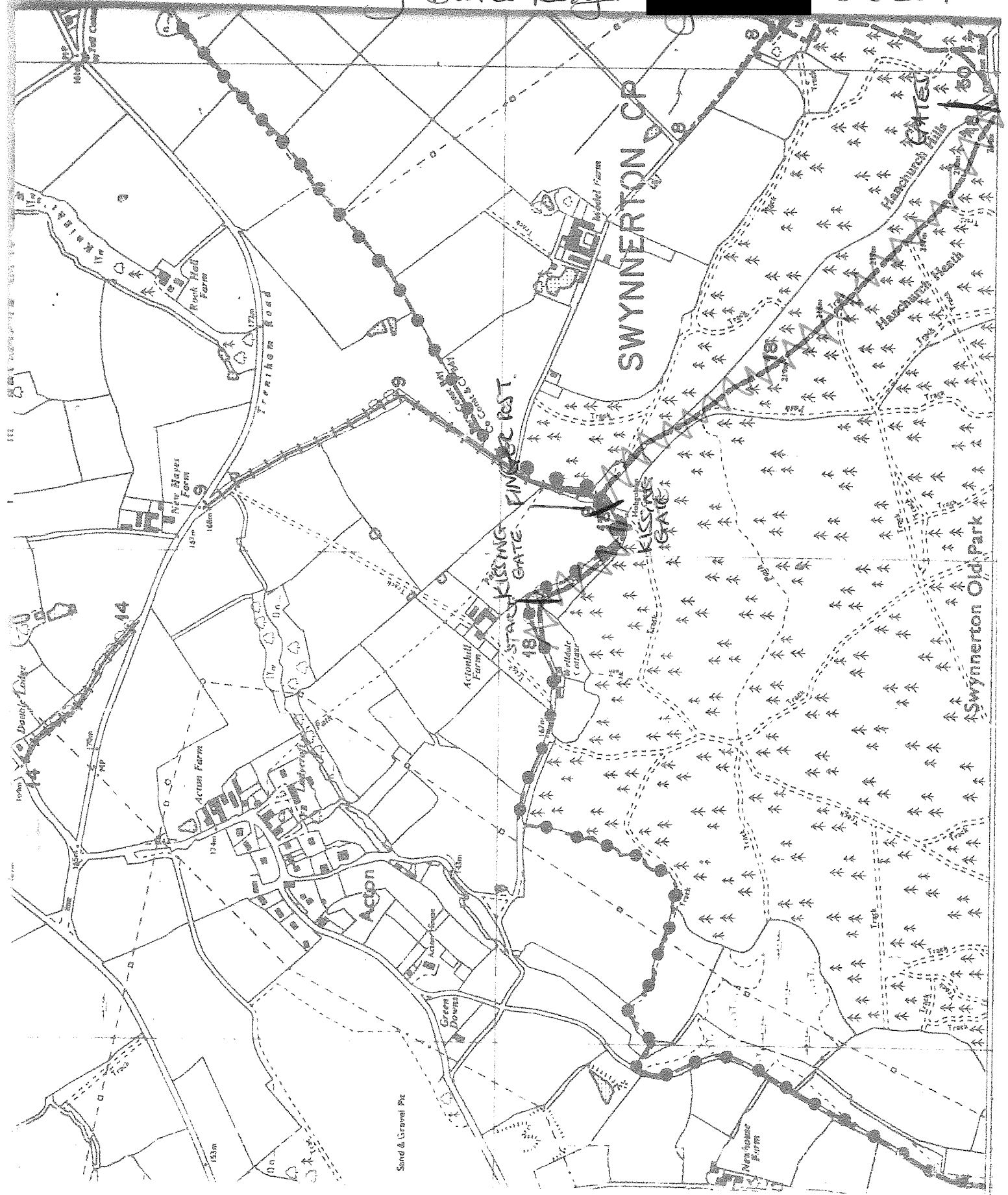
Your Signature 

Date: 24.6.20.

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Way marked from Wleldale to Dayton Road  
 starting from end of public road at public  
 road by Dukes Lodge [REDACTED] 23.6.20.



DEFINITIVE MAP

SCALE 1:10 000 (ABOUT 6" = 1 MILE)

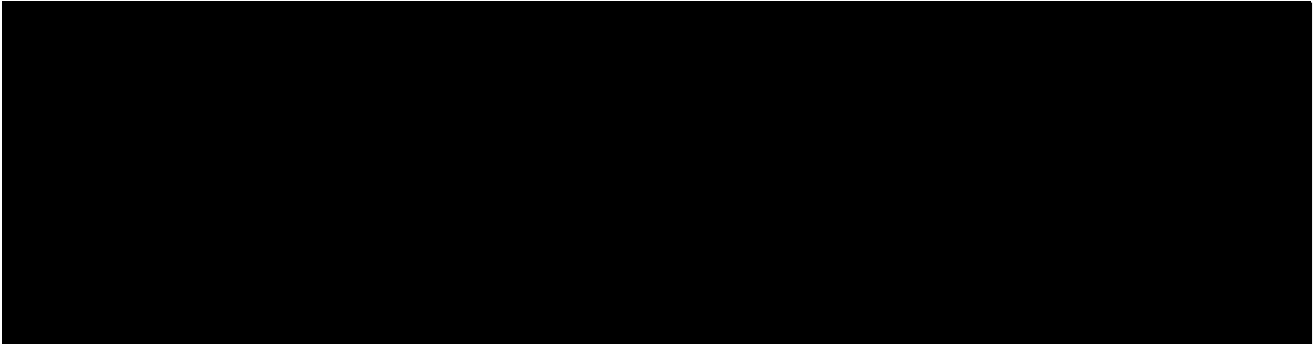
Page 116

W = Marks the route.

p 81

**PUBLIC RIGHT OF WAY EVIDENCE FORM**  
**Important Note**

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.



(If retired, what was previous occupation)

**Please attach a map showing the claimed way marked in red, signed by yourself.**

**Guidance Notes on the completion of Public Rights of Way Evidence Forms**

1. As far as possible the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, if possible giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. The information given on this form may become available for public inspection.

**Description of claimed way:- (include grid references if known)**

**From**

**To**

**Please take time to answer the questions carefully and in full**

- 1. (a) How many years have you known the way? 45 YEARS.....
- (b) Does the way have a popular name? .....
- (c) Have you personally used the above way? **\*YES/NO**
- (d) Did you only use part of the way? **\*YES/NO**

**Please do not use vague terms such as "often".**

- (e) During which years have you used the way? From 1970's To 2019.....
- (f) Where were you going from/to? Butterton, Over to Hankyure (it Back to Acton
- (g) For what purpose? (eg work, pleasure) PLEASURE.....
- (h) How many times a year? (eg daily, weekly, seasonal) WEEKLY IN SUMMER, SPRING
- (i) By what means? (eg on foot, horseback, motor vehicle etc) HORSE BACK.....
- (j) Is, or was, the way a short cut for you? No.....
- (k) If so why? .....

**(l) Please show on the attached plan the route of the way you have used.**  
If you have only used part of the way please mark or indicate the part used.

- (m) Do you still use the way? .....
- (n) If not why not? .....

2. When using the path where did you live? NEWCASTLE STAFFS.....

If at different places please provide details and years.

3. (a) How wide is the way? IT VARIES.....

(b) Is it the same width throughout its length? WIDER AT ACTON END  
NARROW TOWARDS WOOD.....

4. If you have ridden a horse on the way

- (a) Where did you keep the horse? BUTTERTON.....
- (b) Where did you start and finish your ride? BUTTERTON.....
- (c) Were you ever riding with the hunt when you used the way? No.....

5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? \*~~YES~~/NO
- (b) **If YES**, how often and what type of vehicle were they using? .....
- (c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? \*YES?NO
- (d) **If YES to (c)**,
- (i) How often was this? .....
- (ii) What type of vehicle were you in? .....
- (iii) For what purpose was it being used? .....
- 

6. (a) Has the way always been on the same route? \*YES/~~NO~~
- (b) **If NO**, please describe the original route, state when the way was diverted and show details on a plan. ....
- (c) Is the way a clearly defined track or path which a stranger to the vicinity could follow?   
YES.....
- (d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?   
STAYED TO ROUTE.....
- 

7. (a) Have there, to your knowledge, ever been any stiles on the way? \*YES/NO
- (b) Have there, to your knowledge, ever been any gates on the way? \*YES/NO
- (c) **If YES**, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.
- (d) If any gates on the way were ever locked please state, how often, and if known, by whom? .....
- Please mark on the attached plan the locations of the locked gates.
- 

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? \*YES/NO
- (b) **If YES**, state (i) what type of obstruction was this? .....
- (ii) When they were erected or removed? .....
- (c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan. ....

9. Has your usage ever been hindered or prevented in any way? \*~~YES~~/NO  
 If so by whom or what? .....  
 When was this? .....  
 Have you continued to use the way despite hindrances or obstructions \*YES/NO  
 How did you do this? (e.g. diversion) .....  
 Is the hindrance or obstruction still in existence \*YES/NO
- 

10. (a) Were you ever an owner or tenant of the land crossed by the way? \*~~YES~~/NO  
 If **YES**, please give dates.  
 (b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? \*YES/NO  
 If **YES**, please give dates.  
 (c) Was the land ever owned or tenanted by a relative of yours? \*~~YES~~/NO  
 If **so**, what was their relationship to you? .....  
 (d) When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? \*~~YES~~/NO  
 (e) If **YES to (d)**,  
 (i) What was your employment? .....  
 (ii) Between what years were you employed? .....  
 (f) If you were employed by the owner/tenant  
 (i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? \*YES/NO  
 (ii) If **so**, what were your instructions? .....  
 (g) Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? \*~~YES~~/NO  
 If **so**, what was their relationship to you? .....



11. (a) Have you ever been stopped or turned back when using the way? \*~~YES~~/NO

(b) Do you know, or have you heard of, anyone else having been prevented from using the way? \*~~YES~~/NO

(c) If **YES** to (a) or (b), please give details including dates.

.....  
.....

---

12. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? \*~~YES~~/NO

(b) If **YES**, please state:

(i) Who told you? .....

(ii) When you were told? .....

(iii) What were you told? .....

---

13. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? \*~~YES~~/NO

(b) If **YES**, please state what the notices said appropriate date of their display and show their approximate position on the attached plan? \*YES/NO

---

14. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? \*~~YES~~/NO

(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? \*~~YES~~/NO

(c) If **YES** to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan? .....

.....

15. (a) Have you ever been given permission to use the way? \*~~YES~~/NO  
 (Whether or not you asked for it)
- (b) Have you ever asked permission to use the way? \*~~YES~~/NO
- (c) **If YES**, who gave you permission? .....
- (d) When were you given permission? .....
- (e) For what purpose were you given permission to use the way? .....
- 

16. (a) Have you seen other people using the way? \*YES/~~NO~~
- (b) How were they using the way (ie foot, horse)? HORSES, WALKERS.....
- (c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? NO.....
- (d) If they were not accompanying you, were these people known to you? NO.....
- (e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) MONTHLY, SOMETIME MONTHS.....
- (f) How many other people, approximately, did you see on these occasions? 2+3.....
- (g) Please give any further details of other people's use of the way which you feel may be important .....
- 

17. Have you ever been charged a monetary sum for using the path? \*~~YES~~/NO  
**If so**, by whom?
- 

18. (a) Do you have any documentary evidence about the way? \*YES/~~NO~~
- (b) **If so**, in what form is this? ie maps, photos, etc please attach a copy if possible)  
MAP.....
- (c) Would you be willing to make the original document available if necessary? \*YES/NO

19. Can you give any further information about the way (continue on a separate sheet of paper if necessary).

THIS TRACK ~~ALSO~~ ALLOWS HORSE RIDERS SAFE ACCESS INTO WOODS. WITHOUT THIS TRACK THERE NEXT TO NONE SAFE OFF ROAD RIDING IN THE AREA.

LOTS OF OTHER COUNTIES HAVE GOOD OFF ROAD RIDING. STAFFORDSHIRE (NEWCASTLE-UNDER-LYME) IS VERY POOR. IT REALLY IS A MASSIVE SAFETY ISSUE, AS THERE ARE MORE MOTOR VEHICLES ON THE ROADS THEN EVER.

PLEASE SEE ATTACHED MAP, AND HISTORY OF ACTON.

## LOCAL ACTON HISTORY.

cottages occupied by families of names of Beardmore, Bell, Palmer, Chatterley, Dawson, Holland, Muckhall, Swynnerton, Lee, Hammond and Thomkin. In 1788 the Whitmore and Acton estates were resettled on all the then living male descendants. In 1796 yet another Edward Mainwaring, bought the common land known as Brown Heath in Acton from the other freeholders.

Parties or families involved in land transactions from 1747 to 1832 include Stanway, Austin, Eardley, Swynnerton and Hassall. In 1832 Thomas Stanway sold to Ralph Sneyd of Keele Hall land known as Bromley Field and Longcroft with dwelling houses and outbuildings. In 1877 various fields in Acton were owned by the Reverend Walter Sneyd also from Keele Hall.

The census of 1841 shows about 167 people and children registered as inhabitants of Acton. Families by the name of Bennett, Pickford, Shaw, Boote and one Samson Fairbanks who appears to have been a butcher.

Most families had 5 or 6 children, producing them at fairly regular two yearly intervals. It would seem that most occupations were as agricultural labourers or farmers. James Goodall aged 35 is mentioned as a wheelwright. There are brickmakers listed who more than likely worked at the brickworks at Shutlane Head. The later Post Office Directory for Acton dated 1868 names the following people and their occupations:

William Chester, farmer, Acton Farm.  
Timothy Clewlow, farmer.  
Richard Fairbanks, farmer.  
James Goodall, wheelwright.

Samuel Myatt, farmer.  
Philip Silvester, farmer.  
William Skerratt, shoemaker.

Acton has always been an agricultural community and is approached from Newcastle up the pretty hill named the "Hayled" with Acton Hall Farm at the top. This is one of the two remaining working farms in the village and is over two hundred years old and it may even have been the site of the old Acton Hall. In 1948 Mr. Doug Atkin took on the farm and has lived in it with his family since. His late wife Jean was a member of the Downs family her father having been born at New House Farm, Acton. He could recall the earthquake which shook the area and the farm buildings in 1915 – a frightening experience.

The lane leads on below the farm where several pretty old cottages used to stand. Judging by the photos one was an attractive black and white building, which could have dated back to the sixteenth or seventeenth century. The two Springfield Cottages and the house Janston (which was built in the 1970s) are now in this area. Between the Springfield Cottages and the house named Ladycroft, was a pathway leading to the natural spring, where in times gone by inhabitants would walk to fetch their supply of water in buckets. At this time some people would occasionally ride in their dogcarts down Wood Lane to Welldale Cottage "to drink the water", which was said to be beneficial! The borough of Newcastle refused to pipe water to Acton, but in 1932 Mr. Rafe Cavanagh Mainwaring organised for a piped water supply to be laid on – after the discovery of a dead cat in the water source!

The above mentioned pathway led on across the fields passing Acton Hill Farm – which was built for the Mainwaring Estate in 1854 – and is said to be the route taken to go to church at Swinnerton and also for funeral processions – thereby being a "Funeral Route" and thus making it a right of way.

The Methodist Movement has played an important part in the history of Acton. The big hill which rises up behind the houses was called Gospel Hill because it was here that Methodist preachers would come to preach the Gospels in the open air, probably standing beneath a large oak tree which stood there. The famous John Wesley, who started to preach in the open around 1739, could even have preached there himself on one of his many journeys on horseback around the country. The present Chapel – which is an important landmark – was built in 1905 – 1906. The Stone Laying Ceremony of “The New Wesleyan Church”, Acton, took place on Thursday, September 14<sup>th</sup> 1905 at 3. 0 p.m. and a public tea was held after the ceremony followed by a public meeting. Services have been held there on Sundays ever since. Before the chapel was in existence services were held in the building, which is now the garage of the house – The Gables. The Chapel building is used for meetings in the community and for voting during elections.

Ladycroft has been the home of at least three generations of the Noake family Jonathon and his sisters having been born there. The house Whitfield was added to their property in 1959 for the family's grandmother.

The old thatched cottages just beyond the Chapel sadly burnt down and were replaced by the blue brick houses, The Gables and The Firs, before the First World War. Murchers Lane runs down to the brook between these houses and where Bantry Bay is now, this lane could also have been part of the funeral route. Originally a cottage stood on the site just below Bantry Bay which had been occupied by members of the Fairweather family and more recently by a Mr. and Mrs. Tideswell (Elijah and Sarah). Numbers 1, and 2, Acton, were built after the Second World War around 1947. A well-known local character, Mr. Ben Podmore, who was famous for his fine prize-winning hedge-laying achievements, lived in one of these houses before moving to Butterton.

In the front of the garden of the present house Tresco on the corner of Acton Lane and Wood Lane was a building in which worked a Mr. James Goodall, who was the wheelwright. He lived in one of the cottages further down Wood Lane. At this time it is believed a candlemaker also lived and worked in the village.

Ivy House situated below Tresco in Wood Lane, used to be a two up and two down property built for the Swinnerton estate, using small sized bricks, which had been made at the brick works at Shutlane Head, before being developed into the attractive house it is today. Two more cottages were situated down the hill – one having been occupied by a Mr. Fairbanks. The cobbler Mr. Cartwright also lived in one of these dwellings and locals brought their shoes for repair and clogs to be “tipped” and he had a son who also carried on the trade. In the nineteen fifties these two cottages were converted into one large house now known as “Fairbanks”. At the bottom of the hill is Brook Farm, which was occupied by a Mr. and Mrs. Bill Ward about fifty years ago. Having no electricity supply at that time they used oil lamps and can be remembered lighting their way up to Chapel with their lamps.

Wood Lane continues towards the Swynnerton Forest passing on the bend a murky pool where the unfortunate Mr. Cartwright the cobbler, ended his life by drowning. Opposite this pool is the area allegedly called “Hangman's Corner”, as a gibbet was believed to have been situated in the nearby bridle path. The ill-fated condemned person – having had their last pint at the pub could have been brought to the gallows “on the wagon “ as tradition has it! This lane leads on to Welldale, formerly Welldale Cottage and enters Swynnerton Old Park Forest at Hobgoblins

20. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

\*YES/~~NO~~

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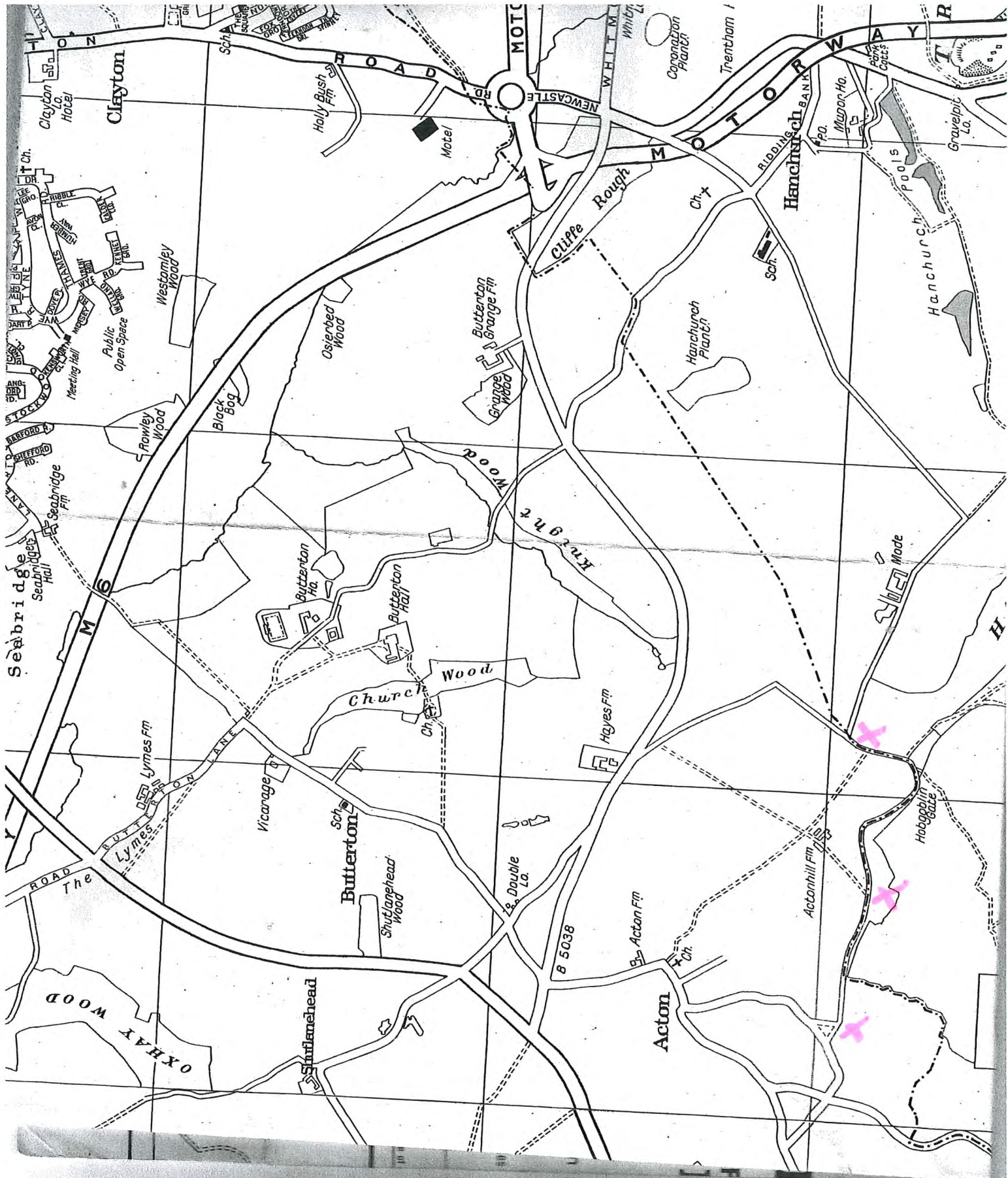
**Please note** that this form may be available to members of the public including affected owners or occupiers of the land crossed by the way.

I certify that, to the best of my knowledge and belief, the information I have given to this statement is true.

Signature 

Person taking this statement (if applicable) .....

Date: 12/5/2020 .....



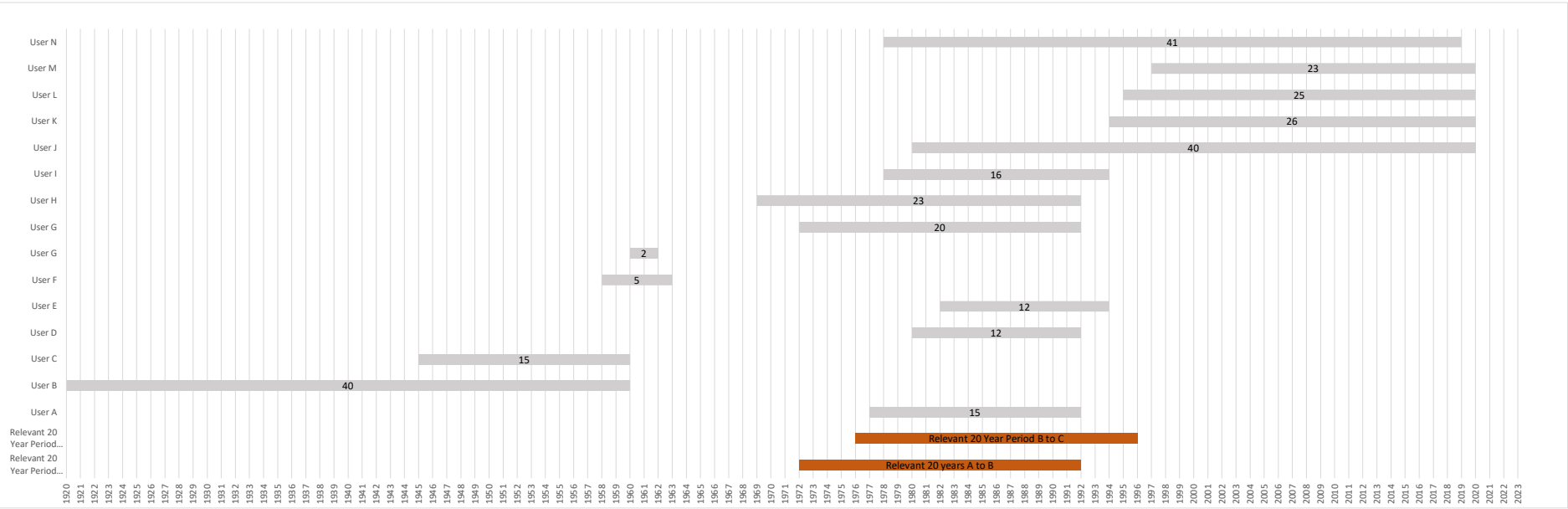
X CLEARLY A  
 LANE ON  
 MAP. NOT  
 JUST A FOOT  
 PATH.





Appendix D

| User ID                        | Start Date | End Date | Duration | Activity       | Width             | Frequency     | Purpose  | Additional comments   |
|--------------------------------|------------|----------|----------|----------------|-------------------|---------------|----------|---|
| Relevant 20 Year Period A to B | 1972       | 1992     | 20       |                |                   |               |          |   |
| Relevant 20 Year Period B to C | 1976       | 1996     | 20       |                |                   |               |          |   |
| User A                         | 1977       | 1992     | 15       | Horseback      | 15-20 foot        | Daily         | Pleasure | Acton to Hanchurch/ Hobgoblin Gate Dukes lodge bridal gates always open- replaced by vehicle locked gate. Permit holder system in place.                                    |
| User B                         | 1920       | 1960     | 40       | Horseback      | 15-18 foot        | Weekly        | Pleasure | Horses kept locally at Harley Thorne Farm.  |
| User C                         | 1945       | 1960     | 15       | horseback      | 15-18 feet        | Weekly        | Pleasure |   |
| User D                         | 1980       | 1992     | 12       | Foot/Horseback | 15-20 feet        | weekly        | pleasure | Gates Dukes Lodge and Hoblin Gate - Obstruction 1992 Hobgoblin gate   |
| User E                         | 1982       | 1994     | 12       | Horseback/Foot | 1 foot            | Weekly        | Pleasure | Calculated from age of 16 "As of Right"   |
| User F                         | 1958       | 1963     | 5        | Horseback      |                   | 15 Weekly/Sum | Pleasure | Wooden Gate usually open  |
| User G                         | 1960       | 1962     | 2        | Horseback      | 20 feet           | Weekly        | Pleasure | Calculated from age of 16 "as of right" Discontinued Use between 1962-1972 / Used 1953-1962 Hobgoblin Gate / Dukes Gate/ Paid for a pass/Wire Fence "No riding in the Wood" |
| User G                         | 1972       | 1992     | 20       | Horseback      |                   | Weekly        | Pleasure | Same user as above separate use calculated  |
| User H                         | 1969       | 1992     | 23       | Horseback      |                   | Monthly       | Pleasure | Gates either end of path/padlocked/Horseshoe sinage   |
| User I                         | 1978       | 1994     | 16       | Horseback      | as wide as a road | Weekends      | pleasure | gate at each end marked / Forestry commission closed the woods - permit holders only - keys required  |
| User J                         | 1980       | 2020     | 40       | horseback      | 3 meters          | weekly        | Pleasure | Blocked by kissing gates which were removed (Apr-Jun 20)  |
| User K                         | 1994       | 2020     | 26       | Riding School  | 4 meters          | Weekly        | Pleasure | Blocked by kissing gates which were removed (Apr-Jun 20)  |
| User L                         | 1995       | 2020     | 25       | Riding School  | 3 meters          | Weekly        | Pleasure | Blocked by kissing gates which were removed (Apr-Jun 20)  |
| User M                         | 1997       | 2020     | 23       | Riding School  | 3 meters          | Weekly        | Pleasure | Blocked by kissing gates which were removed (Apr-Jun 20)  |
| User N                         | 1978       | 2019     | 41       | horseback      | Varies            | weekly        | pleasure | Blocked by kissing gates which were removed (Apr-Jun 20)  |





Appendix E

## James, Laura (Corporate)

---

**From:** [REDACTED]  
**Sent:** 16 June 2023 13:21  
**To:** James, Laura (Corporate)  
**Cc:** [REDACTED]  
**Subject:** FW: Additional Information On Swynnerton Footpath 18  
**Attachments:** Welldale Sale Particulars.PNG; Welldale Sale Details - Acknowledged Bridle Path.PNG; Email To SCC From Angela Wilson.PNG; Title Plan 6 Oakwood Lane - Known As Welldale.pdf

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

Dear Ms James

### Definitive Map Modification Application LF602G

I understand you have been assigned to investigate definitive map modification application LF602G and are making enquiries about it with nearby landowners. I am the representative of the applicant, North Staffordshire Bridleways Association, which the Chair of the Association advised the Council of in 2020.

The files you have may not contain relevant and important associated information which resulted from unlawful obstruction of the D Class unclassified road at its junction with the application route. The following May 2020 email is part of a much wider exchange on the subject with the Council three years ago, with me, authorised by North Staffordshire Bridleways Association to act for them in this matter.

There is a lot of relevant material in these 2020 exchanges, including communications with other local residents that you will need to familiarise yourself with and include in any report you compile for Members to determine this application. You will also appreciate that none of the land comprising the application route is Land Registered up to Hanchurch Woods - but all the land surrounding it is.

Yours sincerely,

[REDACTED]  
For North Staffordshire Bridleways Association  
Tel: (07768) 2935043

---

**From:** [REDACTED]  
**Sent:** 19 May 2020 12:00  
**To:** [REDACTED] 'Dalton, Paula (Corporate)'  
<[paula.dalton@staffordshire.gov.uk](mailto:paula.dalton@staffordshire.gov.uk)>  
**Subject:** Additional Information On Swynnerton Footpath 18

Dear Councillor Fisher

You and Paula Dalton need to be aware of the following regarding the Councils investigations into my complaints regarding the obstruction of Swynnerton Footpath 18 with horses. In the last 48

hours I have received copies of a substantial number of emails exchanged between various Councillors (Parish, Borough and County), Paul Rochfort, your Principal Rights of Way Officer and [REDACTED] (the adjoining landowners that abuts part of the path). These are very revealing and it is clear that there are many irregularities and misunderstandings you need to be aware of:

1) Firstly, it is clear that your officer, Mr Paul Rochfort, is under the impression that [REDACTED] own the land over which Swynnerton Footpath 18 passes. This is a material misunderstanding as the path has no registered owner and the land purchased by [REDACTED] around two years ago and included in the Registered Title of 6 Oakwood Lane, known as Welldale, is bounded by the path in places. However, the path itself was not included within the conveyance and is excluded from the title. A copy of the Land Registry Title Plan is attached confirming this. By contrast, your Mr Rochfort appears to have misunderstood this vital piece of information and, in an email to [REDACTED] states:

***“We discussed the possibility of restricting access for horse riders by installing a gate on the path but if you are happy for riders to continue to use the route then we don’t wish to restrict such access”.***

This statement raises two issues:

- It is highly irregular for Staffordshire County Council to ask anyone who is **not** the landowner of the subsoil of a public path whether they are “happy for riders to continue to use the route” or not. Only a landowner of the actual route over which a public path traverses is able to provide permissive use or dedication of use.
- The words ***“continue to use”*** are significant because they confirm that there has been use which could well have resulted in dedication as a bridleway by long use.

2) When [REDACTED] purchased Welldale the vendor disclosed that the path, through part of the the property for sale, was not included in the land to be conveyed and is a public bridle path. A copy of the sale particulars is attached explaining the “scrub land” adjoining what has been recorded as Swynnerton Footpath 18 as: ***“having bridle path access only”***. Note: The land concerned does not abut or connect with Whitmore Bridleway 9 so the access referred to is what has been recorded as Swynnerton Footpath 18 (see Title Plan attached).

So, it would have been extremely clear to [REDACTED] that they were buying a property that included a parcel of “scrub land”, abutting a public path that was not included within the sale, which the vendor acknowledged to be a public bridleway. It is clearly “economical with the facts” for [REDACTED] not to have revealed this important and material piece of information to Staffordshire County Council officers.

3) In her email of 12<sup>th</sup> March 2019, a copy of which is attached, [REDACTED] explained to Staffordshire County Council that the public path is, quote:

***“Regularly used by cyclists, walkers with dogs and horse riders”***

Again, this clear admission of use with hoses and cycles would indicate to a Principal Rights of Way Officer that further research would be required, to verify and confirm whether any applications had been made to modify the recorded status of the path. In this case we know that a modification application was submitted 24 years previously for which the Secretary of State for Environment, Food and Rural Affairs directed your Council to determine by no later than October 30<sup>th</sup> last year (many months before its obstruction with horses by installing kissing gates was implemented).

4) The input of various Councillors who have been in communication regarding this matter, of which I have now acquired copies, confirm that they clearly do not understand public rights of way law and appear to have been providing fundamentally flawed guidance on this matter.

I am sending you this additional very recently obtained information, in addition to the other information I have provided previously regarding the unlawful obstruction of Oakwood Lane by the installation of a kissing gate on it, because it is important and highly relevant. It also complements my previous communications regarding the highly irregular obstruction of Swynnerton Footpath 18, to the north of Hobgoblin Gate, by way of a second kissing gate installed. Both of these obstructions now require removal by Staffordshire County Council and I trust this extra input is helpful and informing regarding the reckless way in which the installation of the obstructions have been decided and implemented.

Yours sincerely,

A black rectangular redaction box covering the signature area.



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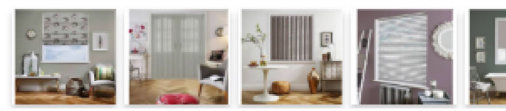
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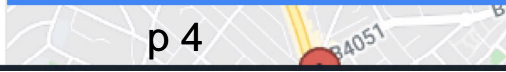
**Follwells**

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Page 137

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**From:** Angela @ Acton Hill Alpacas <angela@actonhillalpacas.co.uk>  
**Sent:** 12 March 2019 13:44  
**To:** Rights of Way Enquiries <[rightsofway@staffordshire.gov.uk](mailto:rightsofway@staffordshire.gov.uk)>  
**Subject:** Public Right of Way Path Swynnerton 18

Hello

We've recently purchased a parcel of land with a public right of way path going through it, the path is the main access point into Swynnerton woods from the Acton village side from Oakwood Lane, it is regularly used by cyclists, walkers with dogs and horse riders. The path is in an extremely poor state prone to flooding and not suitable for purpose. I am emailing to enquire if there is any help available to repair the path either by providing workmen or materials or via a grant to improve it?

<https://apps2.staffordshire.gov.uk/WEB/OnTheMap/RuralAccess>

**Public Rights of Way: Swynnerton 18**

|                      |  |
|----------------------|--|
| Name                 | Swynnerton 18  |
| Status               | Footpath   |
| Maintenance category | A  |
| Start point          | End of County road, about 150 yds S.W. of Actonhill Farm |
| End point            | Dog Lane, Hanchurch Hills, opposite F.P.19               |
| Number               | 18   |
| Parish               | Swynnerton CP  |
| District             | Stafford Borough   |

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# 3 bedroom detached house for sale

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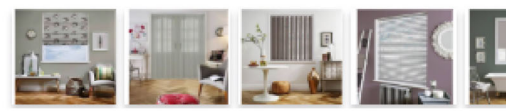
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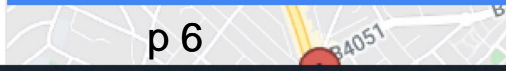
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Comprising of three separate paddocks two of which adjoin the property.

#### Paddock One

Of approximately 1.75 acres or thereabouts, also having separate vehicular access from Oakwood Lane and having stock fencing to boundaries. Situated within the paddock is a further kitchen garden and full size extended length TENNIS COURT.

#### Paddock Two

Of approximately 2.75 acres or thereabouts with stock fencing to boundaries and also having separate vehicular access from Oakwood Lane. Situated within this paddock is a timber framed metal clad barn approximately 10m x 10m (3.05m x 3.05m), housing for pumping station and diesel generator. Agents Note : The diesel generator is there to provide additional back up power should it ever be required. Within the grounds is a natural well providing additional/separate water source aided by electric pumping station should it ever be required.

#### Additional Land

Situated separate to the property within the woodland, a further parcel of land of approximately 1.25 acres or thereabouts comprising of rough scrub land with stock fencing and having bridle-path access only.

#### Services

Mains water and electricity connected. Drainage to septic tank within grounds.

Appendix F



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Appendix G





Appendix H

10. 'Appropriate authority' means (a) in relation to a map or statement deposited or declaration lodged under section 3 (6) of that Act, an appropriate council (as defined in section 3(7) of the Highways Act 1980); and (b) in relation to a statement and map deposited under section 15A(1) OF THE 2006 Act, a commons registration authority defined in section 4 of the Commons Act 2006 and section 2 of the Commons Registration Act 1965). In practice, the appropriate council and commons registration authority will usually be the same body.

**PART A: Information relating to the applicant and land to which the application relates  
(all applicants must complete this part)**

1. Name of appropriate authority to which the application is address:

Staffordshire County Council, 2 Staffordshire Place, Stafford, ST16 2DH

2. Name and full address (including postcode) of applicant:

Russell Poole BSc(Hons) MRICS  
The Estate Office, Swynnerton, Stone, ST15 0QE

3. Status of applicant (tick relevant box or boxes):

I am

(a)  the owner of the land(s) described in paragraph 4

(b)  making this application and the statement/declaratons it contains on behalf of:

The Lord Stafford  
The Hon Benjamin Fitzherbert  
The Trustees of Swynnerton Settled Estate  
The Trustees of the Late Lord Stafford's Will Trust  
who is owner of the land(s) described in paragraph 4 and in my capacity as authorised agent  
for the landowners.

4. Insert description of the land(s) to which the application relates (including full address and postcode):

Land at Swynnerton Estate, c/o The Swynnerton Estate Office, Stone, ST15 0QE

5. Ordnance Survey six-figure grid reference(s) of a point within the area of land(s) to which the application relates (if known): SJ 8530 3547

6. This deposit comprises the following statement(s) and/or declarations (delete Parts B, C or D where not applicable):

**PART B: Statement under section 31(6) of the Highways Act 1980**

I am the owner of the land described in paragraph 4 of Part A of this form and shown green on the map accompanying this statement.

Ways shown orange on the accompanying map are byways open to all traffic

Ways shown yellow on the accompanying map are restricted byways

Ways shown blue on the accompanying map are public bridleways

Ways shown red on the accompanying map are public footpaths

No other ways over the land shown green on the accompanying map have been dedicated as highways.

**PART C: Declaration under section 31(6) of the Highways Act 1980.**

Not applicable.

**PART D: Statement under section 15A(1) of the Commons Act 2006**

Not applicable.

**PART E: Additional information relevant to the application**

None

**PART F: Statement of Truth  
(all applicants must complete this Part)**

**WARNING:** If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS FORM ARE TRUE**

**Signature (of the person making the statement of truth):**



**Print full name: Rt. Hon Francis Melfort William Baron Stafford**

**Date:** 9 DECEMBER 2016

**You should keep a copy of the completed form.**

**Data Protection Act 1998 – Fair Processing Notice**

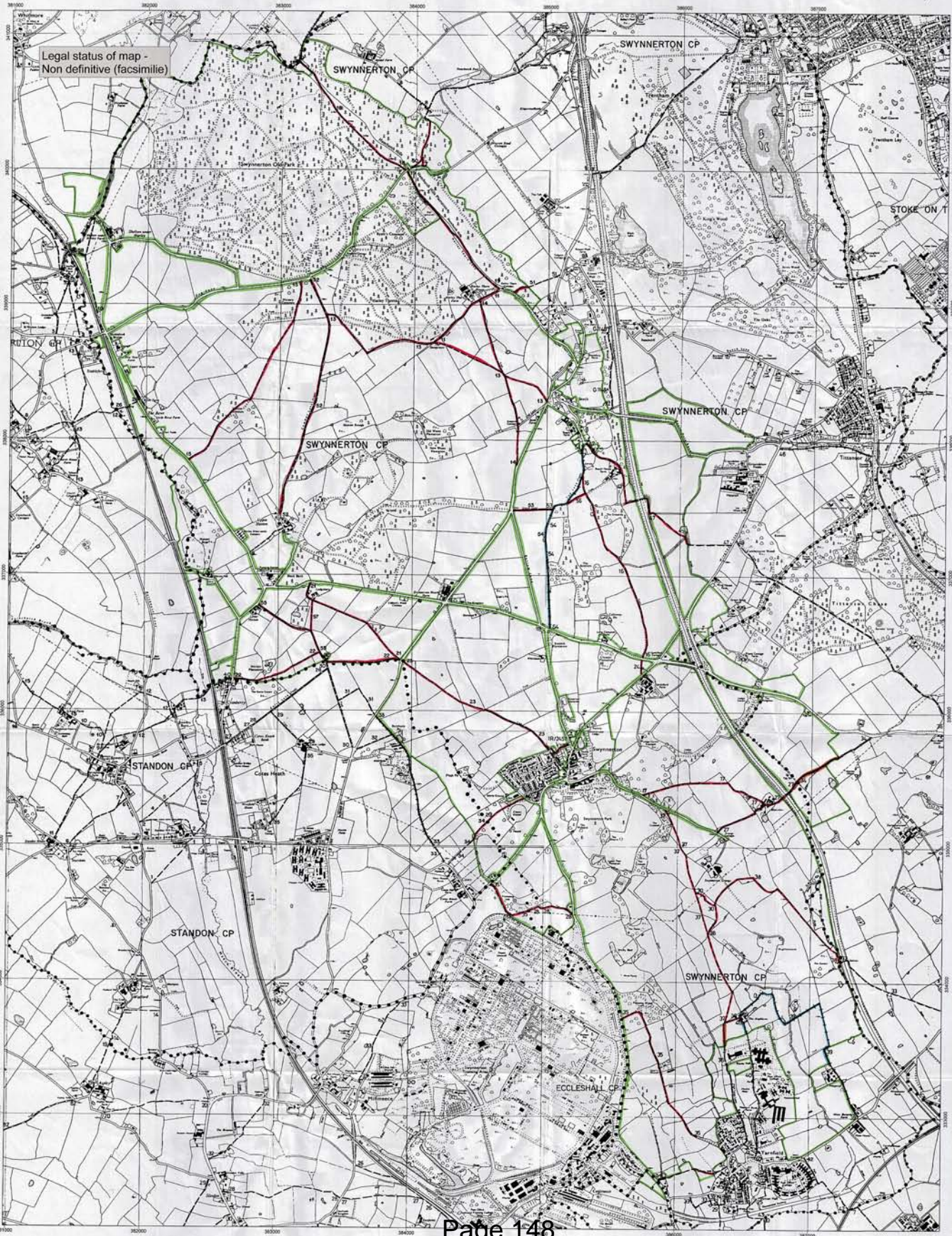
The purpose of this Fair Processing Notice is to inform you of the use that will be made of your personal data, as required by the Data Protection Act 1998.

The appropriate authority (see explanation of definition in the above guidance notes) in England is the data controller in respect of any personal data that you provide when you complete this form.

The information that you provide will be used by the appropriate authority in its duties to process applications to deposit statements, maps and declarations under section 31(6) the Highways Act 1980 and statements under section 15A(1) of the Commons Act 2006. The information you provide will also be used by the appropriate authority in its duty to update the registers in which details of such deposits are recorded under the Dedicated Highways (Registers under Section 31A of the Highways Act 1980) (England) Regulations 2007 and the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013.

The appropriate authority is required by the legislation above to maintain a register which holds information provided in this form, which can be inspected online or in person by members of the public on request. It may also be required to release information, including personal data and commercial information, on request under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000. However, the appropriate authority will not permit any unwarranted breach of confidentiality nor will they act in contravention of their obligations under the Data Protection Act 1998.

Facsimile extract of The Definitive Map  
of Public Rights of Way for Staffordshire (1999).  
Lord Stafford's estate (part) - Swynnerton.



Legal status of map -  
Non definitive (facsimile)

Map created at the scale of 1:10,000  
(facsimiles may vary)

- Public footpath
- Public bridleway
- ..... Parish Boundary



This Rights of Way information is to be used only as a guide. The information is not a legal document. For other purposes you should consult the Definitive Map of Public Rights of Way. The information is for the sole use of the intended recipient for the specified purpose. It is not provided for redistribution to third parties, any production of unauthorised copies is a breach of copyright.

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Ordnance Survey 100019422. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form. Use of this data is subject to the terms and conditions shown at [www.staffordshire.gov.uk/maps](http://www.staffordshire.gov.uk/maps). Produced by Staffordshire County Council, 01/06/2016

To: Staffordshire County Council

HIGHWAYS ACT 1980 NOTICE

I wish to deposit with Staffordshire County Council the accompanying map on which the land I own is shown delineated in red.

I admit that the ways shown on the said map by Staffordshire County Council are public rights of way within the provisions of Part IV of the National Parks and Access to the Countryside Act 1949. I deny that there are any other such public rights of way on the land I own and shown on the said map.

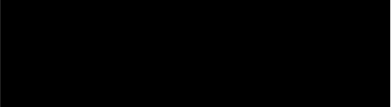
For the purpose of this notice I and the Staffordshire County Council hereby agree that sub-section (6) of Section 31 of the Highways Act 1980 shall apply to the land I own and shown delineated in red on the said map.

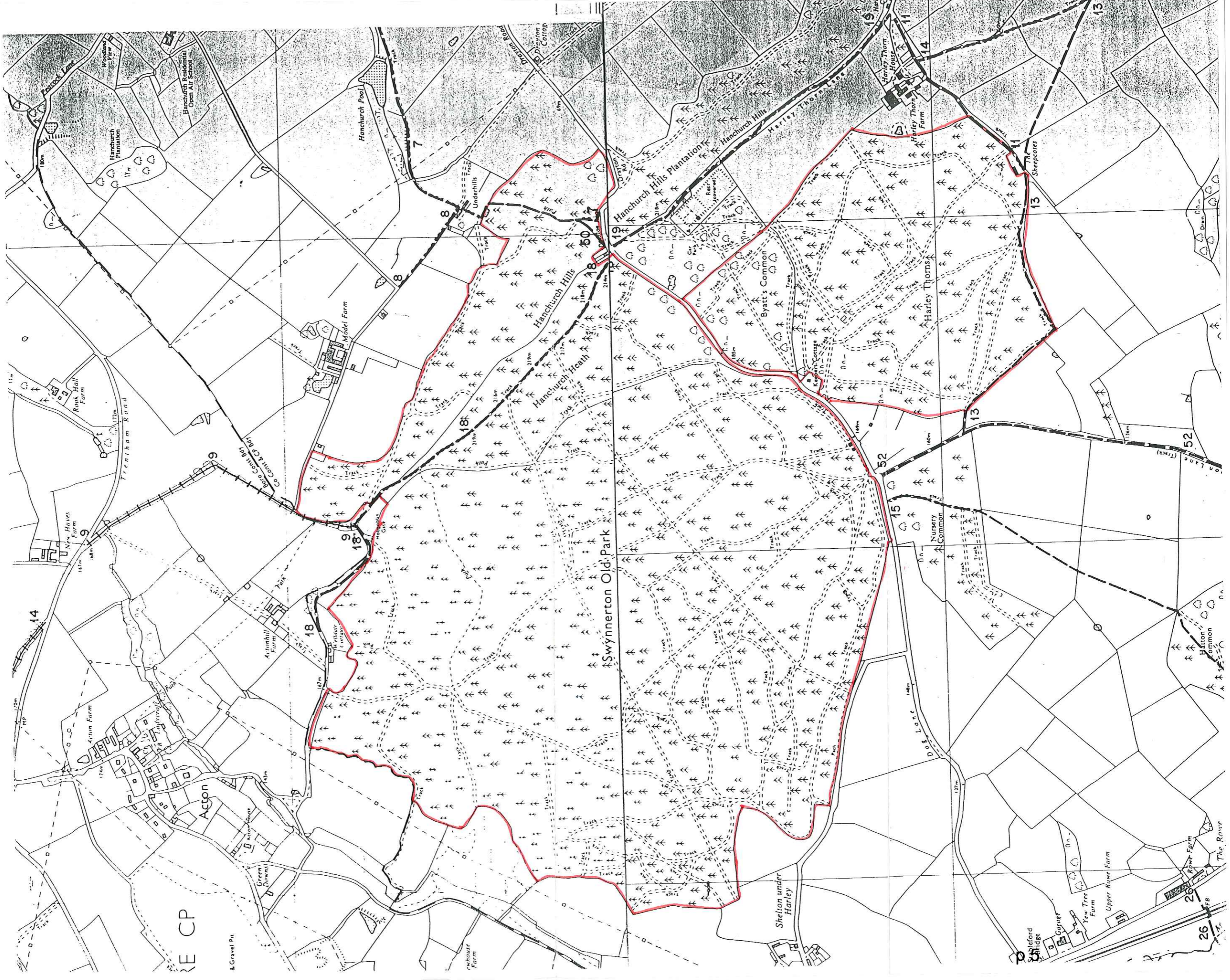
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Dated this *14th* day of *OCTOBER* 1992

Signed: 

*AS AGENTS FOR THE SWYMERSTON ESTATE*

Signed:   
on behalf of the Staffordshire County Council



Appendix I

**Swynnerton Parish footpath 18 – extracts from parish survey correspondence, parish cards and maps**

*File Cms.*

STAFFORDSHIRE COUNTY COUNCIL  
COUNTY PLANNING DEPARTMENT

41a Eastgate Street,  
Stafford.

(11)

Our ref. NER /3/288/ J                                  6th September, 1952.

Dear Sir/~~Madam~~,

National Parks and Access to the Countyside Act, 1949.  
Survey of Rights of Way Swynnerton

The survey of rights of way for your Parish has now been examined in detail, and I should again like to express my thanks for the work which has been done.

It had been anticipated that as we were unable to keep in close touch with Parishes while surveys were being made, it would be necessary to consult them at a later stage if any queries arose. This has proved to be the case as nearly all the surveys have raised some problems which must be resolved before we can prepare the Draft Map and Statement for the County.

..... The enclosed schedule sets out the queries which have arisen from an inspection of your Parish survey, and it would be very much appreciated if you could assist us once more by supplying the additional information required. When this has been done it is hoped that we shall not have to trouble you further.

..... The maps and log cards are enclosed together with the schedule and a stamped and addressed envelope. Please make any alterations which appear necessary and return the cards, maps and schedule to this Department.

Yours faithfully,

D. W. RILEY,  
COUNTY PLANNING OFFICER.

R.S.Sanders, Esq.,  
Swynnerton Rectory,  
Stone, Staffs.



The following information is required to complete the survey of rights of way for your Parish.

Please give the information required on this form and return it with the maps and log cards (which should be altered where necessary) by the 30th September, 1952.

1. The paths have been shown in pencil by us from the descriptions on the log cards and renumbered throughout consecutively. Please check that these have been marked correctly. ✓
2. It is necessary for the reasons for believing the paths to be public to be given on every log card. Where there is no documentary evidence such as a Tithe Map or Enclosure Award the period of time during which the paths have been used by the public without dispute should be given. This period must be at least 20 years for a presumption to be made that a path is a public right of way, though the 20 years need not be the last 20 years. Even where the path is now disused it should be included for the purpose of this survey so long as the period for believing the path to be public can be given as above. ✓
3. No. 4. It is not clear from the map, the route taken by this path near the Kennels, does it cross the River Trent and run along the east side of the river to the county road near BM 327, or does it run through the grounds of the Kennels and join Whitmore Road near BM 345.8? Please ink in on map the correct route.  
*Maps XVII SE and XVIII S.W. ✓*
4. No. 12. From the information given on the map it appears that this path commences at Beech Caves and runs north-eastwards to Broochill Lane as marked by us in pencil.  
The portion in the vicinity of Groundsdown appears to be private, if not please mark the route on the map and describe on log card. ✓
5. Common Lane from Upper Hatton to F.P. 13 near Pennyleasow is not a county road and should perhaps be a C.R.B. or C.R.F. Please confirm and, if so, mark on map, number and make out log card. ✓
6. Is there a public right of way running south-westwards from Top Lane (F.P. 16) Beach to the Nantwich-Stone Road near Stabhill Plantation? If so, please mark on map, number and make out log card. ✓
7. Is there a public right of way from the Newcastle - Eccleshall Road along Green Lane eastwards to join F.P. 12 at Beech House Farm. If so, please mark on map, number and make out log card. ✓
8. *2 paths  
has gas  
gas*  
F.P.'s 18, 26 and 47 appear to be private and should perhaps be omitted.

# Stone & District Footpaths Preservation Society

(Affiliated to the Commons, Open Spaces and Footpaths Preservation Society)

Telephone : Stone 2523

Hon. Secretary :  
NORMAN A. COPE, B.A.  
20, Woodlands Close,  
WALTON,  
STONE, Staffs.

17

The County Planning Officer,  
Staffordshire County Council,  
41a, Eastgate Street,  
Stafford.

|   |          |
|---|----------|
| STAFFORDSHIRE COUNTY COUNCIL<br>COUNTY PLANNING DEPT. |          |
| RECEIVED<br>10 JUN 1953                               |          |
| FILE REF.   | ANSWERED |

Dear Mr. Riley,

## Swynnerton Parish - Survey of Rights of Way

Following the visit of two members of the Society and myself to your office to look at the Parish maps in connection with the survey, I promised to give some further information to Mr. Green on the old lane from Beech to Acton village, which was not included in the Parish survey of footpaths.

This old lane from Beech passes by the water tower, on Hanchurch Hills, crosses the Hanchurch-Stableford Road near Dukes Lodge, and continues to Hobgoblin Gate and to Acton village. There is a field gate at Duke's Lodge and at Hobgoblin Gate. As early as August 1947 H.M. Forestry Commission stated that "the only known public footpath within the area being acquired by the Forestry Commission is the one from Duke's Lodge to Hobgoblin Gate". The Clerk to the Swynnerton Parish Council included the whole length of lane in 1947, along with other paths in the area.

On reforestation the field gates on the Duke's Lodge-Hobgoblin Gate portion were chained and padlocked,



but on representation being made by the Society, the State Forests Officer at Upton Grange, Chester, wrote to me: On making inquiries I find that the Forester has fenced the area and erected a gate across the Right of Way from Dukes Lodge to Hobgoblin Gate. I have therefore, instructed him to unlock the gate, and leave it unlocked, and I trust that this arrangement will be acceptable to you."

There is not doubt whatever that the track from Beech to Acton was overlooked by the Parish Council and should definitely have been included.

Yours sincerely,

*Norman A. Cope*

*Handwritten notes and scribbles below the signature.*

NSR/3/388.J.

25th June, 1953.

Dear Mr. Cope,

Survey of Rights of Way - Swynnerton

Thank you for your letter about the old lane from Beech to Acton Village. In view of the information which you have supplied, I will investigate the matter in conjunction with the Parish Council.

Yours sincerely,

County Planning and Development Officer.

N.A. Cope, Esq.,  
Stone & District Footpaths Preservation Society,  
20 Woodlands Close, Walton, Stone.

G/KWW.

NSR/3/288 J

6th July, 1953.

Dear Sir,

Survey of Rights of Way - Swynnerton

Further to the survey of public rights of way which was recently carried out in your parish, a query has arisen in respect of a path which starts at the county road near Harley Thorns Farm and follows a northwesterly direction past the Reservoir on Hanchurch Hills, crosses the Hanchurch-Stableford Road near Dukes Lodge and continues to Hobgoblin Gate to join the county road to Acton just south of Actonhill Farm.

This path was marked on the map by your parish but not numbered or a log card made out. I understand that when the reafforestation of this area was undertaken the Forestry Commission recognised that the public had rights over this path.

..... I am enclosing O.S. XIII N.E. and XVII S.E. on which this path is shown, and I should be glad if you would consider whether the path should be included as a public footpath and if so would you please fill in a log card (enclosed) particularly the reasons for believing it to be public, i.e. that the path has been used by the public without dispute for more than 20 years.

..... A stamped addressed envelope is enclosed herewith for the return of the maps and log card, if possible by 18th July.

Yours faithfully,

County Planning and Development Officer.

E.E. Sanders, Esq.,  
Clerk to Swynnerton P.C.  
7 Park View,  
Swynnerton,  
Stone, Staffs.

G/EPW

22

SWYNNERTON PARISH COUNCIL

*Green*

E. E. SANDERS,  
Clerk.

7, PARK VIEW,  
SWYNNERTON,  
STONE, STAFFS.

4th August 1953

Ref: NSR/3/288 J.

Dear Sir,

Survey of Rights of Way - Swynnerton.

With reference to your letter of the 6th ultimo, the path in question should be included as a public footpath.

I returning O.S. XX111 N.E. and XV11 S.E. together with a log card duly completed.

I thank you for sending me a stamped addressed envelope which I return herewith since this letter is being delivered to you by hand.

Yours faithfully,

*E. E. Sanders*

D.W.Riley Esq,  
41a Eastgate Street,  
Stafford.

|   |                        |
|---|------------------------|
| STAFFORDSHIRE COUNTY COUNCIL<br>COUNTY PLANNING DEPT. |                        |
| RECEIVED<br>5 AUG 1953                                |                        |
| FILE REF.   | ANSW. NO.<br><i>36</i> |

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

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

LOCAL AUTHORITY : *Stone R. D. C.* 18 *6A* ✓

PARISH : *Slymerton.*

PATH No., as on map : *FP*

PATH SYMBOL, as on map : *FP*

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

Path starts at: *County road, Rythley*  
*Stone Country road*  
*By lane Handchurch Hills.*

Path finishes at : *Hobgoblin Gate, Acton*

6" quarter Ordnance Sheet No. : *XXIII. N.E*  
*XVII. S.E*

Names and addresses of persons making the survey :

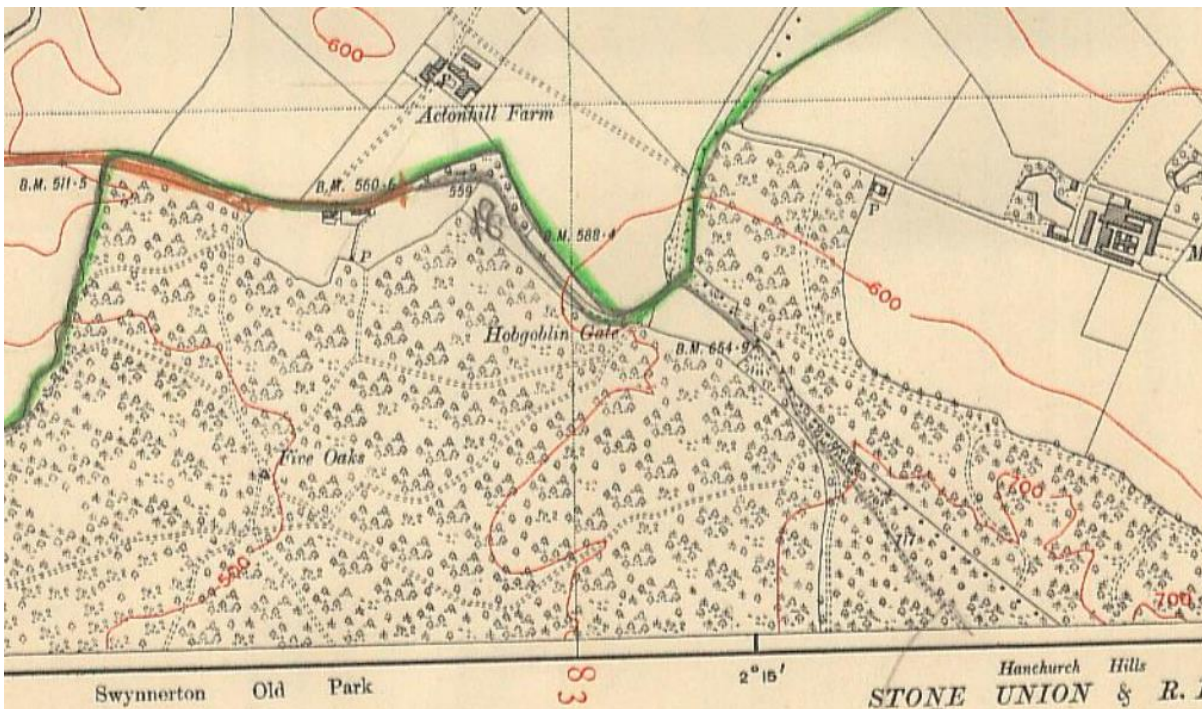
Survey started on \_\_\_\_\_ 195 \_\_\_\_\_ Survey finished on \_\_\_\_\_ 195 \_\_\_\_\_

|  |  |
|--|--|
| <i>J. Stanworth</i><br><i>G. Sanders</i> | <i>Slymerton, Stone</i><br><i>do do.</i> |
|--|--|

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

*Path has been used by the public without dispute for more than 20 years.*

CHV—53165

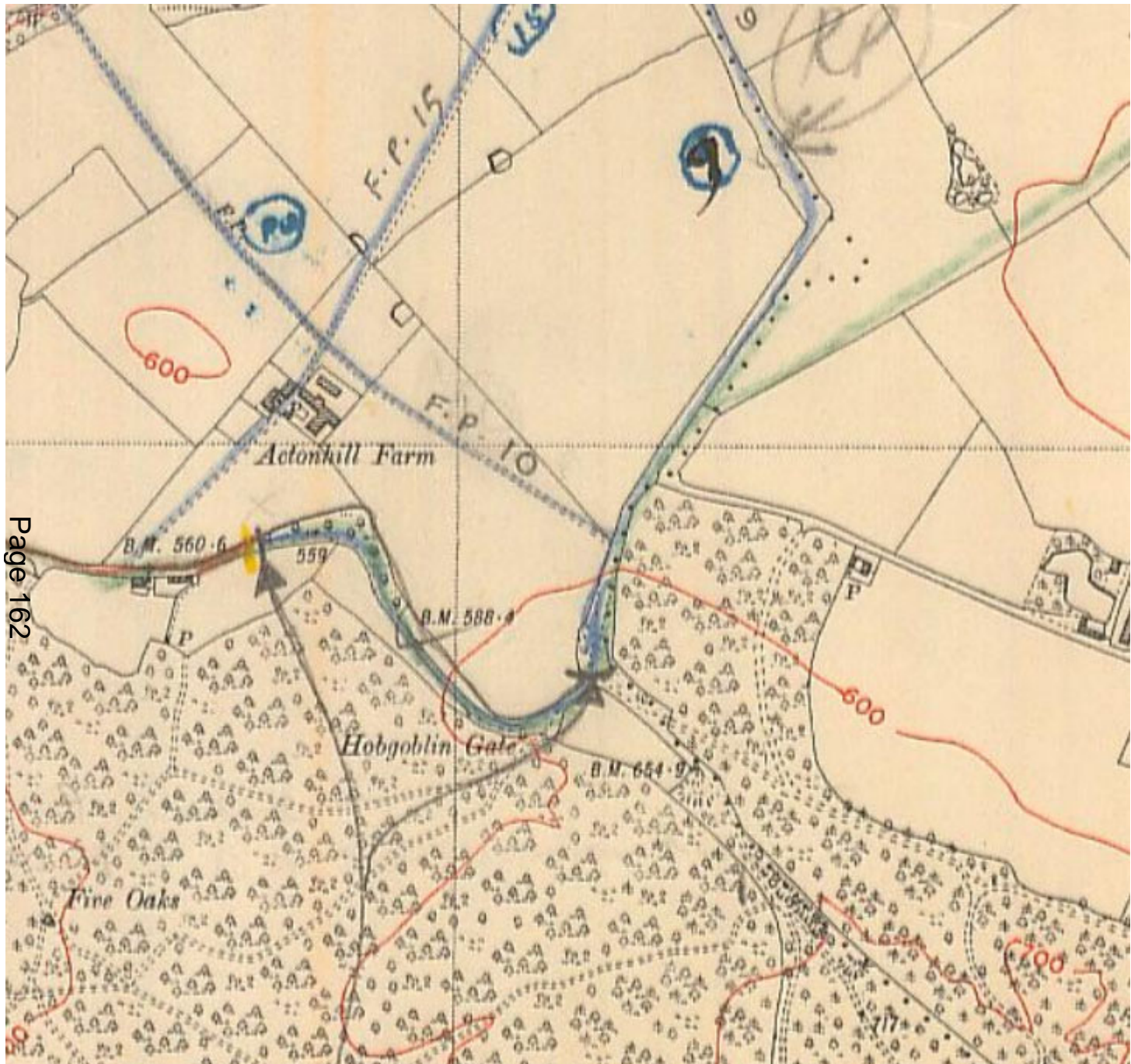








Appendix J



Staffordshire County Council: Survey of Rights of Way

LOCAL AUTHORITY :

Newcastle & D Council

PATH No., as on map :

9 ✓

PARISH :

Whitmore

PATH SYMBOL, as on map :

R.P.

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

Path starts at :

Hayes Farm  
Butterton

Path finishes at :

Junction with road  
below Acton Hill Farm

6" quarter Ordnance Sheet  
No. :  
Staffordshire  
XVII. SE.

Names and addresses of persons making the survey :

Mr J. G. Matthews  
Hayes Farm, Butterton  
Mr S. Hampton  
Hil-Dor, Baldwins Gate  
Newcastle, Staff

Survey started on

June 20<sup>th</sup> 1953

Survey finished on

June 24<sup>th</sup> 1953

Doubtful status. Motor tracks all way  
from Hayes Farm, Butterton to junction  
with highway below Acton Hill Farm

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

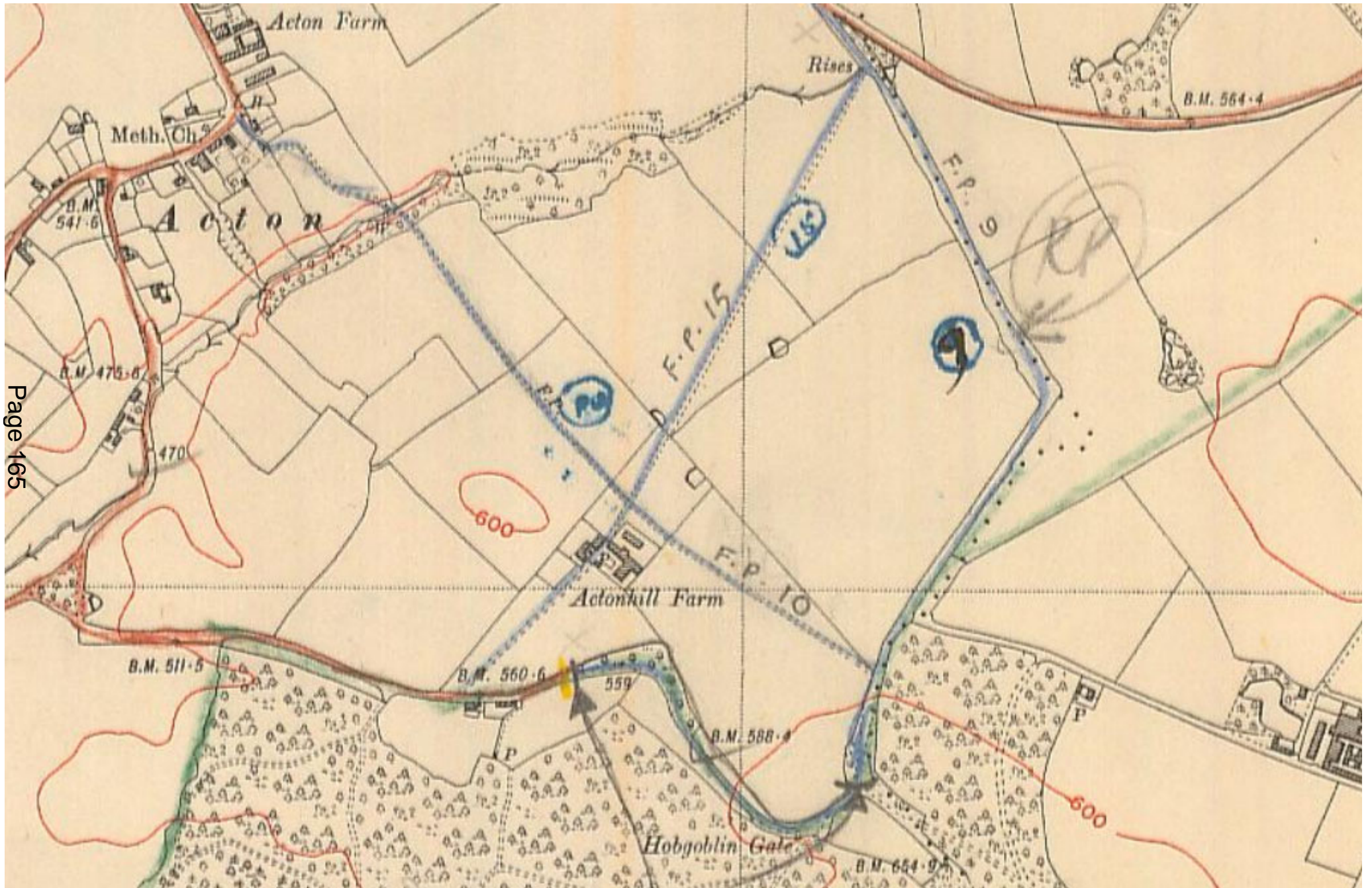
Way open beyond memory. Used by motor cars, but  
only claimed as foot path.

Page 163

Here is an extract from a query sheet asking if the route should be a RP as it is stated it's in use by cars.

|  |                  |  |    |   |   |
|--|------------------|--|----|---|---|
| F.P. be included?  | Displaced by ... |  |    |   |   |
| 7. F.P. 9 is stated to be used by cars - should it be shown as F.P. or R.P.? | R.P.             |  | No | ✓ |   |
| 8. Should Lymes Road be  |                  |  |    | ✓ | ✓ |

This fits with the parish survey map showing the route as a F.P. but with an R.P. added later.



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Appendix K



**Forestry Commission**

County Clerk & Chief Executive  
Staffordshire County Council  
PO Box 11  
County Buildings  
Martin Street  
Stafford  
ST16 2LH

Your ref: 4/MWB/lmb/19/11/160  
Our ref: L L 14/10/1 001

2 May 1996

Dear Sirs

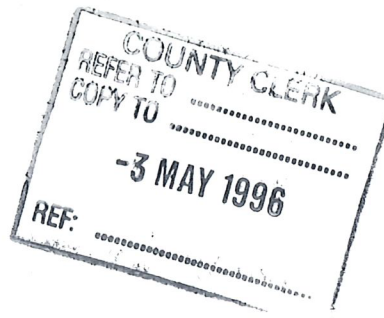
**APPLICATION FOR THE UPGRADING OF PUBLIC FOOTPATH NO., 18,  
SWYNNERTON PARISH TO PUBLIC BRIDLEWAY STATUS**

I refer to your letter of 12 April 1996 together with enclosures which is received with some disappointment.

As you will be aware the Forestry Commission only have legal title to this ground through a 999 year lease from 26 January 1948 granted by Lord Stafford. Under the terms of the lease certain rights are reserved to Lord Stafford and public access is denied. However after several meetings with the current Lord Stafford and his agent he was persuaded to allow us to use the woodland for public recreation and in particular horse riding through a permit system policed by local riders. We now appear to have a situation that because people have been given permission to ride over Lord Stafford's ground they now wish to claim statutory rights and have the public footpath upgraded in status to a public bridleway. This action is likely to jeopardize the Swynnerton Park horse riding scheme and I suspect many others nationally that have been negotiated with major landowners as soon as this information becomes public. Please pass on my comments to Mrs S Tams.

Yours sincerely

**M P TOMLINS  
AREA LAND AGENT**



**South & West  
England**

Whitcliffe  
Ludlow  
Shropshire  
SY8 2HD

Tel: 01584 874542  
Fax: 01584 876821

*Area Land Agent*



Appendix L



# John German

## Chartered Surveyors

4 Eastgate Street, Stafford, ST16 2NQ

Fax (01785) 222214

Telephone (01785) 242431

Staffordshire County Council,  
PO Box 11,  
County Buildings,  
Martin Street,  
Stafford, ST16 2LH

**Our Ref:** RP/PMH  
**Your Ref:** 4/MWB/SAP/  
19/11/160  
**Date:** 28 June 1996

For the attention of Mr. M. Bradbury

*Acknowledged 11/7/96*

Dear Sir,

### **LORD STAFFORD'S ESTATES - APPLICATION FOR THE UPGRADING OF PUBLIC FOOTPATH NO. 18, SWYNNERTON PARISH TO PUBLIC RIGHT OF WAY STATUS**

We apologise for the delay in replying but we have been gathering information. Please find enclosed your questionnaire, completed as far as possible.

The land in question was leased to the Ministry of Agriculture, Fisheries & Food in 1948 on a 999 year lease. Therefore, they will have more information than Lord Stafford's Estates regarding closures, etc.

We do understand that the Forestry Commission lodged with Staffordshire County Council a Notice accepting public right of way across the land a few years ago. We also understand that the Forestry Commission have been operating a system of riding by permit only for some time.

If we can be of any further assistance, please contact this office.

Yours faithfully,

**JOHN GERMAN**

Enc. Completed Questionnaire

Partners The Hon D P C Legh FRICS (Senior) - S P Mellors FRICS (Managing) . J L M Morgan ARICS (Finance)

A R Argyle FRICS . C J Leather FRICS FAAV . J M Pitts FRICS FAAV . P C Godsal FRICS . K D Williams FRICS FIQ . C P Meynell BSc FRICS FAAV . A R Jackson ARICS FAAV  
J C Stevenson ARICS . J E Bredavs ARICS AMIQ . A J Reed BSc ARICS . E R Jenkins FRICS . R Poole BSc(Hons) ARICS . R S Hill BSc FRICS . I Lloyd FRICS . D Crooks BSc FRICS  
Associates P H Yates FRICS FIAS . S K Smith FNAEA . Residential R C Crookshank BSc(Hons) ARICS . Partnership Accountant K F Brown BSc(Econ) FCA .  
Consultants J Monier-Williams MA FRICS . R E Blacknell BA(Hons) FRICS . Major J R Haszard

**Offices** Ashby de la Zouch Burton-on-Trent Caernarfon Leicester Loughborough Shrewsbury Stafford

**RURAL RESIDENTIAL COMMERCIAL MINERALS LAND SURVEY BUILDING DESIGN PLANNING**

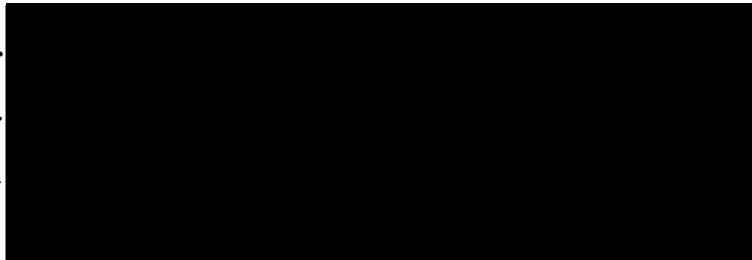
PUBLIC RIGHT OF WAY EVIDENCE FORM


Questionnaire to be completed by the owner/occupier  
of land over which there is an alleged public right of way

Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the claimed public right of way. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness ..... THE ROAD STATION .....  
(Block Capitals please)

Address .....  .....

Telephone No: ..  .....

Date of Birth ...../...../..... Occupation ..... AGENT .....

1. Do you own or occupy any of the land affected by the proposal or adjacent to it? If the answer is YES please answer questions 2 to 13 and indicate on one copy of the plan the extent of ownership. If the answer is NO please, if possible, advise the names and addresses of the landowners/occupiers.

YES  NO

2. Have you received a Notice of application for a Modification Order?

YES  NO

3. Would you be willing to allow my assistant to make a site inspection?

YES  NO

4. Do you consider the route to be public?

YES  NO

5. How long have you had an interest in the land affected by the application.

..... CENTURIES ..... years.

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed:

Freehold Ownership Are you:-

- (a) Sole freehold owner?
- (b) A joint tenant,  
if so, with whom?
- (c) a tenant in common,  
if so, with whom?
- (d) A tenant for life under the Settled Land Act,  
if so, with whom?

TRUSTEE OF WYNNONIA WILL TRUST

Tenancies and Leases

are you a tenant or lessee of the land? If so, please state the nature of your interest as tenant or lessee.

---

7. Have you, or any previous owner/tenant of the land, erected any "private" or "trespassers will be prosecuted" or similar signs on or near the alleged public right of way? If so please state when and where these signs were erected, what they said, whether they are still in place and show their position on the attached plan.

SEE FORESTRY COMMISSION

---

8. Have you ever given anybody permission to use the path? If so, when and to whom?

SEE FORESTRY COMMISSION

---

9. Have you, or any previous owner of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the path? If so, when, where and for how long was the path obstructed?

SEE FORESTRY COMMISSION

---

10. Have you ever stopped or "turned back" anybody found using the path? If so, please give full details.

SEE FORESTRY COMMISSION

---

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way? SEE FORESTRY COMMISSION - LACKING OF NOTICE INCLUDING ACCEPTED RIGHTS OF WAY

NOTE - Section 31(1) of the Highways Act 1980 states that:-

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

12. Do you have any documents which show this as a private right of way or giving details of its closure?

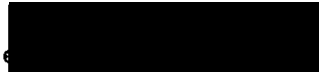
NO

13. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law if necessary?

YES

I certify that, to the best of my knowledge and belief, the facts I have stated are true.

Signature

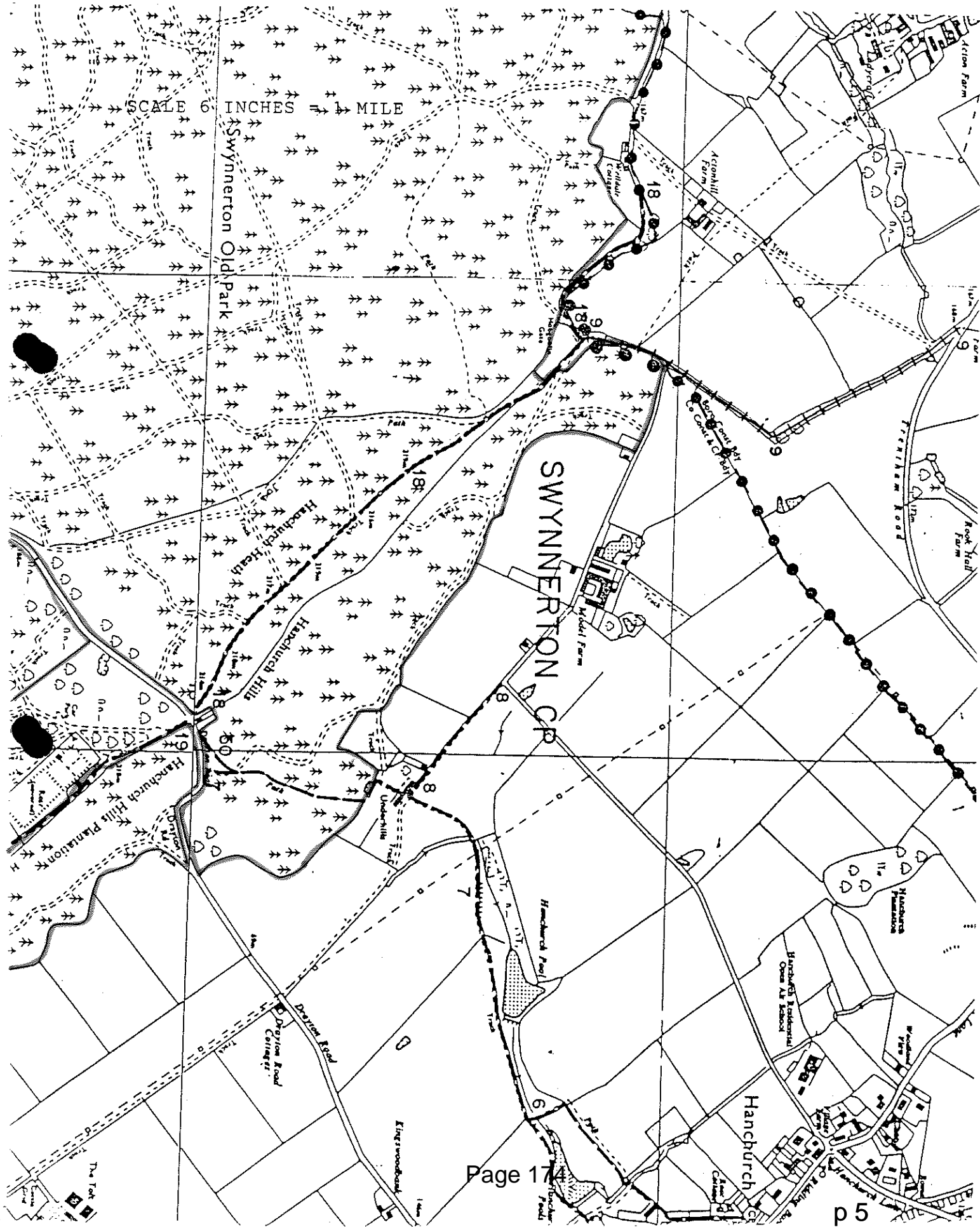


Person taking this statement .....

Agents to owner

Date .....

26 June 1996



Appendix M

**From:** [REDACTED]  
**To:** [James, Laura \(Corporate\)](#)  
**Subject:** FW: Wildlife and Countryside Act 1981 S53 Application to upgrade public footpath no. 18 Swynnerton Parish to a public bridleway  
**Date:** 25 July 2023 14:40:41  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[Forestry Commission Letter May 1996.pdf](#)  
[Map of claimed route LF602G.pdf](#)  
[LF602G Form 1 Redacted.pdf](#)  
**Importance:** High

---

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

Hi Laura

Thank you for your email and apologies for the delay in replying.

I can confirm that neither I nor my colleagues are aware of a permit system for horse riders at Swynnerton Old Park wood.

Kind regards

Sarah

Sarah McKay MRICS  
Area Land Agent  
**Forestry England**  
Central England Forest District  
Sherwood Office  
Kings Clipstone  
Mansfield  
Notts  
NG21 9JL  
07342 055980 (mobile)

---

**From:** James, Laura (Corporate) <[laura.james1@staffordshire.gov.uk](mailto:laura.james1@staffordshire.gov.uk)>  
**Sent:** Monday, July 24, 2023 11:47 AM  
**To:** NW&WM <[nwwm@forestrycommission.gov.uk](mailto:nwwm@forestrycommission.gov.uk)>  
**Subject:** Wildlife and Countryside Act 1981 S53 Application to upgrade public footpath no. 18 Swynnerton Parish to a public bridleway  
**Importance:** High

**This Message originated outside your organisation.**

---

Dear Sirs,

I refer to the above matter and the Wildlife and Countryside Act 1981 Section 53 application made on 10 April 1996. We received previous correspondence with the Forestry Commission upon initial consultation back in 1996, who had confirmed that the Forestry Commission had legal title to the ground through a 999-year lease from 26 January 1948 granted by Lord Stafford.



We have also emailed [enquiries@forestryengland.uk](mailto:enquiries@forestryengland.uk); [central.district@forestryengland.uk](mailto:central.district@forestryengland.uk); however have not received a response.

I have attached a copy of the Section 53 Application under the Wildlife and Countryside Act 1981, which is based on user evidence, a copy of the map and route in question and also a copy of the letter received from the forestry commission dated 2 May 1996. (Your reference (letter dated 1996) L 14/10/1 001)

I appreciate that some time has passed since the date of the application, however, the team are dealing with a large number of Wildlife and Countryside Act 1981 applications which are dealt with in chronological order in order of receipt, or direction from The Secretary of State and this is now being processed for determination.

I shall be grateful if you could provide us with details of the permit system for horse riders and the scheme in place which is mentioned in the letter together with information on how long this has been in operation.

I look forward to hearing from you, please contact me via email or call me discuss in more detail if you require further information regarding the land in question.

Kind Regards  
Laura



**Laura James** | Legal Officer (Rights of Way)  
Legal Services  
Office Location: 4<sup>th</sup> Floor, 1 Staffordshire Place, Tipping Street, Stafford, ST16 2LP  
Postal Address: 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH  
Tel: **(01785) 278778**  
DX: **712320 Stafford 5**  
Email: [laura.james1@staffordshire.gov.uk](mailto:laura.james1@staffordshire.gov.uk)  
Service: [legal.services@staffordshire.gov.uk](mailto:legal.services@staffordshire.gov.uk)  
[www.staffordshire.gov.uk](http://www.staffordshire.gov.uk)

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This email has been scanned for viruses and malware.

Appendix N

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# **Staffordshire**

## **County Council**

---

### **PUBLIC RIGHT OF WAY EVIDENCE FORM**

Questionnaire to be completed by the owner/occupier of land over which there is an alleged public right of way.

The information requested in this statement is as a result of an application made to Staffordshire County Council ("OMA") for an Order to modify its Definitive Map and Statement of Public Rights of Way by adding or upgrading a public right of way over land which you may own or occupy, or may have owned or occupied in the past.

This statement is designed to assist the OMA with its investigation to determine whether or not the route applied for in the application is a public right of way. Until the OMA determines the application, its position is impartial. This statement is intended to provide preliminary evidence and, when the OMA commences detailed research, an officer may contact you to seek further information or ask you to be interviewed about it.

You are not compelled to answer every question. Nevertheless you should answer questions as fully as possible and not keep back any information, whether for or against the application. This is important if this information is to be of real value in establishing the status of the application route. The information given may be examined at a public inquiry. If you need more space please continue on a separate sheet which will need to be attached to this statement.

**If completing the statement by hand, please ensure it is written legibly and in black ink.**

#### **Confidentiality – Please Read Carefully**

**The information you give in this statement cannot be treated as confidential.**

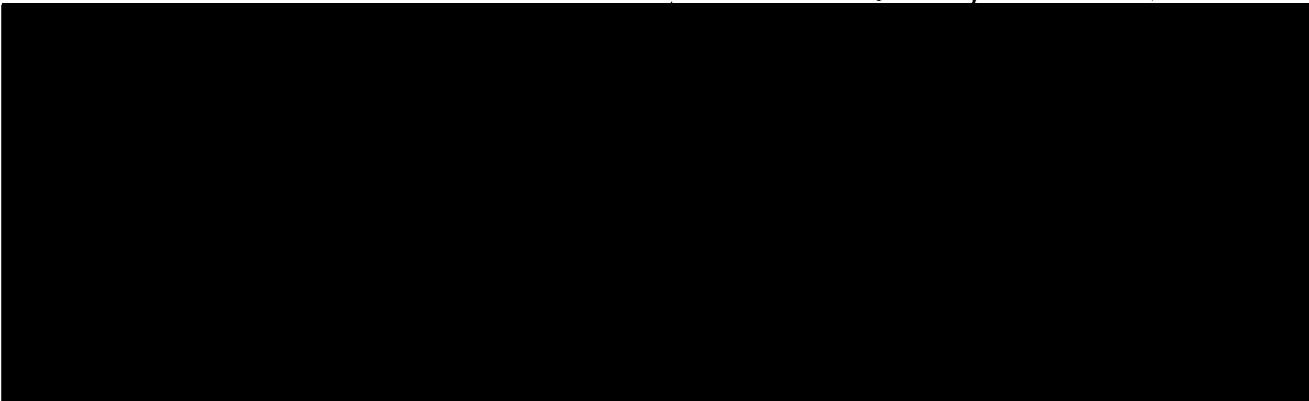
- It may be necessary for the OMA to disclose information received from you to others, which may include other local authorities, the Planning Inspectorate and other government departments, public bodies, other organisations, landowners and members of the public. If the application proceeds to a public inquiry your evidence will be made available to the inquiry.
- If the OMA proceeds with the application but it is contested (for example by an affected landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but is of much greater value if you attend in person and are prepared to answer questions about it. Inquiries are kept as informal as possible and the OMA will help you with the procedure.
- The information you give in this statement will be processed in accordance with the Data Protection Act 1998. It is held by the OMA's Rights of Way Service for the sole purpose of processing the application for the route referred to.

**DECLARATION**

**Data Protection Act 1998**

Under the Data Protection Act the OMA has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person, other than where requested in questions 23 – 27. If you provide responses to those particular questions, the information will be redacted from public view.

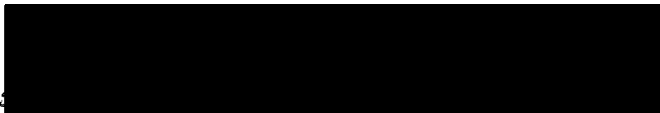
This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available and published on Staffordshire County Council's website.



**Statement of Truth**

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE AND THE WARNING BELOW**

Your Signature:



Date:

7-6-23

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

**Information on this page of the Statement will be redacted and not made publically available**

**Important Note**

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.



**Guidance Notes on the completion of Public Rights of Way Evidence Forms**

1. As far as possible the owner/occupier should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Please answer all questions fully with as much detail as possible.
3. Please indicate on attached map the extent of your ownership/tenancy or other interest in the land affected by the alleged public right of way.
4. Please indicate whether you are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross-examination).
5. If a person would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
6. The information given on this form may become available for public inspection.

**PLEASE TAKE TIME TO ANSWER THE QUESTIONS CAREFULLY AND IN FULL**

1. Do you own or occupy or have any interest in any of the land affected by the proposal or adjacent to it?

~~YES~~/NO

If the answer is YES please answer questions 2 to 25 and indicate on the attached map the extent of your ownership or tenancy, or interest in the land.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers by completing question 22.

2. Have you received a Notice of Application for a Modification Order?

\*~~YES~~/NO

3. Would you be willing to allow County Council officers to make a site inspection?

\*YES/~~NO~~

\* Please delete as appropriate

4. (a) Do you consider the route to be public? \*YES/~~NO~~  
 (b) If YES what description best describes the route? (please delete those inappropriate)  
 (i) ~~\*Footpath (i.e. for pedestrians only).~~  
 (ii) \*Bridleway (i.e. for horse riders, cyclists and pedestrians)  
 (iii) ~~\*Byway open to all traffic (open to all traffic)~~

5. Please indicate on the enclosed plan the extent of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route.

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed.

Freehold (sole / joint owner) / tenant for life under the Settled Land Act / leasehold / employee / other – please specify)

[If you are a tenant or licensee, please ensure you complete question 21].

.....

7. Please give details and dates of ownership or occupation

N/A

.....  
 .....  
 .....

8. What is the land used for? (i.e. grazing animals, growing crops etc.)  
 Has the use varied? And if so please give details of when and how

N/A

.....  
 .....

9. Are you aware of any right of way on the route applied for? If so, please give your reasons as to why you regard the way to be public or private?

PREVIOUS COMMUNICATIONS TO

CHARIFY ROUTE AS A BRIDLEWAY/PUBLIC

FOOTPATH. CORRESPONDENCE ATTACHED.

\* Please delete as appropriate

10. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation? ~~YES~~/NO

If yes, it may be helpful if you are able to provide copies and details

.....  
.....

11. Have you, or any previous owner/tenant of the land, ever erected any signs such as "Private", "Keep Out" or "Trespassers will be prosecuted" or similar signs on or near the alleged public right of way? ~~YES~~/NO

If YES please state:-

(a) When were these sign erected?.....

(b) What did these signs say?.....

.....

(c) Are these signs still in place?.....

(d) Where are these signs located?.....

(e) How long were these signs in place?.....

(f) Did anyone respond/react to the notices/signs?.....

Please indicate location on attached map.

12. (a) Have you seen people using the way? ~~YES~~/NO

(b) How were they using the way (ie foot, horse)? FOOT & HORSE.....

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)? COMPANIONS / RAMBLER GROUPS.....

(d) Were these people known to you? YES.....

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc). DAILY.....

(f) How many other people, approximately, did you see on these occasions? 15+.....

(g) Please give any further details of other people's use of the way which you feel may be important. LOCAL RIDING SCHOOLS.....



- 14. (a) Have there, to your knowledge, ever been any stiles on the way? \*YES/~~NO~~
- (b) Have there, to your knowledge, ever been any gates on the way \*YES/~~NO~~
- (c) If YES, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed. REMOVED
- (d) If any gates on the way were ever locked please state, how often, and known by whom? ..... NOT LOCKED .....

Please mark on the attached plan the locations of the locked gates.

- 15. (a) Excluding locked gates, have you (or any previous owner or occupier) ever known of any other obstructions to the way? \*YES/~~NO~~
- (b) If YES, state :
  - (i) what type of obstruction was this? ... KISSING GATE, ... BUT ... REMOVED, DUE TO OBJECTIONS TO S.C.C.
  - (ii) When they were erected or removed? ..... MAY 2020 .....
- (c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.
 

..... SUPPLIED BY S.C.C. ... ERECTED BY LAND OWNER .....
- (d) If you have a private right of way how has this been exercised while the alleged public route has been obstructed..... OBJECTED AND GATES WERE REMOVED .....

- 16. (a) Have you ever stopped or "turned back" anyone found using the route? \*YES/NO
- If YES please give details .....
- .....

- 17. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way? \*YES/NO
- If YES please give full details .....
- .....
- .....

18. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980? ~~YES~~/NO

If YES, can you recall when?

.....  
.....

19. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the application route was not dedicated as a highway? ~~YES~~/NO

If YES, can you recall when?

.....  
.....

**NOTE** --- Section 31(1) of the Highways Act 1980 states that: --

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

20. Do you have any documents which show this as a private right of way or giving details of its closure? ~~YES~~/NO

If YES: --

(a) in what form is this?.....  
(i.e. maps, photos, deeds, etc. please attach a copy if possible)

(b) Would you be willing to make the original document available if necessary?

\*YES/NO

21. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary?


\*YES/~~NO~~

22. Can you give any further information about the alleged route?  
(continue on a separate sheet of paper if necessary).

\*YES/NO

I have lived at my address for 23 years. and have always believed the pathway referred to was always a bridal way, and was in the ownership of S.C.C.

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signature ..... 

Person taking this statement (if applicable).....

Date ..... 7/6/23 .....

**If you provide answers to any of the following questions, any personal details you provide will be redacted from public view. However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.**

23. If you are a tenant or licensee of the land, please advise the name and address of your landlord.

.....  
.....  
.....

24. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who owns or occupies the land affected by the route? If so please give their contact details.

.....  
.....  
.....  
.....

25. It may assist your case if we are able to contact any previous owners of the land. Do you know the name / address of any previous owners or occupiers? (If applicable).

.....  
.....  
.....  
.....

26. In respect of question 8, please indicate the number of occurrences you have stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when / what frequency, etc.)

.....  
.....  
.....  
.....

27. Please give details of the identity of anyone you have given permission to and for what purpose, (e.g. for use on foot, horseback, driving a vehicle), together with their address if known.

a) Was the permission given verbally, or in writing?

- In writing (please attach a copy)
- Verbally (please state what was said)

.....  
.....

\* Please delete as appropriate

b) How many people were given permission? (If total unknown, please state approximately)

.....  
.....  
.....  
.....

c) When was permission given?

.....

d) How long was the permission for (i.e. often did it need to be renewed?)

.....

e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you

.....  
.....  
.....  
.....



Appendix O

**James, Laura (Corporate)**

---

**From:** [Redacted]  
**Sent:** 26 August 2020 20:11  
**To:** Adkins, David (Corporate)  
**Subject:** Re: Public Footpath No 18 Swynnerton

Thank you for updating me on the status of this matter David it is very much appreciated to have this summary promptly.

If this matter is actually being taken forward to a consultation period that is 28 days I would be extremely concerned that in this timeframe it would be very difficult to complete a full survey of the potential impact of widening the path to 3 metres.

I know from personal experience of planning permission projects in this region tree surveys have been requested on applications.

I found from experience having a tree survey gives the opportunity to understand trees which would have minimal impact of removal & also trees which would have significant impact of removal. I also found these reports extremely useful to consider the root protection, age of trees & show if such a schemes would be viable.

I have concerns that the trees of the woodland would be impacted greatly by a path widening scheme. Whilst I have previously commissioned tree surveys on my land I would see in this instance such a survey would be more appropriately commissioned by the County Council.

Such a report would show the age of trees along the path & demonstrate if it was possible in the last 20yrs if a genuine bridalway was ever viable. It would also show impact of path widen on surviving trees & the number of trees which would be lost.

I would strongly advise a report is commissioned. I have previously had a report of very high quality produced by Francis Colella, he has a proven track record in Staffordshire. I found the last report he produced for me to be exceptional, it allowed me to adjust my planning application to achieve an outbuilding but protect trees. An independent report produced by someone of this experience would provide the panel with the information to understand the actual impact path widening would have on woodland rather than just opinions.

<https://www.ffc-landscapearchitects.co.uk/>

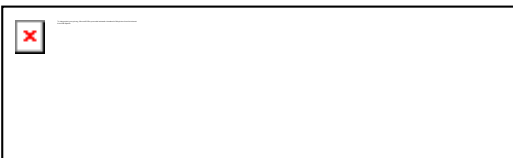
I would recommend a tree survey is completed & given the scale of the path I would be concerned that this couldn't be completed inside 28days & would suggest this is an essential report so should be requested straightaway.

I look forward to your thoughts on this matter.

Kind regards

[Redacted]  
[Redacted]

[Redacted]



[Redacted]

[Redacted]



On 26 Aug 2020, at 19:22, Adkins, David (Corporate) <david.adkins@staffordshire.gov.uk> wrote:

Dear [REDACTED]

Many thanks for your email regarding the above and the details contained therein. I have read through your comments very carefully and added them to the file. I have also looked through past details relating to the application. I can of course confirm that the application is in the system and awaiting the stage whereby a report will be presented to the Panel for determination. In light of this I have added your name and contact details to the file with the request that you be contacted and sent details of this for comment. Notwithstanding I have also highlighted the areas within your email which are pertinent to the matter – including the overall rejection of the application and the objection to any increase in the width of the route. At present the matter is pending although it is impossible to give a timeframe as to when the report will be put before committee. At this point there will be a full 28 day consultation period whereby the applicant, councils and landowners will have a further opportunity to present their views. It is not uncommon for us to discover new or additional landowners as we progress with any application and when we do these of course have the same rights of consultation as those we had knowledge of from the start. Please be assured that your comments and contact details are now lodged on file and that we will of course contact you once we get to the report and consultation stage. It is possible that I will be the contact going forward, but in any case please feel free to contact me at any time if you need further clarification and on any point.

Kind regards

Yours sincerely

David

**David Adkins | Legal Officer**

Staffordshire Legal Services, Staffordshire County Council

2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH

Tel:

Fax: 01785 276179

DX 712320 Stafford 5

E-mail: [david.adkins@staffordshire.gov.uk](mailto:david.adkins@staffordshire.gov.uk)

[www.staffordshirelegalservices.org.uk](http://www.staffordshirelegalservices.org.uk)

LF602G \ 04026891

Disclaimer

This e-mail (including any attachments) is only for the person or organisation it is addressed to. If you are not the intended recipient you must let me know immediately and then delete this e-mail. If you use this e-mail without permission, or if you allow anyone else to see, copy or distribute the e-mail, or if you do, or don't do something because you have read this e-mail, you may be breaking the law.

Liability cannot be accepted for any loss or damage arising from this e-mail (or any attachments) or from incompatible scripts or any virus transmitted.

E-mails and attachments sent to or received from staff and elected Members may be monitored and read and the right is reserved to reject or return or delete any which are considered to be inappropriate or unsuitable.

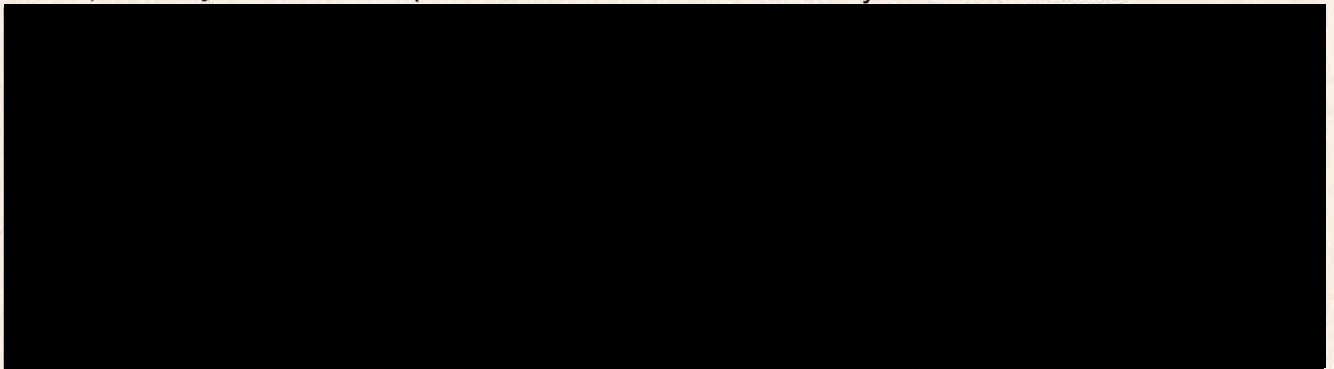
Do you really need to print this email? It will use paper, add to your waste disposal costs and harm the environment.

**DECLARATION**

**Data Protection Act 1998**

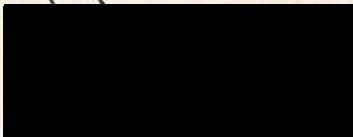
Under the Data Protection Act the OMA has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person, other than where requested in questions 23 – 27. If you provide responses to those particular questions, the information will be redacted from public view.

This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available and published on Staffordshire County Council's website.



**Statement of Truth**

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE AND THE WARNING BELOW**

Your Signature: 

Date: 20/6/23.

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

**Information on this page of the Statement will be redacted and not made publically available**

\* Please delete as appropriate

**Important Note**

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name (Mr/Mrs/Miss/Ms) .....  
(Block Capitals please)

**Guidance Notes on the completion of Public Rights of Way Evidence Forms**

1. As far as possible the owner/occupier should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Please answer all questions fully with as much detail as possible.
3. Please indicate on attached map the extent of your ownership/tenancy or other interest in the land affected by the alleged public right of way. *No attached map received*
4. Please indicate whether you are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross-examination).
5. If a person would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
6. The information given on this form may become available for public inspection.

**PLEASE TAKE TIME TO ANSWER THE QUESTIONS CAREFULLY AND IN FULL**

1. Do you own or occupy or have any interest in any of the land affected by the proposal or adjacent to it?

\*YES/NO

If the answer is YES please answer questions 2 to 25 and indicate on the attached map the extent of your ownership or tenancy, or interest in the land.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers by completing question 22.

2. Have you received a Notice of Application for a Modification Order?

\*YES/NO

3. Would you be willing to allow County Council officers to make a site inspection?

\*YES/NO

\* Please delete as appropriate

YES/NO

4. (a) Do you consider the route to be public?

(b) If YES what description best describes the route? (please delete those inappropriate)

- (i) \*Footpath (i.e. for pedestrians only).
- (ii) ~~\*Bridleway (i.e. for horse riders, cyclists and pedestrians)~~
- (iii) ~~\*Byway open to all traffic (open to all traffic)~~

5. Please indicate on the enclosed plan the extent of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route.

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed.

Freehold (sole / joint owner) / tenant for life under the Settled Land Act / leasehold / employee / other – please specify)

[If you are a tenant or licensee, please ensure you complete question 21].

Joint Owner

7. Please give details and dates of ownership or occupation

January 2018

8. What is the land used for? (i.e. grazing animals, growing crops etc.)

Has the use varied? And if so please give details of when and how

Woodland / Paddock

9. Are you aware of any right of way on the route applied for? If so, please give your reasons as to why you regard the way to be public or private?

Public footpath going through the wood.

\* Please delete as appropriate

10. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation? \*YES/NO

If yes, it may be helpful if you are able to provide copies and details

.....  
.....

11. Have you, or any previous owner/tenant of the land, ever erected any signs such as "Private", "Keep Out" or "Trespassers will be prosecuted" or similar signs on or near the alleged public right of way? \*YES/NO

If YES please state:-

(a) When were these sign erected?..... Gates into private woodland + paddock

(b) What did these signs say?.....

Private <sup>land</sup> Property, no public access.

(c) Are these signs still in place?..... yes

(d) Where are these signs located?..... on all gates

(e) How long were these signs in place?..... 2018

(f) Did anyone respond/react to the notices/signs?..... no

Please indicate location on attached map.

12. (a) Have you seen people using the way? \*YES/NO

(b) How were they using the way (ie foot, horse)?..... Foot / horse / bike

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)?..... Accompanied

(d) Were these people known to you?..... no

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc)...... daily

(f) How many other people, approximately, did you see on these occasions? .....

(g) Please give any further details of other people's use of the way which you feel may be important. ....

14. (a) Have there, to your knowledge, ever been any stiles on the way?

\*YES/NO

(b) Have there, to your knowledge, ever been any gates on the way

\*YES/NO

(c) If YES, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

(d) If any gates on the way were ever locked please state, how often, and known by whom? Kissing gates

Please mark on the attached plan the locations of the locked gates.

15. (a) Excluding locked gates, have you (or any previous owner or occupier) ever known of any other obstructions to the way? \*YES/NO

(b) If YES, state :

(i) what type of obstruction was this? .....

(ii) When they were erected or removed? .....

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

(d) If you have a private right of way how has this been exercised while the alleged public route has been obstructed.....

16. (a) Have you ever stopped or "turned back" anyone found using the route?

\*YES/NO

If YES please give details

17. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way?

\*YES/NO

If YES please give full details .....

18. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980? \*YES/NO

If YES, can you recall when?

.....  
.....

19. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the application route was not dedicated as a highway? \*YES/NO

If YES, can you recall when?

.....  
.....

**NOTE** --- Section 31(1) of the Highways Act 1980 states that: --

“Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.”

20. Do you have any documents which show this as a private right of way or giving details of its closure? \*YES/NO

If YES: --

(a) in what form is this?.....  
(i.e. maps, photos, deeds, etc. please attach a copy if possible)

(b) Would you be willing to make the original document available if necessary?

\*YES/NO

21. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary? \*YES/NO

\*YES/NO



22. Can you give any further information about the alleged route?  
(continue on a separate sheet of paper if necessary).

YES/NO

We purchased Acton Hill Barn in 2014. This property shares the boundary with the Welldale property which we purchased in 2018.

Between 2014 and 2018 the footpath which goes through Welldales land was not maintained by the previous owners or the council so during the 4 years we first lived at Acton Hill Barn the correct footpath was not accessible and subject to flooding. When we took ownership of Welldale we held discussions with the council to agree works to reinstate the footpath for its intended use. The council agreed to us carrying out drainage, base preparation & resurficing of the footpath, the overgrown trees and shrubs were trimmed back to footpath width, the council would only agree to the repairs if two sets of kissing gates were installed, one at entrance to the forest at the end of Oakwood Lane and the other at the end of ~~Symington~~ path 18 where it joined the Bridleway. This work was completed Spring 2020, the council then removed the gates within 2 weeks due to complaints from horse riders who would not have been able to use the path previously due to its condition. The path is now open access and due to the constant horse traffic on a footpath the condition of the path is deteriorating rapidly and is no longer adequate for the public let alone horses + bikes.

I certify that, to the best of my knowledge and belief, the above statement is true.

Signature .....

Person taking this statement (if applicable).....

Date 20/6/23

\* Please delete as appropriate

We object to the path being upgraded to a bridleway as it is not wide enough for 2 horses to pass, at 3 meters and we do not agree to any removal of trees from our adjacent land.

If you provide answers to any of the following questions, any personal details you provide will be redacted from public view. However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.

23. If you are a tenant or licensee of the land, please advise the name and address of your landlord.

.....  
.....  
.....

24. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who owns or occupies the land affected by the route? If so please give their contact details.

.....  
.....  
.....  
.....

25. It may assist your case if we are able to contact any previous owners of the land. Do you know the name of any previous owners of the land?

.....  
.....  
.....  
.....

26. In respect of question 8, please indicate the number of occurrences you have stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when / what frequency, etc.)

.....  
.....  
.....  
.....

27. Please give details of the identity of anyone you have given permission to and for what purpose, (e.g. for use on foot, horseback, driving a vehicle), together with their address if known.

a) Was the permission given verbally, or in writing?

In writing (please attach a copy)

Verbally (please state what was said)

.....  
.....

\* Please delete as appropriate

b) How many people were given permission? (If total unknown, please state approximately)

.....  
.....  
.....  
.....

c) When was permission given?

.....

d) How long was the permission for (i.e. often did it need to be renewed?)

.....

e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you

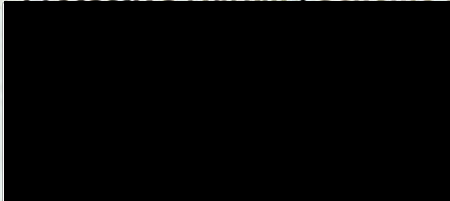
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.....  
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Appendix P

3/6/23  
Request a map.

**RESTRICTED**  
**Protective Marking Scheme Level 3**



Kate Loader  
County Solicitor  
Staffordshire Legal Services  
Staffordshire County Council  
1 Staffordshire Place  
Tipping Street  
Stafford, ST16 2DH

DX 712320 Stafford 5  
Service: [legal.services@staffordshire.gov.uk](mailto:legal.services@staffordshire.gov.uk)  
Please ask for: Laura James  
Telephone: 01785 278778  
e-mail: [laura.james1@staffordshire.gov.uk](mailto:laura.james1@staffordshire.gov.uk)

**My Ref:** LF602G

**Your Ref:**

**Date:** 23 May, 2023

Dear Sir/Madam,

**Re: Public Footpath No. 18 - Swynnerton Parish - Application for up-grading to Bridleway Status - Wildlife And Countryside Act 1981 Section 53**

The above application to upgrade footpath 18 Swynnerton to a bridleway has reached the requisite ranking and therefore is currently being processed (a copy of the application is enclosed for your information). This application is based upon user evidence.

I understand the path in question either passes over or runs adjacent to land which may be in your ownership. I enclose a copy of our standard response form and would be very much obliged if you could complete and return this to me before 23<sup>rd</sup> June 2023.

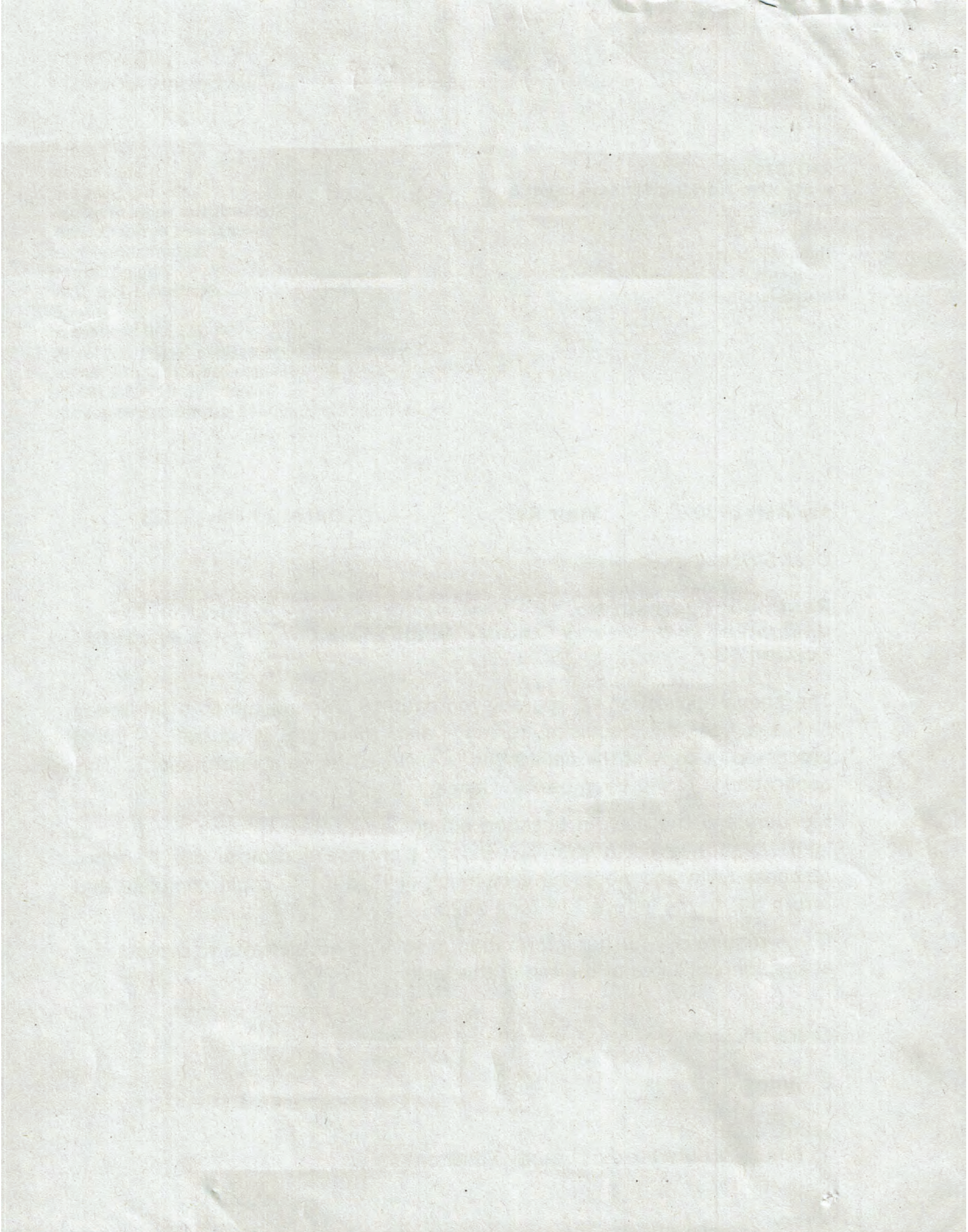
If you require any further information, please do not hesitate to contact me at the address listed at the top of this letter.

Yours sincerely,

*L. James*

Laura James  
on behalf of Kate Loader, County Solicitor.

LJ / LF602G



FORM OF APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

Definitive Map and Statement - Staffordshire County Council

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

Parish of .....SWYNNERTON.....

Definitive Footpath No. 18

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

I/We .....NORTH STAFFORDSHIRE BRIDLEWAYS ASSOCIATION.....

of .. [REDACTED] ..  
..... [REDACTED] ..

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 ..... to .....

\* ~~(upgrading)(downgrading) to a (footpath)(bridleway)(byway open to all traffic)~~ from Dukes Lodge, Dog Lane, end of county road at Welldale Cottage 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 hereto.

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

\*delete as appropriate.





List of Documents

Sworn Statement & Evidence Form: [REDACTED]

Evidence Form: [REDACTED]  
[REDACTED]  
[REDACTED]

Date *10 April*

1996

signed [REDACTED]

*Research Officer  
N.S.B.I.A.*



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# Staffordshire

## County Council

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### PUBLIC RIGHT OF WAY EVIDENCE FORM

Questionnaire to be completed by the owner/occupier of land over which there is an alleged public right of way.

The information requested in this statement is as a result of an application made to Staffordshire County Council ("OMA") for an Order to modify its Definitive Map and Statement of Public Rights of Way by adding or upgrading a public right of way over land which you may own or occupy, or may have owned or occupied in the past.

This statement is designed to assist the OMA with its investigation to determine whether or not the route applied for in the application is a public right of way. Until the OMA determines the application, its position is impartial. This statement is intended to provide preliminary evidence and, when the OMA commences detailed research, an officer may contact you to seek further information or ask you to be interviewed about it.

You are not compelled to answer every question. Nevertheless you should answer questions as fully as possible and not keep back any information, whether for or against the application. This is important if this information is to be of real value in establishing the status of the application route. The information given may be examined at a public inquiry. If you need more space please continue on a separate sheet which will need to be attached to this statement.

**If completing the statement by hand, please ensure it is written legibly and in black ink.**

#### Confidentiality – Please Read Carefully

**The information you give in this statement cannot be treated as confidential.**

- It may be necessary for the OMA to disclose information received from you to others, which may include other local authorities, the Planning Inspectorate and other government departments, public bodies, other organisations, landowners and members of the public. If the application proceeds to a public inquiry your evidence will be made available to the inquiry.
- If the OMA proceeds with the application but it is contested (for example by an affected landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but is of much greater value if you attend in person and are prepared to answer questions about it. Inquiries are kept as informal as possible and the OMA will help you with the procedure.
- The information you give in this statement will be processed in accordance with the Data Protection Act 1998. It is held by the OMA's Rights of Way Service for the sole purpose of processing the application for the route referred to.

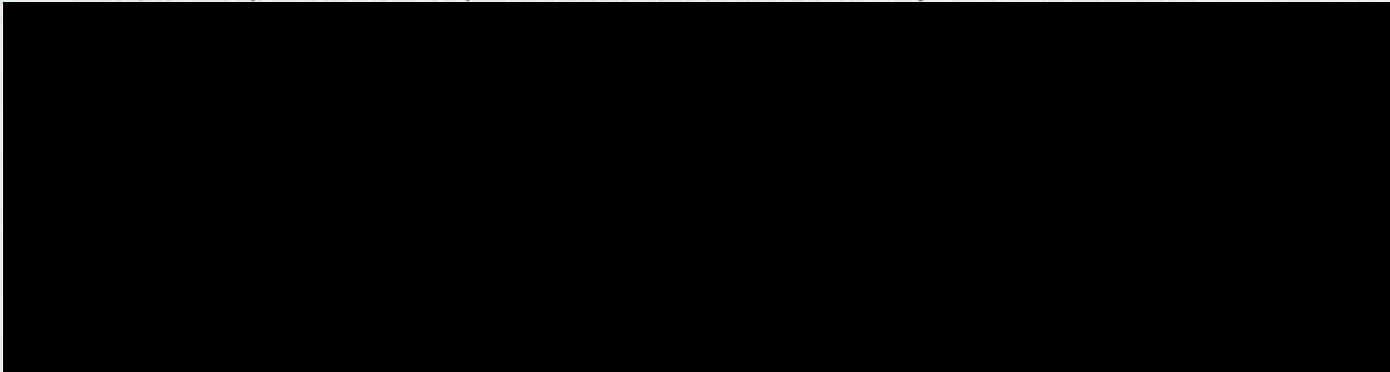


**DECLARATION**

**Data Protection Act 1998**

Under the Data Protection Act the OMA has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person, other than where requested in questions 23 – 27. If you provide responses to those particular questions, the information will be redacted from public view.

This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available and published on Staffordshire County Council's website.



**Statement of Truth**

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE AND THE WARNING BELOW**

**Your Signature:**

**Date:**

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

**Information on this page of the Statement will be redacted and not made publically available**

\* Please delete as appropriate

THE UNIVERSITY OF CHICAGO  
LIBRARY  
540 EAST 57TH STREET  
CHICAGO, ILL. 60637

**Important Note**

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Na  
(Bl

**Guidance Notes on the completion of Public Rights of Way Evidence Forms**

1. As far as possible the owner/occupier should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Please answer all questions fully with as much detail as possible.
3. Please indicate on attached map the extent of your ownership/tenancy or other interest in the land affected by the alleged public right of way.
4. Please indicate whether you are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross-examination).
5. If a person would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
6. The information given on this form may become available for public inspection.

**PLEASE TAKE TIME TO ANSWER THE QUESTIONS CAREFULLY AND IN FULL**

1. Do you own or occupy or have any interest in any of the land affected by the proposal or adjacent to it?

YES  NO

If the answer is YES please answer questions 2 to 25 and indicate on the attached map the extent of your ownership or tenancy, or interest in the land.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers by completing question 22.

2. Have you received a Notice of Application for a Modification Order?

YES  NO

3. Would you be willing to allow County Council officers to make a site inspection?

YES  NO

\* Please delete as appropriate





4. (a) Do you consider the route to be public? \*YES/NO  
 (b) If YES what description best describes the route? (please delete those inappropriate)  
 (i) ~~\*Footpath (i.e. for pedestrians only).~~  
 (ii) \*Bridleway (i.e. for horse riders, cyclists and pedestrians)  
 (iii) ~~\*Byway open to all traffic (open to all traffic)~~

5. Please indicate on the enclosed plan the extent of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route. *No Plan enc.*

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed.  
 Freehold (sole / joint owner) / ~~tenant for life under the Settled Land Act / leasehold / employee / other - please specify~~  
 [If you are a tenant or licensee, please ensure you complete question 21].

7. Please give details and dates of ownership or occupation  
*family owned land for over 150 years.*

8. What is the land used for? (i.e. grazing animals, growing crops etc.)  
 Has the use varied? And if so please give details of when and how  
*Grazing & Crops.*

9. Are you aware of any right of way on the route applied for? If so, please give your reasons as to why you regard the way to be public or private?  
*Yes, I am aware this has been a  
 bridleway for my lifetime and my  
 fathers lifetime.*



10. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation? \*YES/NO

If yes, it may be helpful if you are able to provide copies and details

.....  
.....

11. Have you, or any previous owner/tenant of the land, ever erected any signs such as "Private", "Keep Out" or "Trespassers will be prosecuted" or similar signs on or near the alleged public right of way?

\*YES/NO

If YES please state:-

(a) When were these sign erected?.....

(b) What did these signs say?.....

(c) Are these signs still in place?.....

(d) Where are these signs located?.....

(e) How long were these signs in place?.....

(f) Did anyone respond/react to the notices/signs?.....

Please indicate location on attached map.

12. (a) Have you seen people using the way?

(b) How were they using the way (ie foot, horse)?

REGULARLY USED BY HORSES,  
FOOT & CYCLISTS

\*YES/NO

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)?

GROUPS & ALONE

(d) Were these people known to you? NO

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc). Daily

(f) How many other people, approximately, did you see on these occasions? .....

(g) Please give any further details of other people's use of the way which you feel may be important. ....

One large livery yard & an animal riding school in the area use this route regularly.

\* Please delete as appropriate



14. (a) Have there, to your knowledge, ever been any stiles on the way?

\*YES/NO

(b) Have there, to your knowledge, ever been any gates on the way

\*YES/NO

(c) If YES, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

(d) If any gates on the way were ever locked please state, how often, and known by whom?

A GATE WAS ERECTED BUT IMMEDIATELY REQUESTED TO BE REMOVED BY THE COUNCIL AS NOT

Please mark on the attached plan the locations of the locked gates.

PERMITTED. NOT BY ME THOUGH!

15. (a) Excluding locked gates, have you (or any previous owner or occupier) ever known of any other obstructions to the way?

\*YES/NO

(b) If YES, state :

(i) what type of obstruction was this? .....

(ii) When they were erected or removed? .....

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

.....

(d) If you have a private right of way how has this been exercised while the alleged public route has been obstructed.....

16. (a) Have you ever stopped or "turned back" anyone found using the route?

\*YES/NO

If YES please give details

I DO NOT OWN LAND RELATING TO THIS PATH

MY LAND IS ADJACENT.

17. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way?

\*YES/NO

If YES please give full details .....

.....

.....

.....



18. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980? \*YES/NO

If YES, can you recall when?

.....  
.....

19. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the application route was not dedicated as a highway?

\*YES/NO

If YES, can you recall when?

.....  
.....

**NOTE** --- Section 31(1) of the Highways Act 1980 states that: --

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

20. Do you have any documents which show this as a private right of way or giving details of its closure?

\*YES/NO

If YES: --

(a) in what form is this?.....  
(i.e. maps, photos, deeds, etc. please attach a copy if possible)

(b) Would you be willing to make the original document available if necessary?

\*YES/NO

21. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary?

\*YES/NO

\* Please delete as appropriate





22. Can you give any further information about the alleged route?  
(continue on a separate sheet of paper if necessary).

\*YES/NO

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Sig

Person taking this statement (if app

Date June 26<sup>th</sup> 2023

\* Please delete as appropriate



If you provide answers to any of the following questions, any personal details you provide will be redacted from public view. However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.

23. If you are a tenant or licensee of the land, please advise the name and address of your landlord.

.....  
.....  
.....

24. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who owns or occupies the land affected by the route? If so please give their contact details.

.....  
.....  
.....  
.....

25. It may assist your case if we are able to contact any previous owners of the land. Do you know the name / address of any previous owners or occupiers? (If applicable).

.....  
.....  
.....  
.....

26. In respect of question 8, please indicate the number of occurrences you have stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when / what frequency, etc.)

.....  
.....  
.....  
.....

27. Please give details of the identity of anyone you have given permission to and for what purpose, (e.g. for use on foot, horseback, driving a vehicle), together with their address if known.

- a) Was the permission given verbally, or in writing?
  - In writing (please attach a copy)
  - Verbally (please state what was said)

.....  
.....

\* Please delete as appropriate



b) How many people were given permission? (If total unknown, please state approximately)

.....  
.....  
.....  
.....

c) When was permission given?

.....

d) How long was the permission for (i.e. often did it need to be renewed?)

.....

e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you

.....  
.....  
.....  
.....











Appendix Q

SWYNNERTON PARISH COUNCIL

Clerk : K.Saunders, B.A., 4 Fernhurst Close, Stone, Staffs.ST15 8PS

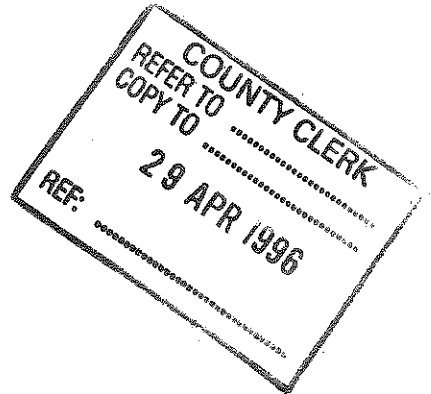
Telephone : Stone 812682

Date : 28 April 1996

My Ref :- Admin 25

Your Ref :- 4/MWB/lmb/19/11/160

Mr.M.W.Bradbury,  
County Clerk's Dept.,  
Staffs.County Council,  
PO Box11,  
County Buildings,  
Martin Street,  
Stafford,  
ST16 2LH



Dear Mr.Bradbury,

re Footpath 18, Swynnerton Parish

At my Council's meeting on thursday, members resolved that no objections be made to the application to have the above upgraded to a public bridleway.

Thank you for your co-operation in this matter.

Yours sincerely,



Clerk

*Acknowledged*

*29/4/96.*

Appendix R



# Stafford Borough Council

Civic Offices, Riverside, Stafford, ST16 3AQ Telephone 223181 (01785)  
Fax No. 223156 (01785)

Town Clerk and Chief Executive's Department  
J. K. M. Krawiec, LL.B., Solicitor,  
Town Clerk and Chief Executive

COUNTY CLERK  
REFER TO .....  
COPY TO .....  
25 APR 1996  
REF: .....

My Ref DS5/1/GP/JP ✓ Your Ref 4/MWB/LMB/19/  
11/160 Date 24 April 1996

*acknowledged 26/4/96*

Dear Sir,

APPLICATION FOR THE UPGRADING OF PUBLIC FOOTPATH NO. 18  
SWYNNERTON PARISH TO PUBLIC BRIDLE WAY STATUS

I refer to your letter dated 12th April, 1996 together with  
enclosures.

I confirm that I have no comments to make on this application.

Yours faithfully,

[Redacted signature]

Town Clerk and Chief Executive

B.A. Price, Esq., M.A., D.M.S.,  
County Clerk and Chief Executive,  
Staffordshire County Council,  
P.O. Box 11,  
County Buildings,  
Martin Street,  
Stafford. ST16 2LH

Appendix S

THE RAMBLERS' Association - STAFFORDSHIRE AREA  
Local Footpath Secretary

Jim Orrell, 4 Sopwith Close, Ashdale Park,  
Yarnfield, Stone, Staffordshire, ST15 0SY.  
Tel (0785)760362, OS map ref SJ869326

date - 02 Jun 1996

to Planning and Economic Development Dept,  
PO BOX 11  
attn Mr ~~Bradbury~~ *MWB*  
Staffordshire County Council,  
County Buildings,  
Martin Street,  
STAFFORD ST16 2LH

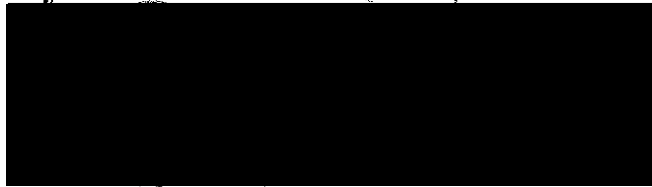
Your ref dated 12 Apr 96 : 4/MWB/lml 19/11/160  
Our ref 96602S.RAM : OS map ref - SJ 835 405

UPGRADING OF PUBLIC FOOTPATH NO 18, SWYNNERTON PARISH.  
-----

Dear Sir or Madam,

Thank you for details and evidence for the above. At present we have no further information that would help to prove or disprove the request for upgrading.

Yours faithfully



| ENVIRONMENTAL DIVISION |             |      |
|------------------------|-------------|------|
| DATE                   | 11 JUN 1996 |      |
| No.                    | TO          | COPY |
| JOB                    |             |      |
| RLG                    |             |      |
| <del>PFM</del>         | <i>M</i>    |      |
| SMP                    |             |      |
| PPW                    |             |      |
| ADMIN                  |             |      |
| R.CON                  |             |      |

*DRG*

STAFFORDSHIRE COUNTY COUNCIL  
PLANNING AND ECONOMIC DEVELOPMENT

11 JUN 1996

|   |    |          |    |    |    |    |
|---|----|----------|----|----|----|----|
| A | DC | <i>E</i> | ED | EP | JT | SP |
|---|----|----------|----|----|----|----|



Appendix T

**Paula Dalton Team Leader  
(Property & Development)**  
Staffordshire Legal Services,  
1 Staffordshire Place,  
Stafford  
ST16 2LP

Please ask for: Paula Dalton

Tel: 01785 276198  
Email: [paula.dalton@staffordshire.gov.uk](mailto:paula.dalton@staffordshire.gov.uk)

**Private & Confidential**



Ref: C0004565-2021

Date: 22 May 2020

Dear 

**Re: Corporate Complaints Procedure – Stage 1 Local Resolution**

I am writing to advise that my investigation into the concerns you have raised has concluded and that I am now in a position to provide you with the Council's response to your complaint.

As part of the investigation process, I have carefully considered the information that you provided in your complaint. I have spoken with both our Countryside and Mapping sections to ascertain the sequence of events and to ask that they take certain actions that are detailed within my response below. I consider it would assist if at this point I include a very brief precis of the background.

For ease of reference I will refer to the route in question as FP 18 Swynnerton throughout this response although a small section at the northern terminus is also on the list of publicly maintainable highways as the D2086, Oakwood Lane.

The Council was approached by the new owners of the land either side of the route in March 2019. The issue at hand was the state of the path and at the time members of the public were using part of the adjoining land to circumvent the underlying muddy conditions and straying off the route on to private land.

Discussions then took place with those owners and with the parish council. It was suggested that a scheme of works could take place to repair the surface and install drainage to alleviate the muddy and deteriorating condition of the route. Within those conversations it was mooted that gates could be erected to ensure the longevity of the repairs.

I understand that there were additional discussions held with other interested parties to ascertain the possibility of the erection of gates and the reaction from the locality.



The matter then lapsed until resurrected earlier this year by the owner contacting the Countryside section. The repairs to the surface and the drainage were undertaken and completed during a dry period in April. The gates were actually installed by [REDACTED] the landowner, on 25 April 2020 although the structures had been supplied by the Council.

There is one additional point that I would make, and that is in connection with the issue you have raised in regard to the ownership of the path. There is a rebuttable presumption in law that operates where for example there is a track that is unregistered and has no apparent owner, despite the land either side having registered owners. That principle is enshrined in the *ad medium filum* rule and in respect of highways, which are often not the property of the Highway Authority, is used to determine ownership of the subsoil. It would not be unreasonable to accept, in the absence of any other evidence, that the rule holds true in this case and that the ownership is vested in the adjoining landowner despite it being unregistered land. I appreciate the sale particulars and their mention of a bridleway, but they are produced for a particular purpose, to sell a property. They are not legally binding documents.

I consider the acceptance by Officers that, given nothing to rebut the presumption or to refute the claim, that [REDACTED] do own the land over which FP 18 Swynnerton passes, is a reasonable presumption in the circumstances, albeit that ownership is subject to the overriding interest of the public as vested in the Highway Authority.

#### **Complaint 1:**

*Is Staffordshire County Council willing, forthwith, to remove the obstructions to horses that it has installed on the north west section of the application route?*

I find that the gates were erected with the intent for them to act as a measure to protect the works that had taken place. I find that whilst this was the intention, that this action was somewhat precipitous and on review ought not to have been carried out. Consequently, I accept that the structures should be removed, and I have enquired with the Countryside Section as to when this can be achieved. I have been advised that the work to remove the gates will take place during the week ending the 05 June 2020. It is not possible to be more precise as there are other factors that may have an impact upon the actual removal.

I find that your complaint is upheld in respect of the erection of the gates.

#### **Complaint 2:**

*By what date will Staffordshire County Council now determine application LF602G, which it has acted in contempt of a legal direction to determine by no later than 30th October 2019?*

The County Council has dedicated additional resources to this area of operations and continues to do so. Two additional members of staff have joined the team since the beginning of the year and another person will join in June. The team will then consist of 6 members, albeit at different stages of experience; it has not been possible to recruit people with the relevant knowledge and experience. As you will be aware it does take time for individuals to grasp the nuances of this work, but we are endeavouring to determine applications as quickly as possible. We have contacted the Secretary of State, the last communication being earlier this year, regarding the directions and the deadlines that we have received, to explain the situation and the fact that despite the allocation of resources we cannot realistically meet those dates.

Given that there are a number of directions outstanding before this application's given date, and they are all of varying degrees of complexity, I cannot provide a timescale for a determination.



**Complaint 3:**

*Why has Staffordshire County Council authorised and facilitated obstruction of the application route with horses, despite its manifestly unreasonable breach and failure to even determine the status of the route in accord with the legal direction served on it?*

I consider that I have addressed the issue of why the gates were erected, that this action was erroneous and that they will be removed shortly under the heading of Complaint 1 above.

**Complaint 4:**

*Why has Staffordshire County Council sanctioned and allowed a kissing gate to be installed on Oakridge Lane/Unclassified Road D2086, thereby creating an unlawful obstruction of the public highway?*

Again, I cannot add anything further, other than to state that the gates ought not to have been installed on the route, whether the way is referenced as the D2086, Oakwood Lane or as Fp18 Swynnerton.

**Complaint 5:**

*The internet mapping is incorrect*

I understand from your later emails that you accept that the route is correctly recorded as being in Swynnerton Parish. However, there is an error in that the entire line of the claim made under section 53 is not shown on the electronic mapping. As to how this incorrect depiction has come about we cannot be certain, but we are taking steps to rectify the omission. The full extent of the section 53 claim for FP18 Swynnerton should be shown correctly on the internet mapping by the end of this week, or at the very latest the beginning of next week. As you will appreciate staff have been diverted to other work during the current situation that the country is facing.

I find that your complaint is upheld in part.

As a result of your complaint, we have discussed the issue of authorised structures with the Countryside Section and going forward additional checks will be instigated before any are placed in situ.

I do hope that I have been able to answer your concerns to your satisfaction, however if you do not feel that your complaint has been resolved, you may request that a review into the Stage 1 Local Resolution takes place. This is referred to as a Stage 2 Review. You will need to explain in writing the grounds for seeking a review and be able to provide clear reasons to support your request, for example you are able to provide additional, relevant supporting evidence that was not considered as part of the original complaint investigation.

The Complaints Team will assess your request and advise you if it is able to facilitate a further review of the complaint. Please ensure that you advise what outcome you would like from a Stage 2 Review so that this can be considered as part of your request.

Please clearly indicate on your correspondence that you wish to request a Stage 2 Review and send to:

Complaints Team  
Staffordshire County Council  
Staffordshire Place 1  
Tipping Street  
Stafford  
ST16 2DH



Or by email to [complaints&customerfeedback@staffordshire.gov.uk](mailto:complaints&customerfeedback@staffordshire.gov.uk)

You will need to submit your request for a Stage 2 Review within 20 working days from the date of the response letter. If the Council does not receive a request from you within this period, it will assume that you are satisfied with the response you have received and your complaint file will be closed.

### **The Local Government and Social Care Ombudsman**

If you remain unhappy with the way in which your complaint has been handled or with the response that you have received, you can ask the Local Government and Social Care Ombudsman to review your complaint.

The Ombudsman investigates complaints in a fair and independent way - it does not take sides. It is a free service. The Ombudsman expects you to have given us chance to deal with your complaint, before you contact them. If you have not heard from us within a reasonable time, it may decide to look into your complaint anyway. This is usually up to 12 weeks but can be longer for social care complaints that follow a statutory process. Contact details for the Ombudsman are below.

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

Telephone: 0300 061 0614

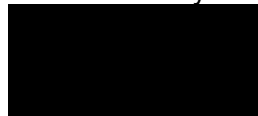
Text 'call back' to 0762 481 1595

### **Opening hours**

Monday to Friday: 8.30am to 5.00pm (except public holidays)

**Important - *In line with government guidance in respect of Covid 19, the Local Government and Social Care Ombudsman is not currently accepting new complaints. They will accept complaints again when the situation improves and government guidance changes. You can find the most up-to-date information at [www.lgo.org.uk](http://www.lgo.org.uk) or by listening to the recorded message on 0300 061 0614.***

Yours sincerely



**Paula Dalton**  
Property & Development – Team Leader



