

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

Friday 15 March 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  
7 March 2024

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### **Agenda**

- 1. Apologies**
- 2. Declaration of Interest**
- 3. Minutes of meeting held on 16th February 2024** (Pages 3 - 6)
- 4. Wildlife and Countryside Act 1981 - Application to Upgrade Public Footpath 82 Ipstones Parish and Public Bridleway 85 Ipstones Parish to a Restricted Byway** (Pages 7 - 196)
- 5. Wildlife and Countryside Act 1981 - Application for the upgrade of Public Footpath 41, Sheen to a Restricted Byway, Sheen** (Pages 197 - 204)
- 6. 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**

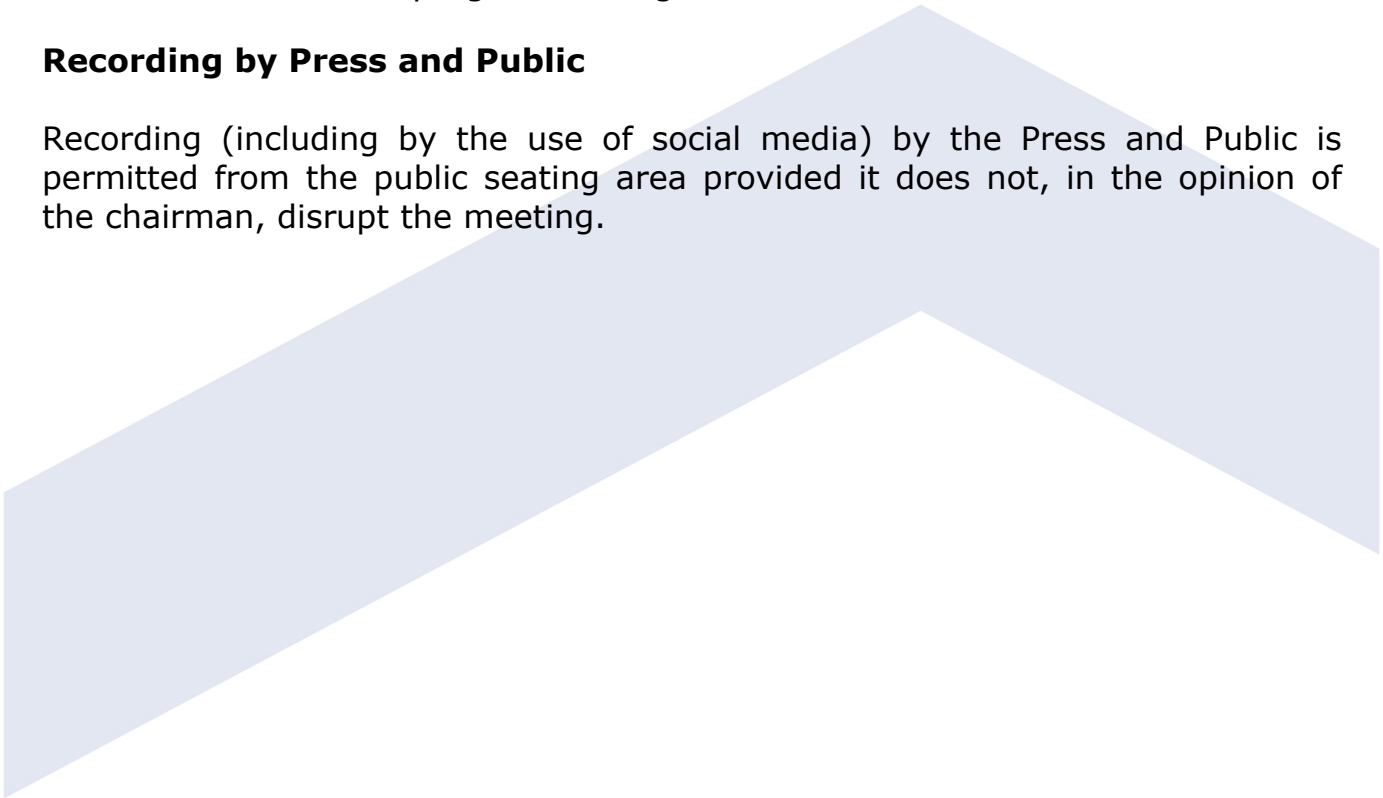
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### **Recording by Press and Public**

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 16 February 2024**

Present: Mark Winnington (Chair)

<b>Attendance</b>	
Jak Abrahams	Paul Snape
David Smith	Carolyn Trowbridge

**Also in attendance:**

**Apologies:** Robert Pritchard and Jill Waring

**Part One**

**45. Declaration of Interest**

There were no declarations of interest on this occasion.

**46. Minutes of meeting held on 19th January 2024**

**Resolved** – That the minutes of the meeting held on 19 January 2024 be confirmed and signed the Chairman.

**47. Wildlife and Countryside Act 1981 Application for the Addition of an Alleged Public Footpath from Mill Lane to Public Footpath 12 Kingstone**

The Panel considered a report from the Director for Corporate Services for an application for the addition of an Alleged Public Footpath from Mill Lane to Public Footpath 12 Kingstone.

The report was presented verbally, to take Members through the 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 Form 1
- Plan of claimed route
- Addendum 1 (Landowner Response Forms)
- Addendum 2 (Local Cllr. Comments)
- Deposited Railway Plans 1845 and 1846
- Ordnance Survey Maps 1886 and 1901
- Responses from Statutory Consultees

The Chair read out the local member comments in the email at addendum

2. The officer confirmed, whilst the Ordnance Survey Map cannot clarify the status of the route; the status is ratified by the evidence and description of the application route in the Deposited Railway Plan which had been through a parliamentary legal process.

The Panel decided that the available evidence submitted by the Applicant in the application at Appendix A is sufficient to show, that a Public Footpath is reasonably alleged to subsist along the route marked "A to B" on the plan attached at Appendix B to this report and therefore should be added to the Definitive Map and Statement of Public Rights of Way.

**Decided** – That (a) the evidence submitted by the applicant and that discovered by the County Council was sufficient to show, that a Public Footpath was reasonably alleged to subsist along the route marked "A to B" on the plan attached at Appendix B to this report and therefore should be added to the Definitive Map and Statement of Public Rights of Way.

(b) an Order be made to add the alleged Public Footpath marked "A to B" on the attached map at Appendix B to the Definitive Map and Statement of Public Rights of Way for the Borough of East Staffordshire.

(c) the route shall be to the standard minimum width of 1.5 metres throughout its length.

#### **48. Wildlife and Countryside Act 1981 Application to upgrade Public Footpath 56 Cotton to a Public Bridleway in the parish of Cotton**

The Panel considered a report from the Director for Corporate Services for an application to upgrade Public Footpath 56 Cotton to a Public Bridleway in the parish of Cotton.

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
- Copy of Inclosure Award evidence
- Copy of Statement accompanying the draft Definitive Map
- Copy of map "showing way other than a footpath"
- Copy of 1 and a quarter mile Ordnance Survey Map
- Copy of map "showing route as a RUPP"
- Copy of Staffordshire County Council's response to e-petition
- Copy of extract from Kind v Secretary of State for the Environment Food and Rural Affairs
- Copy of owner/occupier evidence form from Landowner 1

- Copy of owner/occupier evidence form from Landowner 2
- Copy of correspondence from statutory consultees
- Copy of Parish Survey Card for Public Footpath 56
- Copy of response to draft report from applicant and further evidence. Copy of officer's response

The Panel decided that the available evidence submitted by the applicant and that discovered by the County Council was insufficient to show that, on a balance of probabilities, public bridle rights exist along the line of Public Footpath 56 Cotton Parish.

**Decided** – That (a) the evidence submitted by the applicant and that discovered by the County Council was insufficient to show that, on a balance of probabilities, public bridle rights exist along the line of Public Footpath 56 Cotton Parish.

(b) Public Footpath No 56 Cotton Parish which was subject to the claim remains as a footpath as currently shown on the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands

#### **49. 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**



<b>Local Members' Interest</b>	
Gill Heath	Staffordshire Moorlands - Leek Rural

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

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

#### **Application to Upgrade Public Footpath 82 Ipstones Parish and Public Bridleway 85 Ipstones Parish to a Restricted Byway**

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

#### **Recommendation**

1. That the evidence submitted by the Applicant and that discovered by the County Council is sufficient to show that, on the balance of probabilities, Public Footpath, 82 Ipstones **should** be added as a highway of a different description, namely a Restricted Byway to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.
2. That the evidence discovered by the County Council is sufficient to show that on the balance of probabilities Public Bridleway, 85 Ipstones **should** be added as a highway of a different description, namely a Restricted Byway to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.
3. That an Order should be made under Section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by upgrading Public Footpath 82, Ipstones to a Restricted Byway along the route shown between points A to B, and by upgrading Public Bridleway 85, Ipstones to a Restricted Byway along the route shown between points C to D on the plan attached at Appendix B at page 23.

#### **PART A**

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

1. Staffordshire County Council is the authority responsible for maintaining the Definitive Map and Statement of Public Rights of Way as laid out in section 53 of the Wildlife and Countryside Act 1981 ("the 1981 Act"). Determination of applications made under the Act to modify the Definitive Map and Statement of Public Rights of Way, falls within the terms of reference of the Countryside and Rights of Way Panel of the County Council's Regulatory Committee ("the Panel"). The Panel is acting in a quasi-judicial capacity when determining these matters and must only consider the facts, the evidence, the law and the relevant legal tests. All other issues and concerns must be disregarded. The purpose of this investigation is to establish what public rights, if any, already exist even

though they are not currently recorded on the Definitive Map and statement of Public Rights of Way.

2. To consider an application attached at Appendix A on page 19 from Brian Smith of the Staffordshire Moorlands Bridleways Group for an Order to modify the Definitive Map and Statement for the District of Staffordshire Moorlands. Additionally, to consider an extension to the application route following further evidence discovered by the County Council that would further modify the Definitive Map and Statement for the District of Staffordshire Moorlands. The effect of such an Order, should the application be successful, would:
  - (i) Upgrade Public Footpath 82 Ipstones Parish to a Restricted Byway 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 line of the alleged Restricted Byway which is the subject of the application is shown highlighted and marked A to B on the plan attached at Appendix B at page 23.
  - (ii) Upgrade Public Bridleway 85, Ipstones to a Restricted Byway 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.
  - (iv) The line of the alleged Restricted Byway which is the subject of documentation discovered by the County Council is shown highlighted and marked C to D on the plan attached at Appendix B at page 23.
3. To decide, having regard to and having considered the Application and all the available evidence, and after applying the relevant legal tests, whether to accept or reject the application to upgrade Public Footpath 82, Ipstones to a Restricted Byway. Additionally, to decide having regard to and having considered the evidence discovered by the Council and after applying the relevant legal tests whether to accept or reject the upgrade of Public Bridleway 85, Ipstones to a Restricted Byway.

### **Evidence Submitted by the Applicant**

4. In support of the application the Applicant submitted a document that he evidenced as a copy of the 1910 Finance Act Name Book, Revised 1922. However, it appears to the County Council to have been incorrectly labelled and is understood to be an Ordnance Survey name book due to its appearance and reference number.
5. The Applicant has submitted a copy of Yates' Map and its associated key, dated 1798.
6. The Applicant has submitted a copy of Smith's Map and its associated key, dated 1817.
7. The Applicant has submitted a copy of the Definitive Map which was current at the date of the application in 2014 showing the route of current Public Footpath 82, Ipstones Parish which he has highlighted, along Mellow Lane.
8. Copies of this evidence can be found at Appendix C between pages 25-31.

## **Evidence Discovered by Staffordshire County Council**

9. A Section 36 application under the Highways Act of 1980 along PF82 Ipstones Parish had been received by Staffordshire County Council from Staffordshire Moorlands Bridleway Preservation Group prior to this current Section 53 claim. The s36 application was in support of PF82 Ipstones Parish (also known as Mellow Lane) being listed as an ancient highway. The s36 application included the evidence provided within the current s53 application as well as additional evidence. Staffordshire County Council also discovered further evidence in the course of the investigation of the s36 claim. A report relating to the s36 application was completed and circulated to the relevant landowners.
10. The report and subsequent comments received from the landowners were considered by the County Solicitor under the Council's delegated powers for decision making. The County Solicitor concluded that there was sufficient evidence to show that PF82 (Mellow Lane) was an ancient highway.
11. Copies of the s36 report and transcript of the decision dated 2<sup>nd</sup> June 2023 can be found at Appendix D between pages 33-99.
12. The Railway plan and Book of reference for the Leek, Caldon Low and Hartington Light Railway were considered. This evidence can be found at Appendix D between pages 100-106.
13. The Parish Survey Card for Public Footpath 82 Ipstones (Mellow Lane) and Public Bridleway 85 Ipstones, their associated Parish survey plan and a key to abbreviations were considered. This can be found between pages 107-112. The Parish Survey card and analysis for Mellow Lane can also be found within the s36 Report.
14. A historical map of 1900's series from National Library of Scotland was considered at page 113.
15. Yates map of 1775 from the National Library of Scotland's records was studied. This can be found at page 114.
16. An Ordnance survey plan titled Staffordshire Sheet XIII NE published in 1888 was considered. This can be found at page 115.
17. An Ordnance Survey plan dated 1967 for Buxton and Matlock was considered. This can be found at page 116.
18. Copies of this evidence can be found at Appendix D between pages 33-116.

## **Evidence Submitted by the Landowners**

19. Mellow Lane is a privately owned lane. When the s53 application was submitted to the County Council, an initial consultation letter was sent to the owners of Mellow Lane Farm although there is no response on the file.
20. In the course of investigating the s36 application a number of additional landowners were identified, and it was established that the previous landowners of Mellow Lane Farm (who had been contacted in relation to the s53 application) no longer had an interest in the property. Two freehold

landowners now own different stretches of Mellow Lane, one of which owns Mellow Lane Farm. Three further landowners own land which is adjacent to Mellow Lane. They were all contacted for comment.

21. Two of the five landowners responded. Their evidence and comments regarding the s36 application can be found within the Addendum to the s36 report between pages 75-94 and page 98 at Appendix D.
22. On consideration of the evidence for Mellow Lane, it became apparent that Public Bridleway 85, Ipstones could also be considered to be upgraded. A further 17 landowners with interests along the route were identified and contacted.
23. Landowners along Public Bridleway 85 and Mellow Lane were sent evidence forms. Landowner 1's Solicitor (who was also identified as Landowner 1 within the s36 Mellow Lane report) responded by letter which included evidence of the land ownership but no further evidence regarding the rights along Mellow Lane and the Bridleway. Landowner 2 (who was identified as Landowner 2 within the s36 Mellow Lane report) completed and returned a landowner evidence form. With regard to Public Bridleway 85, three user forms were received from two freeholders and one with an interest in the land along Bridleway 85. One further form was received from a landowner not directly affected by the potential upgrade.
24. Uncompleted land evidence forms were returned to Staffordshire County Council from two landowners.
25. Landowner correspondence and landowner evidence forms in relation to both Mellow Lane and Bridleway 85 can be found at Appendix E at pages 118-184.

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

26. At the time that the s53 application was presented to the County Council, Ipstones Parish Council was consulted regarding the application and responded that members did not have any objections to the application although they did not have any evidence to offer. The Peak and Northern Footpath Society also had no evidence and did not object.
27. A representative of the Byways and Bridleways Trust advised that he rode "both ways on motorcycles in the 1970s and 1980s on a number of occasions when they were RUPPs."
28. Following the discovery of the evidence concerning Public Bridleway 85, Ipstones the District Council, Parish Council and County Councillor were all contacted regarding Mellow Lane and Bridleway 85. The Parish Council responded supporting the upgrade although they did not have any evidence to offer.
29. The interested organisations were also contacted regarding Public Bridleway 85 and Mellow Lane. The representative for the Byways and Bridleways trust advised that he considered that the route showed "substantial historical evidence to support a finding that both ways carry public vehicular rights and should be shown on the list of streets".



30. The evidence and comments from the Statutory Consultees and user groups can be found at Appendix F between pages 186 and 190.
31. In the course of the s36 application statutory consultees were consulted. Their evidence and comments can be found within the addendum to the s36 report between pages 69-74 at Appendix D.

### **Analysis of Documentary Evidence from Applicant**

32. The Applicant provided as evidence what appears to be an Ordnance Survey revised Name Book. This revision was dated 1922. This can be found at page 25 and 26. There is a descriptive remark referring specifically to Mellow Lane as being "a public road branching off highway Rd about 10 chains north of Cockintake and extending in a northerly direction to about 12 chains south of Black Brook (new name)".
33. There is no associated plan provided with the Name Book. On consideration of the draft definitive map of 1954 however (which may be found at page 31, and was produced approximately 32 years later), Cockintake, Mellow Lane and Blackbrook are all shown on the plan. The Ordnance survey plan of 1836 (located within the s36 report at page 55) also identifies Mellow Lane. Mellow Lane referred to in the name book can therefore be identified with a reasonable amount of certainty.
34. Ordnance Survey name books are documents that list named routes that would be included on OS maps. Depending on the level of detail in the book, they can provide an indication regarding status of a route. The document supports Mellow Lane being public and a road, so it is likely that the draftsmen considered the route to have higher rights than that of a footpath. The document however needs to be considered in conjunction with the other evidence.
35. The Applicant also supplied Yates' map which depicts a physical feature on the ground. The plan however is small scale. Using the definitive map of 1954 at page 31, it could be speculated that when comparing the 1954 Definitive map and Yates' map at page 27, both Bridleway 85 and Mellow Lane could potentially be identified on Yates' map. On consideration firstly of the draft Definitive map, there is a major road junction at Bottom House and approximately 200 meters to the East of this junction (off the Leek to Ashbourne Road (also known as the A523)), the current Bridleway 85 leaves the Leek to Ashbourne Road at Lower Berkhamstych and loops southerly and then south easterly before joining the road to Uttoxeter (which itself leads off the Leek to Ashbourne Road).
36. Mellow lane leaves Public Bridleway 85 just after the swing to the south easterly direction and heads in a southerly direction to join the Ipstones Edge to Casey Hill Road. Yates' map does not provide any evidence as to whether Public Bridleway or Mellow Lane are public or private routes. The status however being on such a small-scale map does suggests that both Public Bridleway 85 and Mellow Lane may be carriage roads.
37. Comments and analysis of Yates' 1798 map as evidence for Mellow Lane can be found within the s36 report (pages 33-39).

38. The Applicant has submitted a map drafted by Smith at pages 29-30. This shows a physical feature on the map within the general location of Public Bridleway 85 and Mellow Lane. The Applicant has written on the back of the plan "Smith's map c.1817 with key showing Mellow Lane as a "Cross Road"". The applicant has highlighted the cross road symbol on the key.
39. With regard to Smiths map, this again depicts a physical feature in the same area as that of Yates map, but whether this can be identified as both Public Bridleway 85 and Mellow Lane is uncertain. Smith's map is almost identical to Yates' map with regard to scale and of identified ways, although Smith's map identifies Ipstones Edge with the physical feature on his map, leading on to the Ipstones Edge Road. A key has been provided which again shows the depicted ways on the plan as being cross roads.
40. Further comments and analysis of this plan as evidence for Mellow Lane can be found within the s36 report between pages 33-39. In precis of the report's comments regarding Yates and Smith's plans and the issue of the cross roads, the letter from the Director at the Planning Inspectorate dated 2<sup>nd</sup> May 1997 (at page 57) explains that because a route (in this case the route in the general location of Public Bridleway 85 and Mellow Lane) are depicted as cross roads it suggests that such roads were public roads where no toll was payable. The fact that these routes appear to be depicted as cross roads on old plans does not automatically indicate public rights but overall are supportive of higher rights. Thus, these plans need to be considered in conjunction with the further evidence that has been submitted.
41. The fact that Smith and Yates' plans are small scale would suggest that any highways with lower status than carriage ways are unlikely to be depicted. The routes on the plans do therefore suggest carriage way rights and it seems probable that they depict Public Bridleway 85 and Mellow Lane.

### **Analysis of Documentary Evidence from Staffordshire County Council**

42. A report to consider a request from the Staffordshire Moorlands Bridleways Preservation Group (SMBPG) to add Mellow Lane, Ipstones to the list of streets that are highways maintainable at public expense under S36(6) Highways Act 1980 can be found at Appendix D, between pages 33-99.
43. The outcome of the report was that Mellow Lane was accepted as an ancient highway.
44. There is significance in a road being listed as an ancient highway under the Highways Act 1835. Highways in existence before 1835 were predominantly maintained by the local inhabitants and were known as Ancient Highways. As a result of these routes having been maintained by local inhabitants (and not subsequently extinguished) they continue to be maintainable at public expense under s38(2)(a) of the Highway's Act 1959 and therefore s36(1) of the Highways Act 1980.
45. The representative of the SMBPG provided evidence for the s36 application for Mellow Lane to be recognised as an ancient highway. By coincidence,

the historical evidence provided by the SMBPG also showed evidence for potentially higher rights along Public Bridleway 85. This included a copy of Ordnance Surveyors drawing OSD:348 drawing of 1836 (a year after the Highway's Act was passed) which can be found at page 55, which shows a physical feature on the ground which is identified as Mellow Lane on the plan. A similar physical feature to that of Mellow Lane can also be seen along the route of the current Public Bridleway 85.

46. The representative of SMBPG has also provided John Cary's map of 1806 which can be found at page 53 which shows a physical route in the same (very approximate) area as that of the Public Bridleway and Mellow Lane but the quality is poor and the plan is too small a scale to be able to draw any conclusions from it.
47. The representative of SMBPG also submitted Teesdales map dated 1831/2 which can be found at page 51 which shows physical features on the ground in the same area as those depicted in the Ordnance Survey map. The scale however is very small and the map unclear without any place names to provide context. Whether the routes can be assumed to be that shown in Yates, Smiths and Cary's map is a matter of conjecture. The uniformity of the routes shown on the various plans do however support the existence of a road with high public rights between the Leek to Ashbourne Road and the Ipstones Edge to Casey Hill Road.
48. The scale of the maps may have a bearing on what they show, if too small a scale they might only be capable of showing carriage roads. If this is the case then it would show the routes to be what would now be classified as a restricted byway. These maps still do not explain whether they are private or public roads. Individually therefore they do not carry much legal and evidential weight. Furthermore, mapmakers often based their work on other existing maps.
49. The Leek, Caldon Low and Hartington Light Railway Book of Reference and plan (dated 1897) which can be found between pages 100-106 were considered for the immediate area of Bridleway 85 and Mellow Lane. The route of the track is indicated by a solid black line which crosses Bridleway 85 at two points along the Bridleway's length. The Public Bridleway has parcel numbers 91, 105 and 125 along its length and Mellow Lane has parcel number 102. Parcels 91, 102 and 125 are described in the accompanying Book of Reference as Roads in the ownership of Ipstones Parish Council, Rural District Council of Cheadle. Parcel 105 was described as a road and in the ownership of Dryden Henry Sneyd Trustees of Ipstones Schools, Ipstones Parish Council, Rural District Council of Cheadle.
50. The book of reference specifically identifies public footpaths and occupational roads leading officers to conclude that this is a bridleway or did at the time of the development of the railway, carry vehicular rights. The markings could suggest carriage rights. The book however does not appear to have distinguished between public and private rights.
51. Major works such as the construction of railways have normally been authorised by private Acts of Parliament. The reason for this was that in

the 18<sup>th</sup> and 19<sup>th</sup> Centuries there were no powers to acquire land compulsorily. Consequently, where there was a railway planned the intended route was surveyed. From the surveys, plans and books of reference were compiled which showed who owned the land crossed by the proposed railway. This then formed part of an Act of Parliament.

52. Statute required, from 1838, that the plans of these works and the accompanying book of reference were deposited with the local public authorities. This was true for routes that never came to fruition as well as for those that were constructed.
53. In compiling the plans for the route of the railway, the surveyors drew up a map showing the intended line of the construction with the limits of deviation from that line. It was not the primary purpose of deposited plans to record highways of any description but this came about as a consequence of the need to survey the land.
54. The plan allotted plot numbers to each strip of land affected by the passing of the canal or railway. The Book of Reference listed who owned the land crossed and the type of land, e.g. agricultural, or a highway.
55. The process, including the plans and books of reference were open to public inspection and objections could be made which resulted in corrections. There were many vested interests involved and in the case of highways the surveyor, or the parish, would not have admitted to maintenance responsibilities they did not have.
56. Due to the financial implications, and time required to construct public highway crossings, either bridges or level crossings, over the railway or canal, surveyors were diligent in ensuring the correct designation was recorded.
57. Penalties for not providing public crossing facilities were also onerous. There was no requirement to bridge public footpaths so a public highway which crosses over a canal or railway by a bridge is usually a bridleway at least.
58. These Acts and plans should not be considered to be conclusive evidence but looked at and evaluated alongside other historical evidence. They should be regarded as good, or persuasive, evidence to support the existence of a public right of way.
59. The Parish Survey Cards were considered for the immediate area of Public Bridleway 85 and Mellow Lane. These can be found at pages 107-112 (The Parish Survey card and analysis for Mellow Lane can be found within the s36 Report between pages 32-99). Survey cards were produced following the passing of The National Parks and Access to the Countryside Act 1949. This Act required all County Councils in England and Wales (as Surveying Authorities) to survey and map all rights of way in their area. The legislation concerned Public Footpaths, Public Bridleways and Roads Used as a Public Path.
60. The Act provided a lengthy process for drawing up a Definitive Map and Statement for the area. The Authority was required to consult with District

Councils and Parish Councils in the survey process whose duty it was to collect and furnish the Surveying Authority with the relevant information. Objections and appeals by landowners were part of the process resulting in the Map and Statement being amended and redrafted. The Definitive map for the parish of Ipstones was dated 27<sup>th</sup> February 1960. As a result of this, Mellow Lane is currently listed as a footpath and Bridleway 85 Ipstones as a public bridleway.

61. At the time of the survey in the 1950s, Mellow Lane was listed as CRF 82 on the draft Definitive map. Parish Card number 82 providing the narrative for the route and explained that the route was public due to "common usage by public for more than 30 years without objection". A description of the route advised that the CRF 82 "starts from the Ipstones Edge – Casey Head road some 500 yards East of Cadlow on North side of Road SS (&)[?] FG and cart track over rough common land to second SS (&)[?] FG leading into Mellow Lane, this continues past Mellowlane Farm and joins up with Newbarn Lane being CRF No85. Road very rough and little used for vehicular traffic except by local farmers. No obstruction. This road is known locally as Mellow Lane".
62. The route currently known as Public Bridleway 85 was listed as CRF85 on the draft Definitive map. Parish card number 85 provided the narrative for the route, the route having been "used by public for more than 30 years without objection". A description of the route reported that the route "starts from the west side of Ellastone road almost midway between Blackbrook Bridge and Gutter Farm, open entrance from road and being cartroad to three smallholdings at Blackbrook open gates and stile after 200 yds and crossing railway at line level to open fieldgate after 30 yds and with three more field-gates & styles to where road is joined by Mellow Lane. Road again crosses railway and has fieldgates on either side of the crossing and after a further 300-400 yds crossing Blackbrook and through F.G.&S. passing Newbarn Farm and continues on through one more F.G.&S to exit by open gap onto the Leek – Ashbourne Road at Lower Berkhamstch. Road has variable surface and is apparently little used except by one or two local farmers. Stiles and gates in good order. "
63. The surveyors marked the cards with an abbreviation which was in line with a government circular (Ministry of Town and Country Planning - Circular 81/50 – January 1950) which tried to assist Parish Councils in identifying different status of ways. In this case the local surveyor identified the routes as path number 82 and path number 85 on the respective survey cards and on the associated plan as CRF82 and CRF85 in red ink on the plan. This denotes a CRF (a cart road being predominantly used as a footpath).
64. The Surveying Authority amended the path symbols initially identified as CRF82 to RP and CRF85 to an RP (i.e. a RUPP – a road used as a public path) in pencil in line with terminology used within the National Parks and Countryside Act of 1949. The associated plan does not have this amendment. It is unclear at what point in time this amendment occurred. A RUPP is defined as "a way such as public carriage roads, cart roads or



green unmetalled lanes which were mainly used as footpaths or bridleways".

65. Although the definition of a RUPP implied that such a right of way was subject to vehicular rights, the 1949 Act provided that the showing of a way as a RUPP on the definitive map was conclusive evidence *only* of the public's right to use it on foot or on horseback. The courts have determined that even though a route was previously classified as a RUPP this does not automatically mean it has rights over it that are higher than a footpath.
66. A decision was made by the County Council that CRF 82 (Mellow Lane) status was that of a footpath and CRF 85 status was that of a Public Bridleway in 1954 when the draft map was completed. This draft map became the first definitive map in the early 1960s.
67. As a result of confusion concerning what rights RUPPs bestowed, the Countryside Act 1968 required all highway authorities to reclassify RUPPs in their area, initially as public footpaths, public bridleways and where public vehicular rights were demonstrated to exist, the RUPP would be reclassified with the new identification of a Byway Open to All Traffic (BOAT).
68. The First Special Review of the Definitive Map and Statement was undertaken by Staffordshire County Council in 1969. In reviewing the evidence reliance could not be placed solely upon the fact that a route that once had the status of a RUPP proved that higher rights existed. The review reconfirmed that there were only acknowledged rights on foot for Mellow Lane and bridleway rights for Public Bridleway 85.
69. The Wildlife and Countryside Act 1981 required that all routes previously claimed as RUPPs were to be reclassified as Byways Open to all Traffic which was a highway over which the public had a right of way for vehicular and all other kinds of traffic but which was used by the public mainly for the purpose for which footpaths and bridleways were used. Subsequently the Countryside and Rights of Way Act 2000 provided a provision for BOATs to be dispensed with and in May 2006 when the relevant sections came into force, all RUPPs automatically were converted to Restricted Byways. It is considered that this is why the application was made for a Restricted Byway.
70. With regard to the Parish Card evidence therefore, there is conflicting evidence as to whether at the time of the initial survey in the 1950s the route carried vehicular rights.
71. A historical map which can be found at page 113 obtained from the National Library or Scotland from the 1900's series shows a physical feature along the routes of Bridleway 85 and Mellow Lane although does not indicate its status or whether it is a public or private way.
72. Yates' map of 1775 which can be found at page 114 also shows a physical feature along the routes of Bridleway 85 and Mellow Lane although again does not indicate its status or whether it would carry public or private rights.

73. The Ordnance survey plan titled Staffordshire Sheet XIII NE published in 1888 was considered, which can be found at page 115. This reflects the physical features shown in the historical maps including that of Yates' over 100 years earlier.
74. An Ordnance Survey plan dated 1967 for Buxton and Matlock was considered which can be found at page 116. This reflected the routes as being Roads used as Public Paths on Staffordshire County Council's Definitive map. Subsequently the Countryside Act 1968 required all Council's to reclassify their Roads used as Public Paths resulting in Public Bridleway 85 and Public Footpath 82.

### **Analysis of Documentary Evidence from Landowners**

75. No evidence was provided by any landowner at the time of the presentation of the s53 application.
76. In the course of contacting parties for completion of the s36 report correspondence with a landowner's solicitor was received and responded to. The landowner (Landowner 1) through her Solicitor, objected to the route being a publicly maintainable highway. A second landowner (Landowner 2) responded supporting public maintenance of the route. This evidence can be found within the addendum to the s36 report between pages 75-94 and page 98.
77. Landowner 1's Solicitor has responded to the initial s53 application consultation which can be found between pages 118-132 and has included evidence of the land ownership but no further evidence regarding the rights along Mellow Lane and the Public Bridleway. The landowner through her Solicitor considered that Mellow Lane and the Public Bridleway should not be upgraded from their current status'. The landowner also expressed concern over the security of livestock within their fields should the gates need changing, and they also expressed concerns regarding safety at the junction of the road between the bridleway and Ellastone Road. With regard to the gates on the land and the road junction, while not wishing to undermine or belittle these legitimate concerns unfortunately they cannot be taken into account when establishing whether or not higher rights along Mellow Lane and the Public Bridleway exist.
78. Landowner 2, (also referred to as Landowner 2 within the s36 report) forwarded a user evidence form regarding the s53 application which can be found between pages 133-142. In her user evidence form she state that she considered the route to have higher rights than a Public Bridleway (although it is unclear as to whether this is Mellow Lane or also Public Bridleway 85). She explained that horse riders used to ride down Mellow Lane but approximately 8 years ago access gates were locked. She also advised that approximately 45 years ago she used to ride the length of Mellow Lane from Pelham Farm Stables.
79. Landowner 3's representative advised in their evidence form (which can be found between pages 143- 152), that they considered Public Bridleway 85 to be best described as a bridleway. They advised that the land had

been in ownership by the railway since 1845 and that due to Statutory incompatibility the railway could not dedicate or increase a right of way over its own land. This however is a separate issue because the current application is an external application based on historical evidence. If the route is proved to have higher public rights then these will take priority.

80. Landowner 4's evidence form can be found between pages 153 and 163. The representative advised that they considered Public Bridleway 85 to be best described as a bridleway. They currently lease land over which Public Bridleway 85 extends. The landowner advised that level crossings which Public Bridleway 85 intersects are private access crossings/routes, and that Mellow Lane is also a private route for access to a limited number of properties. Whilst this is acknowledged, if public rights are found to exist along the route, they will run concurrently with the private rights.
81. This landowner further points out that due to trespass on the railway being an offence, no rights can have been established concerning any public usage. The evidence for the route however is based on documentary evidence and not user evidence and therefore rights obtained through use are not relevant to the application.
82. The landowner evidence form received from Landowner 5 which can be found between pages 164-175 refers to a County Council letter of 12<sup>th</sup> September 2023 which is attached. The landowner considers that the bridleway is the best description of the route, and also explains the current use of the land over which the current bridleway crosses. The landowner has placed signs on his land to prevent further rights being established whilst ensuring that the current rights are respected. The application and evidence discovered by the County Council however show historical rights which may be higher than those currently established, and so prevention of current usage would not prevent an upgrade based on such documentary evidence.
83. In a covering letter enclosing the landowner form, the landowner summarised the situation around his property, and highlighted the fact that he locked a gate along the route following a neighbour access dispute. An officer from the County Council Rights of way enforcement team was called out to attend the property and was satisfied that the situation regarding the legal rights along the bridleway had not been compromised.
84. Landowner 6 whose evidence form can be found at pages 176- 184, had received a landowner evidence form. It was understood from a Land Registry search that her property (Little Paradise Farm) was along the route of Public Bridleway 85. The location of the Farm however is not along either Mellow Lane or Public Bridleway 85 although she has access to her property along the bridleway. The landowner describes the route as a bridleway but "used as a byway open to all traffic for decades".

### **Analysis of Documentary Evidence from Statutory Consultees**

85. The Byways and Bridleways Trust responded to initial consultation following the presentation of the s53 application. The representative



advised that he and another rode on motorcycles along the route in the 1970's and 1980's when the route was classified as a RUPP. The transcript can be found at page 187.

86. The Peak & Northern Footpath Society responded to the presentation of the s53 application and advised that whilst they did not have any evidence to support the claim they did not object to the upgrading of footpath 82 Ipstones (Mellow Lane). This can be found at page 186.
87. Following the discovery of potentially higher rights along Bridleway 85 the user groups were recontacted. The representative of the Byways and Bridleways group advised that he considered the route showed "substantial historical evidence to support a finding that both ways carry public vehicular rights and should be shown on the list of streets". There is evidence of higher rights for both Mellow Lane and Public Bridleway 85 but the documentary evidence would suggest that these were carriageway rights and not more contemporary public vehicular rights. The representative advised that he and a friend have used the routes as public vehicular routes in the past but there is no evidence to suggest that this was commonplace. Landowner 1's Solicitor in the addendum to the s36 report, suggests that the previous owner of Mellow Lane in or around the 1970-80's "had problems with motorbikes using the area" and that a "restriction" was put in place. There is however no evidence of the restriction.
88. Ipstones Parish Council could not provide any evidence but supported the upgrade of the footpath (although it is unclear as to whether or not this includes the bridleway). The transcript of the email can be found at page 189.
89. The responses to the Statutory Consultees and user groups can be found in Appendix F.
90. Comments were received in the course of contacting the consultees for the s36 application. These comments can be found within the addendum to s36 report between pages 69 and 74.

### **Legal tests**

91. With regard to the status of the routes, the burden is on the applicant with regard to Public Footpath 82 and the burden is on the County Council in relation to Public Bridleway 85 to show, on the balance of probabilities, that it is more likely than not, that the Definitive Map and Statement are incorrect. The existing classification of the routes, as a footpath and as a bridleway, must remain unless and until the Panel is of the view that the Definitive Map and Statement are wrong. If the evidence is evenly balanced, then the existing classification of the routes as a footpath and a bridleway on the Definitive Map and Statement prevails.

### **Summary**

92. The application for the upgrade of Mellow Lane and the discovery of evidence for the upgrade of Public Bridleway 85 are made under Section

53(2) of the 1981 Act, relying on the occurrence of events specified in 53(3)(c)(ii) of the Act.

93. The Panel need to be satisfied that, on the balance of probabilities, the evidence that has been submitted and that discovered shows that the highways shown on the map and statement as highways of a particular description ought to be there shown as highways of a different description.
94. The County Solicitor concluded that there was sufficient evidence to show that Mellow Lane was an ancient highway based on the documentary evidence. The significance of this is that it had carriage way rights and was a public route.
95. The Ordnance Survey map provided by the applicant for the s36 report and dated 1836 names the route as Mellow Lane. It also depicts a physical feature along Public Bridleway 85 similar to that of Mellow Lane. This is good supporting evidence that the routes should be upgraded.
96. The Ordnance Survey Name Book shows Mellow Lane to be classified as a road. Again, this is good supporting evidence that the route should be upgraded.
97. The discovery by the County Council of the railway plan is strong evidence to support the contention that Public Bridleway 85 also should have higher rights.
98. The prominent map draftsmen at the time also depict routes in the area of Mellow Lane and Public Bridleway 85 on their plans and specify that the roads are cross roads. It is up to the Panel however to decide whether they consider that the routes shown on these public maps are Mellow Lane and Public Bridleway 85. If they are of the opinion that the routes depicted are Mellow Lane and Public Bridleway 85, the information provided by the Director, Highways and Transport at the Planning Inspectorate regarding his interpretation of the term cross roads again adds weight to the fact that Mellow Lane and Bridleway 85 did carry public rights and were carriage roads linking two main roads. Whilst not strong evidence it is good supporting evidence.
99. The final evidence is the Parish Survey Cards. These show an element of confusion with regard to the recording of the rights since their initial drafting. These cards do provide some evidence of higher rights than a footpath and a bridleway because within the description they refer to the routes as being cart roads and they also make reference to the fact that vehicles can use the routes. Parish Survey Cards however are not considered to be evidentially strong in their own right.

## **Conclusion**

100. It is the opinion that based upon the balance of probabilities and in light of the evidence, as set out above, that Public Footpath 82 on the Definitive Map and Statement with the current status of a footpath should be upgraded to that of a Restricted Byway.

101. It is the opinion that based upon the balance of probabilities and in light of the evidence, as set out above, that Public Bridleway 85 on the Definitive Map and Statement with the current status of a bridleway should be upgraded to that of a Restricted Byway.
102. It is the opinion that the County Council should make a Modification Order to upgrade the current footpath and also the current bridleway to that of a Restricted Byway on the Definitive Map and Statement of Public Rights of Way with a minimum width of 3 metres.

### **Recommended Option**

103. To accept the application based upon the reasons contained in the report and outlined above and to decide to make an Order to upgrade the current footpath to that of a Restricted Byway and to amend the Definitive Map and Statement of Public Rights of Way.
104. To accept the discovery of evidence based upon the reasons contained in the report and outlined above and to decide to make an Order to upgrade the current bridleway to that of a Restricted Byway and to amend the Definitive Map and Statement of Public Rights of Way.

### **Other Options Available**

105. The Panel has the authority and discretion to reach a different decision and therefore can reject the application and recommend that an Order should not be made to amend the Definitive Map and Statement of Public Rights of Way.
106. The Panel also has the authority and discretion to reach a different decision and therefore can reject the further evidence and recommend that an Order should not be made to amend the Definitive Map and Statement of Public Rights of Way.

### **Legal Implications**

107. The legal implications are contained within the report.

### **Resource and Financial Implications**

108. The costs of determining applications are met from existing provisions.
109. 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**

110. 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.
111. 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.

- 112. Should the Council decide not to make an Order the applicants 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.
- 113. 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**

- 114. There are no direct equality implications arising from this report.

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J Tradewell

Director for Corporate Services

**Background File:** 008636DW

## INDEX TO APPENDICES

Appendix A	Copy of application and plan
Appendix B	Plan of claimed route
Appendix C	Applicant's Evidence
Appendix D	Staffordshire County Council Evidence
Appendix E	Landowner responses
Appendix F	Evidence from Statutory consultees and user groups



20 MAY 2014

PMS LEVEL

APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

PUBLIC SCENES DESIGNATED CONFIDENTIAL

Definitive Map and Statement – Staffordshire County Council

District of STAFFORDSHIRE MOORLANDS

Parish of IPSTONES

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

I. BRADNOP SMITH

of THE SMITHY, BALLFIELDS FARM, BRADNOP, LEEK ST 13 7EU.

hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement of Public Rights of Way for the area by:

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

\* adding the (footpath) (bridleway) (byway open to all traffic) (restricted byway) from to

\* (upgrading) (downgrading) to a (footpath) (bridleway) (byway open to all traffic) (restricted byway) the (footpath) (bridleway) (byway open to all traffic) (restricted byway) from MAP Ref. 04155060 to MAP Ref. 04145144 (MELLOW LANG FP. 82 IPSTONES)

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

and shown on the map accompanying this application.

Signature: [Redacted] Date: 6th May 2014 On Behalf of: STAFFS MOORLANDS BRIDLEWAYS



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

**List of Documents**  
(including reference numbers where appropriate).

COPY OF CORROBT DEFINITIVE MAP.  
COPY OF WM. YATES MAP 1798  
COPY OF SMITHS MAP 1817.  
COPY OF FINANCE ACT NAME BOOK

With regard to documentary evidence I certify that where appropriate I have obtained informed consent for all third party materials from the copyright owners. (Please see guidance notes).

Sign . Date: 20...

On Behalf of ~~Staffs...~~ **ROADS BRIDLEWAYS**.

**Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request. This information (and a copy of this form and accompanying map) will also be included in the Register of Definitive Map Order Applications and will be available on both the Staffordshire County Council website and on view at the Council's offices.



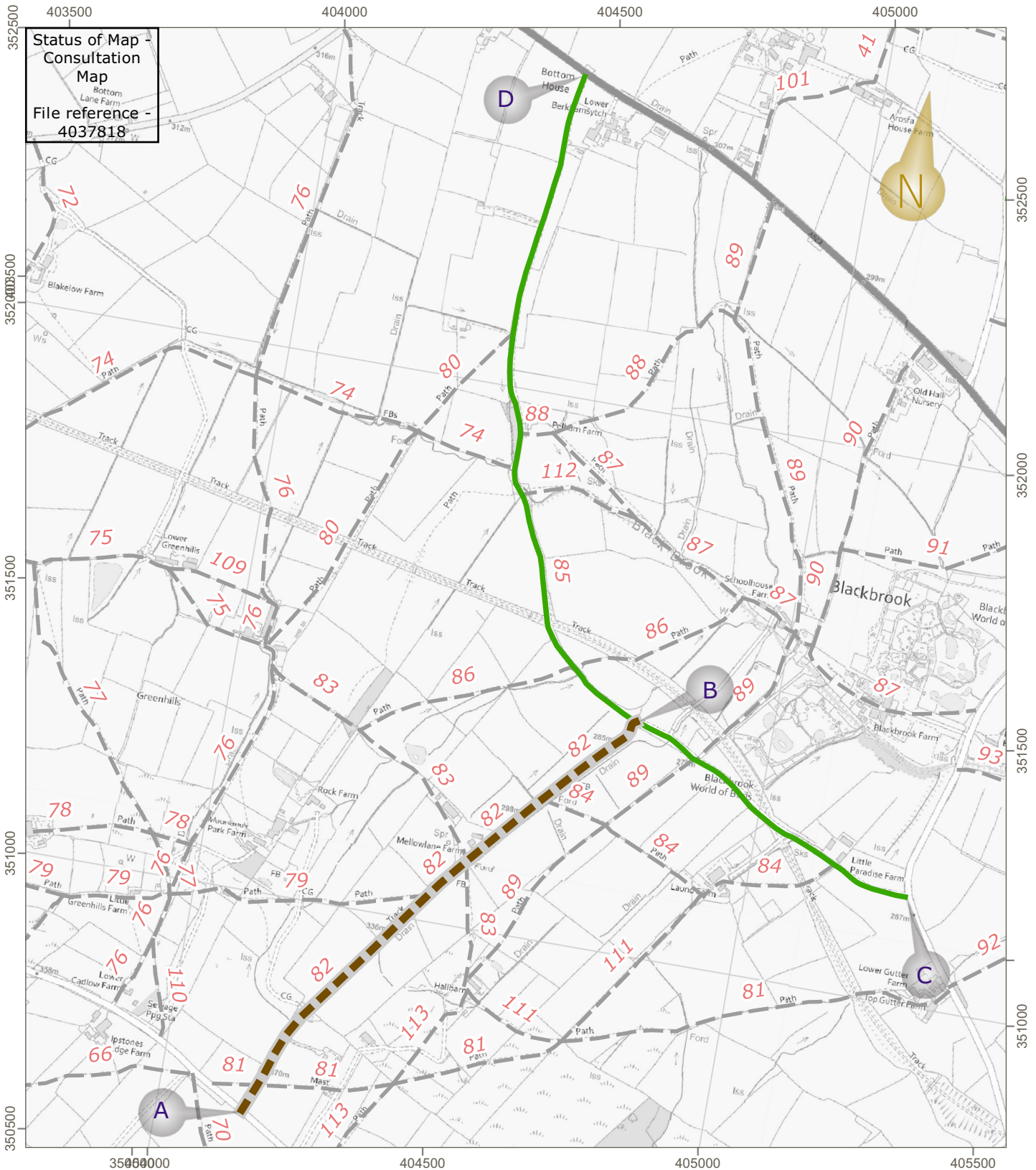






# Wildlife and Countryside Act 1981, Section 53A(2)(b)

Proposed upgrading to Restricted Byway  
of Footpath no.82 and Bridleway no.85, Ipstones Parish.



Map created at the scale of 1:10,000  
(facsimiles may vary)

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Ordnance Survey AC0000849944. You are not  
permitted to copy, sub-license, distribute or  
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shown at [www.staffordshire.gov.uk/maps](http://www.staffordshire.gov.uk/maps).  
Produced by Staffordshire County Council, 04/01/2024.

Route of footpath to be regraded to Restricted Byway ( A - B )

Bridleway no.85 Ipstones Parish to be upgraded to Restricted Byway ( C - B - D )

Footpaths unaffected by proposal





OS35/6454

NAME BOOK  
REVISED 1922

Containing Plans:-

13 N.E. 3, 4, 7, & 8

STAFFORDSHIRE



No change on this page  
 27th Sept. 1922  
 11th Sept 1922

Map of Ipstones Sheet XIII. 8. N.E.

Names revised Sept. 1922

15

Names collected & entered by Madeline Ghan in March 1898.

List of Names as written on the Plan	Various modes of Spelling the same Name	XIII. 8. 1 Spelling	Sheet	Pl	Tr	Descriptive Remarks, or other General Observations which may be considered of Interest
Butcher's Tenement (St.)	Butcher's Tenement.	Mr. J. Barks. Occupier Mr. J. Birch. Mellow Lane Farm Mr. J. Bowler. Cadlow.	XIII	8	1	A farm. Shedding situated about six chains east of Knotbury & north-west of Greenhills The property of Mr. W. Salt. Middleton Park Alkington Park or Dirty. new name.
<u>Mellow Lane</u> (St.)	Mellow Lane.	as above.	XIII	8	2.315	A public road branching off highway R. about 10 chains north of Knotbury & & extending in a northerly direction to about 12 chains south of Black Brook. new name
Parkgate. (St.)	Parkgate.	Mr. J. W. Clows. Occupier Mr. C. Massey. Cockintake. Mr. J. Barks. Hallbarn.	XIII	8	4	A cottage tenement situated on the north side of Ipstones Park & about a quarter of a mile south of Cadlow. The property of Mr. Benson. Big Birch. N. Leek. new name

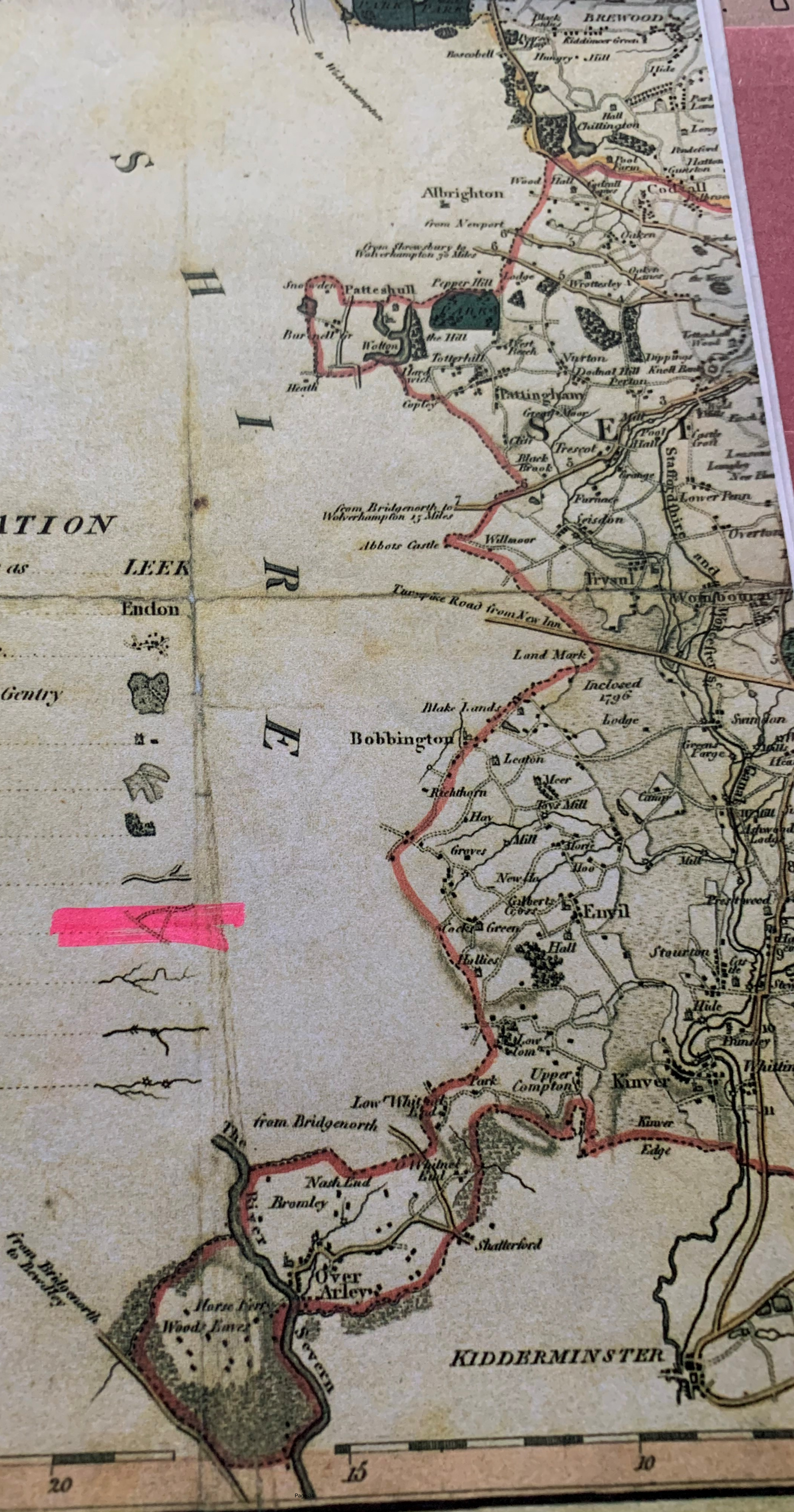






# EXPLANATION

Market Towns in Capitals as	LEEK
Parishes, in Print	Endon
Villages, Farm Houses &c.	
Parks of the Nobility and Gentry	
Gentlemens Houses	
Heaths	
Woods	
Great Roads	
<b>Cross Roads</b>	
Rivers	
Canals	
Forges and Water Mills	



10  
35  
30  
25  
20



Apr  
(See



# NEW MAP of the COUNTY of STAFFORD

*Divided into Hundreds*

London, Engraved for Pitt's Topographical History of Stafford

Published by Jas. Smith, Newcastle under Lyme.

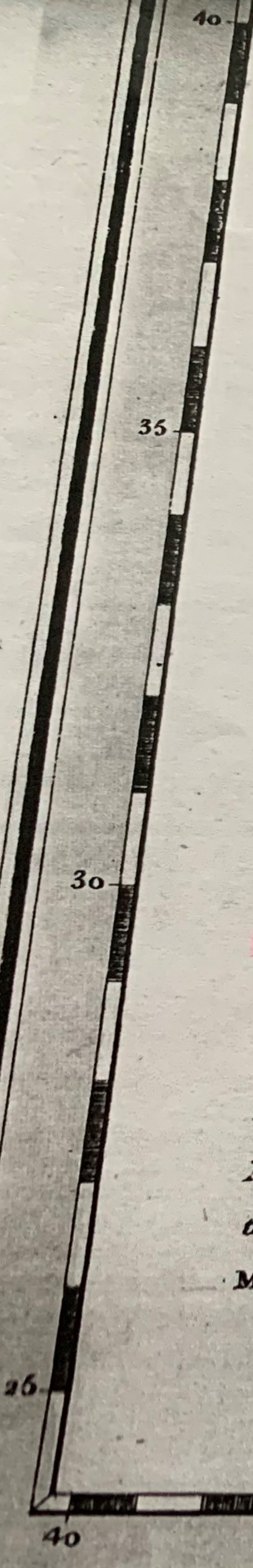
March 1817.



Great

The River Trent  
winds bridge





### EXPLANATION

- Market Towns with the Distance from } **NEWCASTLE**  
London in measured Miles as ..... } 149
  - Churches and Chapels ..... \*
  - Tunpike Roads ..... Mail Roads .....
  - Cross Roads** .....
  - Parks and Gentlemen's Houses .....
  - Navigable Canals .....
  - Rivers .....
- N.B. The figures on the Tunpike Roads express the distance in measured Miles between one Market Town and another:*



H

I

R

E

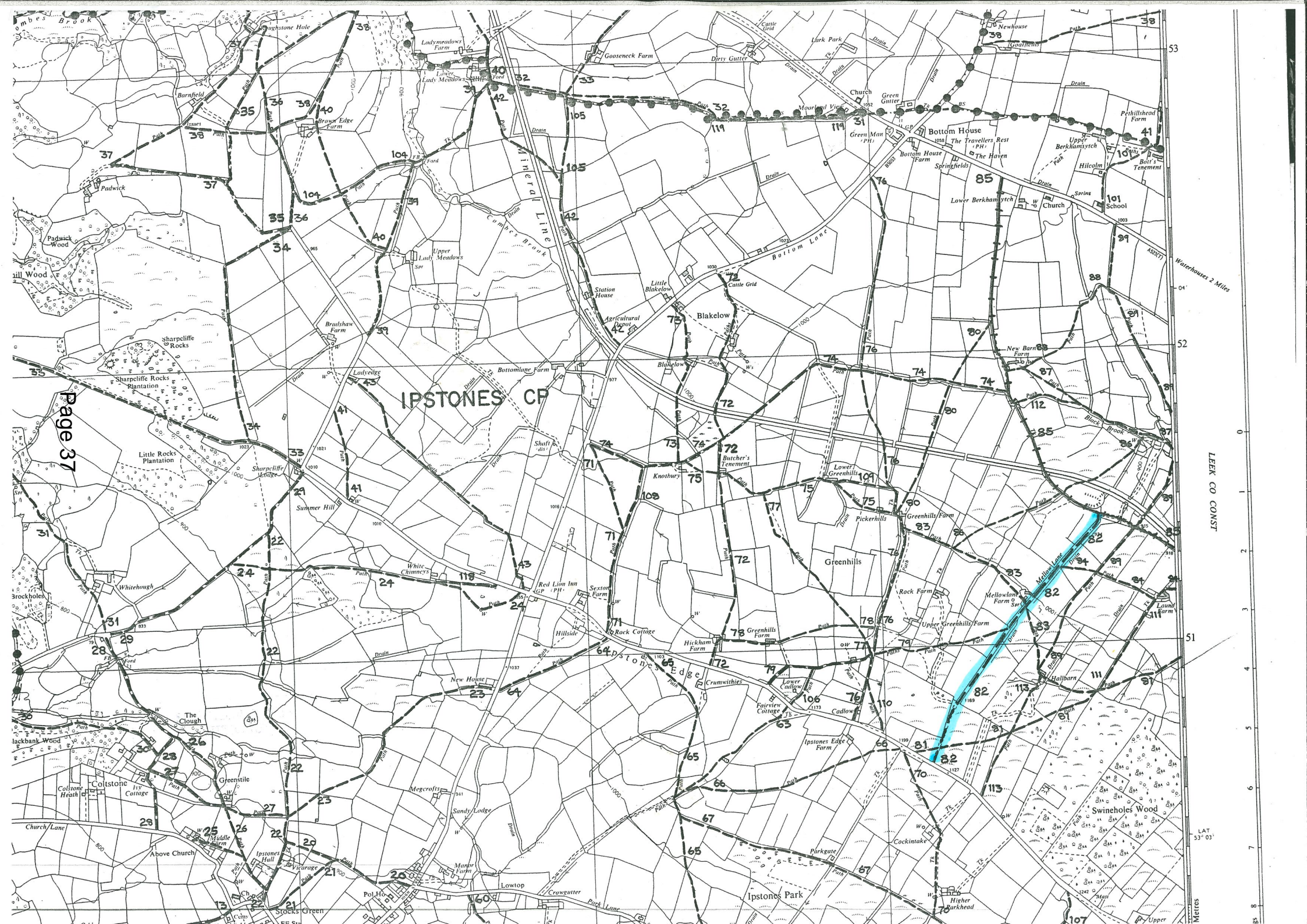
from Wolverhampton  
to Bridgnorth  
15 Miles

from Edinstoupe  
to the River  
15 Miles

from the River  
to the River  
15 Miles







IPSTONES CP

Page 37

LEEK CO CONST

LAT 53° 03'

METRES





# **Claim for a Publicly Maintainable Highway at Mellow Lane, Ipstones**

## **1. Purpose of Report**

- 1.1 To consider a request from the Staffordshire Moorlands Bridleways Preservation Group (“SMBPG”) to add Mellow Lane, Ipstones to the list of streets that are highways maintainable at the public expense, maintained by the Director for Economy, Infrastructure and Skills under the requirements of Section 36(6) of the Highways Act 1980 on the grounds that it has ancient highway status. For the purposes of this report, an ancient highway is a highway that has been in existence prior to 31 August 1835.
- 1.2 A copy of the request letter dated 15 January 2004, which also contains a summary of the evidence relied upon, is attached at Appendix A to this report. A map of the highway alleged to be maintainable at the public expense is attached at Appendix B to this report. This route between points A and B is currently a footpath known as PF82 Ipstones.
- 1.3 The County Council as Highway Authority has to decide whether the route is a highway and if so, whether it is liable to maintain the alleged highway. If historical evidence supports the existence of a highway at Mellow Lane prior to 31 August 1835, the contention that it is an ancient highway maintainable at the public expense will be established, provided the highway rights have not been subsequently extinguished.
- 1.4 The County Solicitor has delegated power to determine this matter in accordance with the County Council’s Constitution.

## **2. Section 36 of the Highways Act 1980.**

- 2.1 Section 36(6) of the Highways Act 1980 provides that the County Council must keep a list of streets within its area which are highways maintainable at public expense (“the Section 36 list”). The definition of “street” in the Highways Act 1980 is wide and includes any highway, road, lane, footway, passage, square or court etc. The Section 36 list is separate from the Definitive Map and Statement of Public Rights of Way (“the Definitive Map”), which are both kept by the Director for Economy Infrastructure and Skills. Rights of way included on the Definitive Map may or may not be maintainable at the public expense.
- 2.2 Section 36(5) of the Highways Act 1980 provides that a highway is a publicly maintainable highway either if it was already a highway which existed before 31 August 1835, or it became a highway after that date and has at some time been maintainable by the inhabitants at large of any area or a highway maintainable at the public expense. The County Council as Highway Authority has a duty to keep the Section 36 list correct and up to date.
- 2.3 Section 36 of the Highways Act 1980 does not specify a procedure by which the Highway Authority must carry out its duty. In particular, there is no requirement for consultation with parties such as affected landowners or occupiers who may have an interest in the matter. No procedure is provided under the Highways Act 1980 for objections to be made to a decision by the Highway Authority to either add or refuse to add a route to the Section 36 list.

- 2.4 There are two key questions for the County Council to consider. Firstly, whether or not the route is a highway. A highway is a public right of way, of whatever character, over a defined route. The evidence in any particular case may or may not provide sufficient proof that a highway exists on the alleged route.
- 2.5 Secondly, should it be found that a highway exists, the County Council must determine whether or not relevant evidence is available that shows the route to be publicly maintainable.
- 2.6 If the County Council is satisfied that above two questions will be answered in the affirmative, it must add the route to the Section 36 list kept by the Director of Economy, Infrastructure and Skills.
- 2.7 The standard of proof required is based on the civil test, namely, on the balance of probabilities. The exact status or nature of the route, in terms of its use, width or condition, are irrelevant considerations under Section 36 of the Highways Act 1980.
- 2.8 For the purposes of this report, if it can be shown that Mellow Lane has been in existence prior to 31 August 1835, the criterion of Section 36(5) of the Highways Act 1980 will be met, and the route will be considered to be a highway maintainable at the public expense, provided that the highway rights have not subsequently been extinguished.

### **3 Background**

- 3.1 Mellow Lane, Ipstones, is also the subject of an application made by Mr Brian Smith on behalf of the Staffordshire Moorlands Bridleways Preservations Group ("SMBPG") to upgrade the route as a restricted byway to the Definitive Map under Section 53 of the Wildlife and Countryside Act 1981 ("the 1981 Act"). His application is dated 6<sup>th</sup> May 2014. The route is currently a footpath known as PF82 Ipstones.
- 3.2 The historical evidence referred to in sections 4 and 5 of this report is evidence submitted in support of the application provided by the SMBPG under Section 36 of the Highways Act 1980. Mr Smith has provided the same evidence as that provided by the SMBPG.
- 3.3 Mellow Lane is located within the Parish of Ipstones, within the boundaries of Staffordshire Moorlands District Council.
- 3.4 Mellow Lane is very roughly 1 kilometre in length and runs in a north eastly/south westly direction between Bridleway 85 Ipstones and Dog Lane shown as points A to B on the map attached at Appendix B. Dog Lane appears on the Section 36 list. Neither Mellow Lane nor Bridleway 85 are currently on the Section 36 List.
- 3.5 At the northern-most point of Mellow Lane, the lane turns at right angles to join Bridleway 85 on a track which was known as Newbarn Lane. From this point the bridleway heads in a south easterly direction for three quarters of a kilometre leading to the Ellastone Road. It is unclear whether this additional stretch of route is currently known as Mellow Lane or Newbarn Lane.

### **4. Evidence submitted by the Staffordshire Moorlands Bridleways Preservation Group**

- 4.1 The SMBPG has submitted evidence in support of their application made under Section 36 of the Highways Act 1980. Their letter of application can be found at Appendix A
- 4.2 The SMBPG has submitted a copy of William Yates' map of Staffordshire dated 1798 with their application which indicates a visible feature on the map in approximately the same area as that of the current Mellow Lane. The route has been highlighted by the SMBPG. The Key ("Explanation") has also had the words "cross roads" highlighted by the SMBPG (the relevance of which will be explained in the comments section below). Yates' map can be found at Appendix C.
- 4.3 The SMBPG has supplied Smith's Map of Staffordshire dated 1817 which again shows a physical feature on the map in approximately the same area as that of the current Mellow Lane. The route has been highlighted by the SMBPG. The Key ("Explanation") has also had the words "cross roads" highlighted by the SMBPG. As mentioned, please see the comments section below for the relevance of this. A copy of Smith's map can be found at Appendix D
- 4.4 The SMBPG has provided a copy of Teesdale's map of Staffordshire dated 1831/2 in which they have highlighted a physical feature which they consider to be Mellow Lane. A copy of Teesdale's map can be found at Appendix E.
- 4.5 The SMBPG has also supplied a map of Staffordshire dated 1806 which has been noted as being John Cary's map. This again shows a physical feature which they have highlighted, in the general area that they believe to be Mellow Lane. This map can be found at Appendix F.
- 4.6 An Ordnance Surveyors drawing OSD:348 from 1836 has been provided by the SMBPG. This shows a physical feature described as "Mellow Lane" on the drawing which has been highlighted. A copy of this can be found at Appendix G.
- 4.7 The SMBPG has also submitted a copy letter from a Director for Highways and Transport at the Planning Inspectorate dated 2<sup>nd</sup> May 1997 to a representative of the British Driving Society Access Committee explaining the meaning of "cross road" in relation to old maps. A copy of this letter can be found at Appendix H.
- 4.8 The SMBPG has submitted a copy of the 1910 Finance Act field book (revised 1922), listing Mellow Lane as a public road. The excerpt states Mellow Lane as *a public road branching off highway Rd about 10 chains north of Cockintake and extending in a northerly direction to about 12 chains south of Black Brook (new name)*". A copy of the relevant page of the field book can be found at Appendix I.
- 4.9 The SMBPG has also submitted a copy of the Definitive map at the time of the application showing the route as public footpath 82 Ipstones. They have highlighted the current footpath on the map. A copy of this may be found at Appendix J

## **5 Evidence discovered by Staffordshire County Council**

- 5.1 Officers have conducted research into historical documentation at the County Council's Record Office and examined the Parish Survey Cards and draft of the Definitive map in 1954 which shows the alleged route of Mellow Lane marked as CRF(82). A copy of the relevant route on the draft Definitive Map of 1954 and Survey Cards can be found at Appendix K.

- 5.2 In May 2014 whilst collating information concerning the section 53 Wildlife and Countryside Act 1981 application, the owners of Mellow Lane Farm were identified. Officers corresponded with the owners and an initial consultation letter was sent to them advising of the application although there is no response on file. A recent search of the Land registry shows Mellow Lane to be part of two separate Land Registry titles.
- 5.3 In September 2015 enquiries were made by a firm of Solicitors acting on behalf of a couple who wished to buy a house on the route and details were provided.
- 5.4 In the course of investigations into the s53 claim statutory consultees and district and parish council were contacted. A response was received from Ipstones Parish Council on 10<sup>th</sup> November 2014. The members had no objections to the application but did not provide any evidence concerning the route. The Peak & Northern Footpath society also responded on 9<sup>th</sup> November 2014 supporting an upgrade to the route although did not provide any evidence. The Byways and Bridleways trust also supported the application to upgrade and the representative advised that he had ridden his motorcycle on the route on a number of occasions in the 1970s and 1980s.

## **6 Comments on available evidence**

- 6.1 The southern end of Mellow Lane ends at a publicly maintainable highway which appears on the County Council's list of publicly maintainable streets as such. This publicly maintained road is now known as Dog Lane. The northerly end of Mellow Lane ends on Bridleway Ipstones 85. This Bridleway links the Ashbourne Road and the Ellastone Road, Winkhill both of which are publicly maintainable.
- 6.2 The SMBPG supplied a copy of Yates's map of 1798 which depicts a physical feature on the ground which suggests the route of a highway. If this map is compared with the OS drawing of 1836 which has Mellow Lane labelled as a way, the routes do appear to follow the same line. Yates' map does not however convey what the status of the route is.
- 6.3 The key to the route on Yates' map has been highlighted as a cross roads. The significance of which is that a cross roads depicts the route's status. The SMBPG supplied a letter dated 2<sup>nd</sup> May 1997 addressed to a representative of the British Driving Society Access Committee from a Director, Highways and Transport at the Planning Inspectorate at Bristol.
- 6.4 The Director explained in his letter that a cross road in archaic English denotes "a road running across between two main roads or a by-road". The Director cited Justice Howarth's comments in the unreported case of Hollins v Oldham when considering an old map. In consideration of Burdett's Map of Cheshire 1777 Mr Justice Howarth noted that Burdett had identified two types of road in a key to the map. These roads were "turnpike roads..... and secondly other types of roads which may be called cross roads". Justice Howarth concluded that a cross road "it seems to me, must mean a public road in respect of which no toll was payable". The Director went on to explain that at inquiries into definitive map orders, maps showing cross roads may be produced as historical evidence that public rights have existed over the order route. The Director did however go on to explain that each case must be decided on its merits.
- 6.5 In light of the Director's letter therefore, the route shown in Yates' map does suggest Mellow Lane to be a public highway which existed before the 1835 Highway's Act.
- 6.6 With regard to Smiths map of 1817, this again depicts a physical feature in the same area as that of Yates map, which when compared to the OS map 19 years later is identified as Mellow Lane. A key has been provided which again shows the depicted way on the map as a cross roads. With regard to the route's status, is it unclear



whether it is public or not, but note must again be taken of the Director's explanation in relation to Yates' map.

- 6.7 John Cary's map of 1806 and Teesdale's map of 1831/2 both show a physical route in the same approximate area as that of Mellow Lane although the scale is very small. Such small scale maps do however suggest that only carriage roads and those with higher rights would be shown. It is unclear as to whether the route on either map could be considered a cross road as there is no key with either map, but the routes follow a similar line to that of Smith and Yates' maps and are contemporaneous in terms of dates. The fact that they appear on the maps prior to 1835 suggest that they were public roads, were in existence prior to the 1835 Act.
- 6.8 In relation to their value as evidence, it must be recognised that during the 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup> centuries there were several maps drawn up by private individuals. These maps are often known by the name of the person who was responsible for drawing or surveying them. The primary purpose for the mapmaker may have been monetary in that they could sell copies to interested parties. Individually therefore they do not carry much legal and evidential weight. Furthermore, mapmakers often plagiarised each other's work.
- 6.9 The Ordnance Survey drawing of 1836 shows a physical feature on the ground which identifies Mellow Lane. It cannot however be considered to be evidence as to the status of the route and therefore whether it was a public or private right of way. The map however is further confirmation that the route was in existence in 1835.
- 6.10 The SMBPG provided as evidence a revised 1910 Finance Act Name Book. This revision was dated 1922. There is a descriptive remark referring specifically to Mellow Lane as being "*a public road*" although there is no associated map provided with the Name Book.
- 6.11 The relevance of the 1910 Finance Act is that District valuation offices required the completing of a national survey of land on behalf of the Inland Revenue so that incremental value duty could be levied when ownership of land was transferred. In this case, Mellow Lane is identified and described as being a public road. Such land could be excluded from payment of taxes on the grounds that it was a public highway.
- 6.12 Claims for deductions were investigated by the valuers to ensure that these were valid. The legislation set out that it was an offence to make a false claim under the Act and was punishable by a fine and up to 6 months imprisonment. Given this consideration it would have been most unlikely that a landowner would have made a claim unless it was well founded. This document is therefore good evidence that in 1922 the route was still known to be in existence and continued to be considered as a public road.
- 6.13 The Parish Survey cards were studied in order to assist in the understanding as to how the route was established as a footpath and also whether there was any further information that could be gleaned. At the time of the drafting of the first definitive map in 1954, both Mellow Lane and Ipstones 85 were known as cart roads which were predominantly used as footpaths.
- 6.14 They show that at the time of the survey, Mellow Lane was listed as CRF 82 on the draft Definitive map. The relevant Parish Card which can be found at Appendix K explained that the route was public due to "*common usage by public for more than 30 years without objection*". Mellow Lane starts at the Ipstones Edge – Casey Head Road (now known as Dog Lane) and joins up with Newbarn Lane being CRF No 85 (now known as Bridleway 85). The fact that the route is on the Definitive Map shows the route is recognised legally to be in existence and still has public rights.
- 6.15 Additionally, it appears that part of Mellow Lane is listed in the National Street Gazetteer as a private route. This however is immaterial because one of the

characteristics of real property law is that several interests can exist in the same piece of land at the same time. Consequently, a public right of way can be established over privately owned land. This however has no bearing on the application either for or against the claim.

## **7 Summary**

- 7.1 The evidence from the various map providers give an indication to the fact that there has been a highway known as Mellow Lane between Dog Lane and PF85 Ipstones most likely since the early C17.
- 7.2 Yates Map of 1798 and Smith's Map of 1817 show the route as a cross road. The route is shown on the plans and if we rely on Justice Howarth's comments this carriage way would be available to the public. These plans therefore support the fact that Mellow Lane was an "ancient highway" which was maintainable at public expense prior to 31<sup>st</sup> August 1835. This would fulfil the criterion of Section 36(5) of the Highways Act 1980 that a public highway in existence prior to 31<sup>st</sup> August 1835 would be a highway maintainable at the public expense.
- 7.3 The maps provided by John Cary and Teesdale also show there to be a route along Mellow Lane although do not provide the same weight of evidence as to whether the routes shown were public or not. If however the Yates and Smith maps are accepted then these plans show further evidence that the route was of a public nature and in existence prior to 1835.
- 7.3 The Finance Book provides evidence that the route has been recognised as a public road some 87 years after the Highways Act 1835 and more recently the Parish Survey cards also show that there is a public way albeit currently shown as a public footpath on the Definitive Map.
- 7.4 In the case of the Attorney General -v- Watford Rural District Council [1912] 1 Ch 417, Lord Justice Parker stated that once a way is proven to be a public highway the burden of proof lies upon the Highway Authority to prove that it is not publicly maintainable rather than another party having to prove that it is.
- 7.5 If it is accepted that Mellow Lane was part of a cross roads between the main Leek to Ashbourne Road and the Ipstones Edge/Casey Head Road since the middle ages which was in existence prior to 31<sup>st</sup> August 1835 and used by the public then, in the absence of evidence to contrary, it would be reasonable to assume that the route was used by the types of vehicular traffic in use at that time, namely, horse drawn vehicles and is now maintainable at public expense.

## **8 Conclusion**

- 8.1 County Council officers consider that the evidence proves that the route is a public highway, which existed before 1835. Consequently, the route should be added to the list of publicly maintainable highways kept by the Director of Economy, Infrastructure and Skills.

## **9 Recommendation**

- 9.1 It is for the County Solicitor to consider all of the relevant evidence available but, on the basis of the evidence, County Council officers consider that the following recommendations can be made:-
  - (a) That the route marked "A to B" shown on the map attached as Appendix B to this report be added to the list of publicly maintainable highways kept by the Director for Economy, Infrastructure and Skills.

- (b) That in response to the application made under Section 36 of the Highways Act 1980, the SMBPG be informed that the route referred to in paragraph (a) above is a highway, that it should be shown on the list of publicly maintainable highways.

---

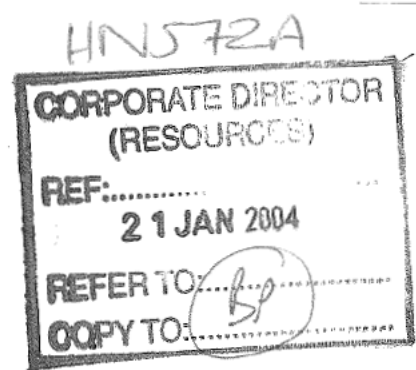
Report Author: Stephanie Clarkson  
Contact number: 01785 276292  
File reference: 023965

## List of Appendices

Appendix A	Copy letter from Staffordshire Moorlands Bridleway Preservation Group dated 15 <sup>th</sup> January 2004
Appendix B	Copy map of the highway alleged to be maintainable at the public expense
Appendix C	A copy of William Yates' map of Staffordshire dated 1798
Appendix D	A copy of Smith's Map of Staffordshire dated 1817
Appendix E	A copy of Teesdale's map of Staffordshire dated 1831/2
Appendix F	A copy of John Cary's map of Staffordshire dated 1806
Appendix G	A copy of Ordnance Surveyors drawing OSD:348 from 1836
Appendix H	A copy letter from a Director, Highways and Transport of the Planning Inspectorate dated 2 <sup>nd</sup> May 1997 to a representative of the British Driving Society Access Committee
Appendix I	A copy of 1910 Finance Act field book (revised 1922)
Appendix J	A copy of the Definitive map at the time of the application showing the route as public footpath 82 Ipstones.
Appendix K	Parish Survey Cards and draft of the Definitive map in 1954

# Appendix A

Application



**STAFFORDSHIRE MOORLANDS BRIDLEWAYS PRESERVATION GROUP**

15 January 2004

The Corporate Director of Resources  
Staffordshire County Council  
Martin Street  
Stafford  
ST16

Dear Sir

**MELLOW LANE, FP82, IPSTONES PARISH**

Please find enclosed an Ancient Highway Claim in respect of the above, as we have evidence to suggest that the way is a vehicular road.

Enclosed are copies of the following old maps.

Ordnance surveyors drawing OSD348 ser. 317 showing the name Mellow Lane.

Wm. Yates map of Staffordshire dated 1817 depicting Mellow Lane as a 'cross road'.

Smith's map of Staffordshire dated 1817 depicting Mellow Lane as a 'cross road'.

A section of Teesdales map of Staffordshire dated 1831/2 clearly showing the way.

A small scale map of Staffordshire by John Cary dated 1806.

A copy of Greenwoods map of Staffordshire could not be made, but is available in the Wm. Salt Library.

Also submitted is a name book connected with the 1910 Finance Act obtained by Kew Research from the Public Record Office, showing Mellow Lane as a public road.

A copy of a letter from the Planning Inspectorate explaining the meaning of 'cross road' when referring to old maps.

We would ask that this information is considered, and if satisfactory, should be added to the List of Streets maintainable at public expense as a 'Byway open to all traffic'.

2

We would like to draw the County Council's attention to the fact the Mellow Lane Farm is advertised 'for sale'. We would like to think that anyone carrying out a rights of way search would be informed of our application.

We look forward to hearing from you by return.

Yours sincerely



Secretary  
Staffordshire Moorlands  
Bridleways

# Appendix B

Map of claimed publicly maintained highway



Section 53

**Public Rights of Way  
Legal Orders**

may alter the  
course of a right  
of way shown  
on the Definitive  
Map

Parishes



# APPENDIX B

© Crown Copyright and database rights 2020.  
Ordnance Survey 100031282.  
2000 Aerial Photography by UKPerspectives.com.  
License Number UKP/048/SCC.  
2010 Aerial photography copyright Getmapping (2006-10).  
You are not permitted to copy, sub-license, distribute  
or sell any form of this data to third parties in any form.  
Produced by Staffordshire County Council 02/09/2020.

Ordnance Survey data © Crown copyright and database right 2020.  
Ordnance Survey data © Crown copyright and database right 2020. OS  
100030994.

# Appendix C

Yates' map 1798



EXPLANATION

- Market Towns in Capitals as ..... LEEK
- Parishes in Print ..... Endon
- Villages, Farm Houses &c. ....
- Parks of the Nobility and Gentry .....
- Gentlemen's Houses .....
- Heaths .....
- Woods .....
- Great Roads .....
- Croft Roads** .....
- Rivers .....
- Canals .....
- Forges and Water Mills .....

FROM COUNTY RECORD OFFICE.

THE COUNTY OF STAFFORD,

from the  
Red Map in Six Sheets

by W. YATES;

at a Scale of Two Miles to an Inch.

LONDON.

W. Eaden, Geographer to His Majesty,  
to H.R.H. the Prince of Wales.

— Changing Cross —  
Page 53  
No. 1798.





# Appendix D

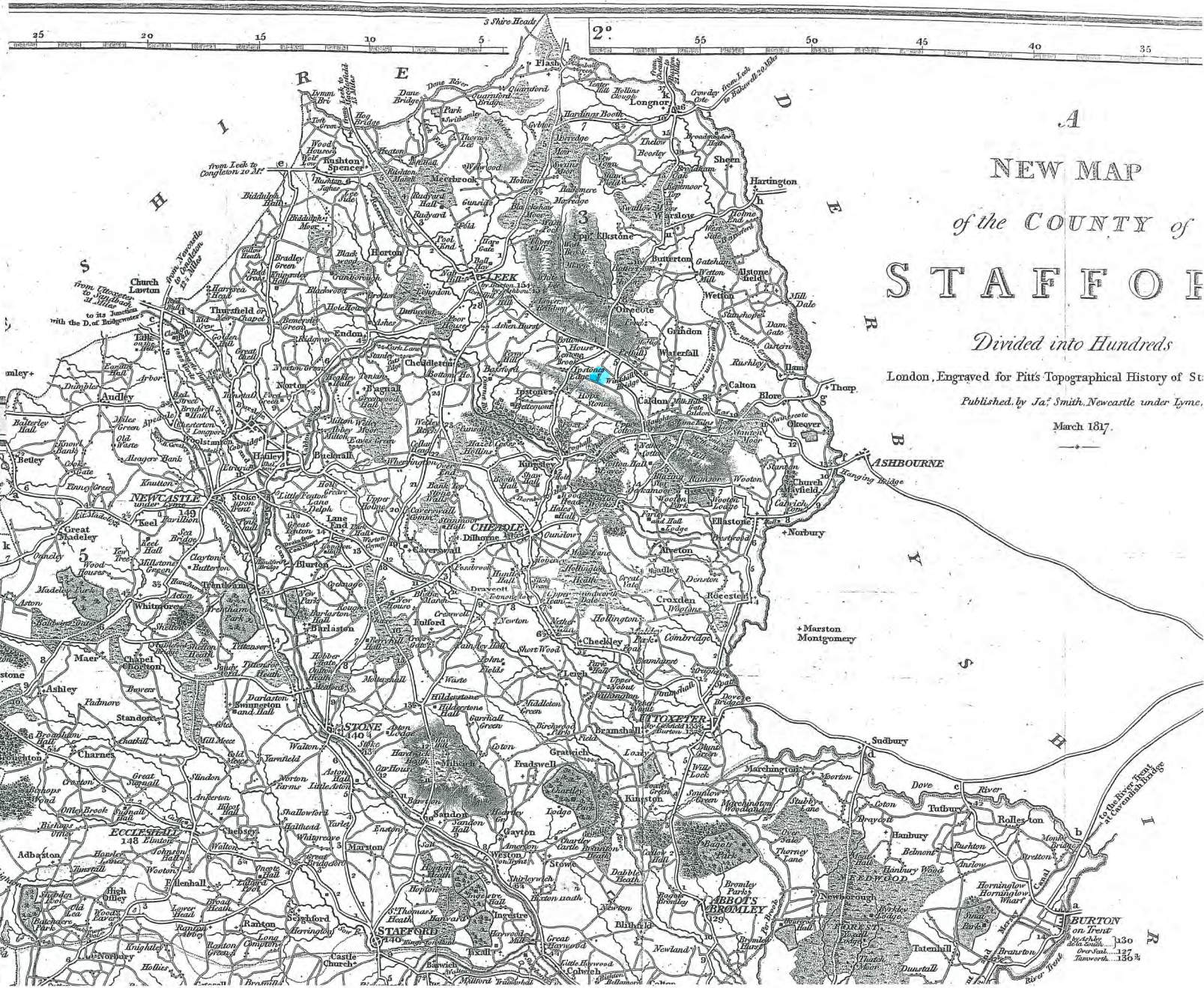
Smith's map 1817



SMITH'S MAP of 1817  
 COUNTY RECORD OFFICE

**EXPLANATION**

- Market Towns with the Distance from } **NEWCASTLE**  
 London in measured Miles as ----- } 149
- Churches and Chapels -----
- Turnpike Roads ----- *Mail Road*
- Gross Roads -----
- Parks and Gentlemen's Houses -----
- Navigable Canals -----
- Rivers -----
- N.B.* The figures on the Turnpike Roads express  
 the distance in measured Miles between one  
 Market Town and another.



**NEW MAP**  
 of the COUNTY of  
**STAFFORD**

*Divided into Hundreds*  
 London, Engraved for Pitt's Topographical History of St.  
 Published by Jas. Smith, Newcastle under Lyme.  
 March 1817.

Page 55



# Appendix E

Teesdale's map 1831







# Appendix F

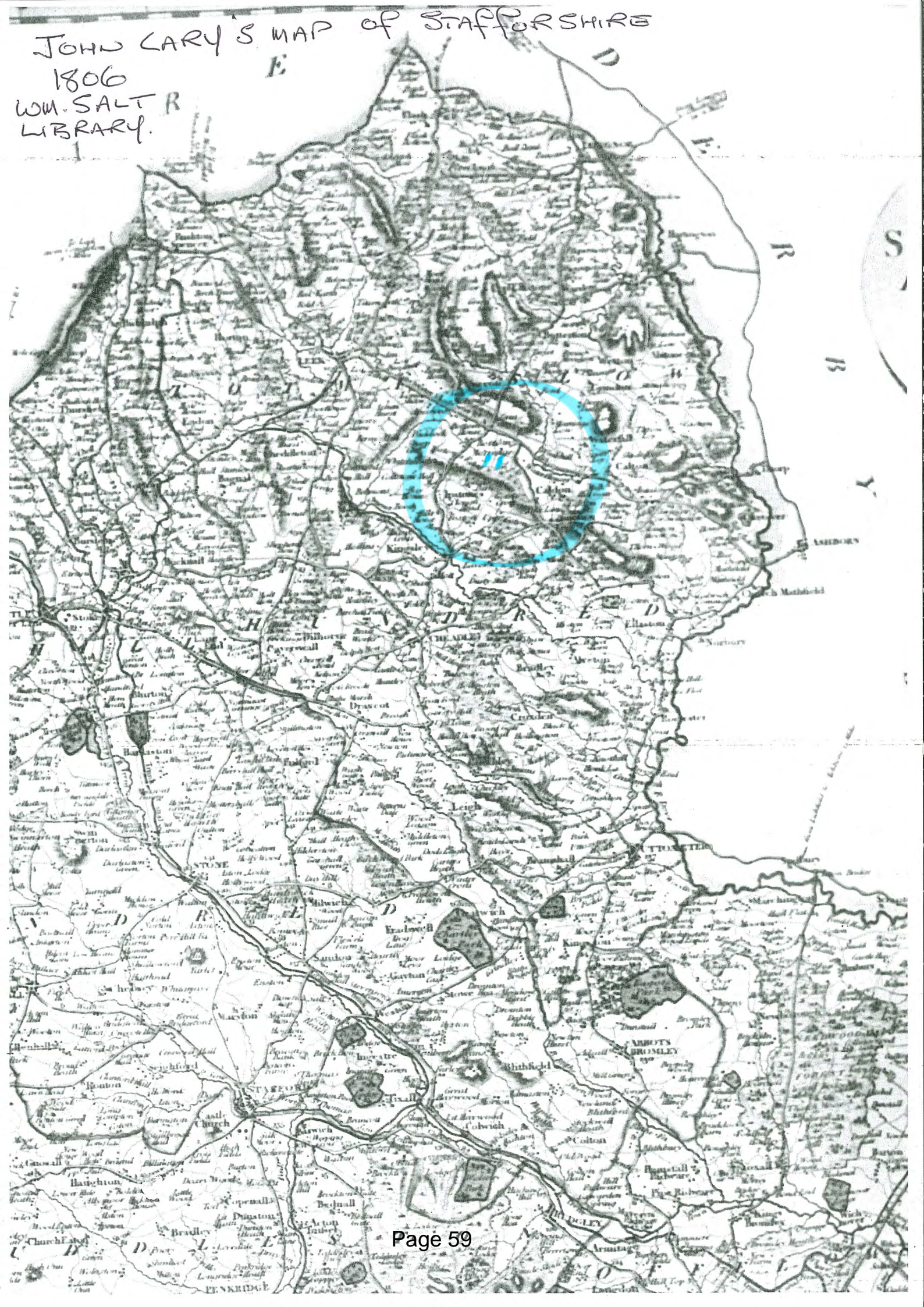
John Carey's map 1806



# JOHN CARY'S MAP OF STAFFORDSHIRE

1806

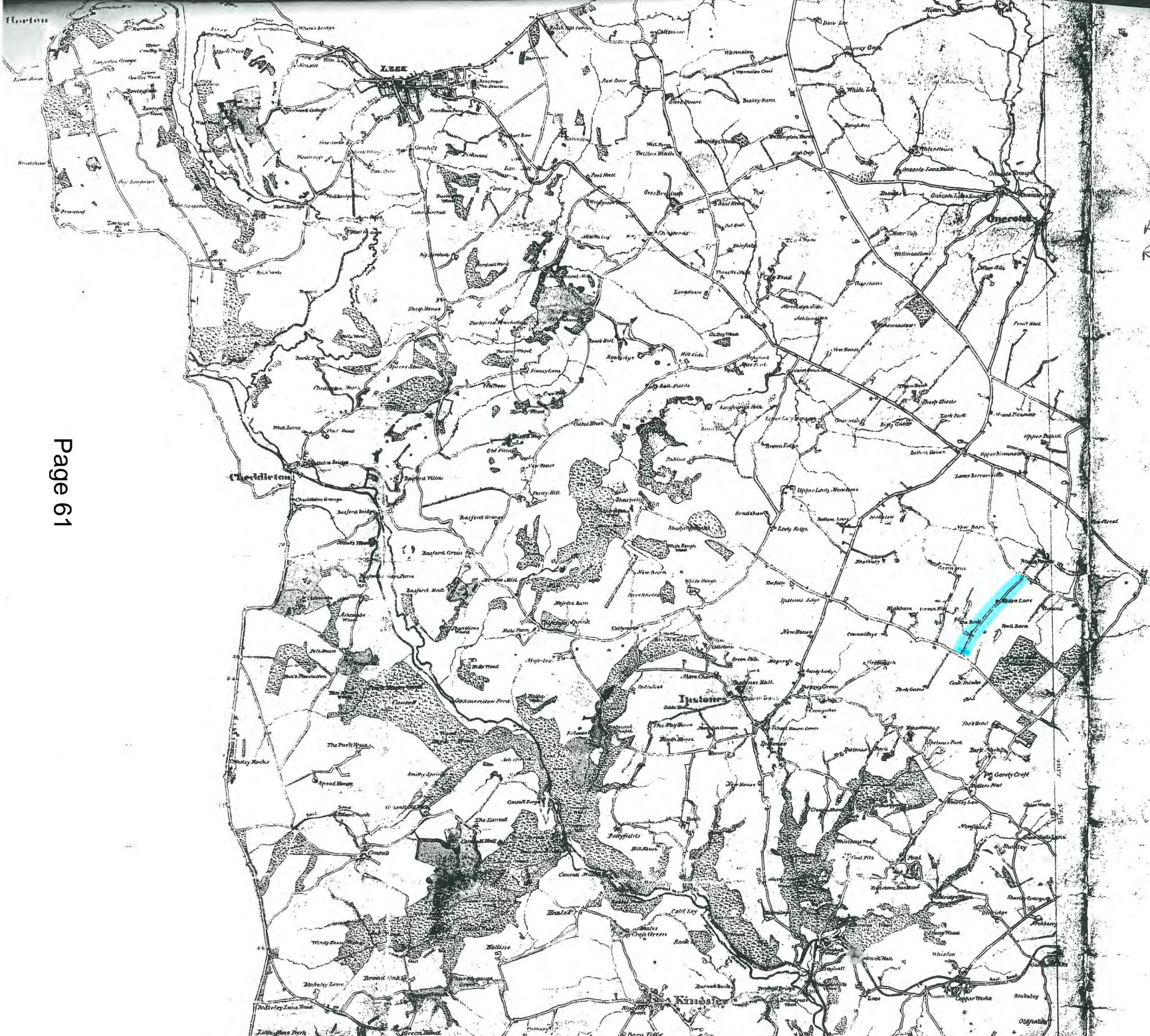
W.M. SALT R  
LIBRARY.





# Appendix G

Ordnance Survey map 1836



ORDNANCE SURVEYORS  
DRAWING.  
OSD. 348 SER. 317.  
1836.

AVAILABLE IN COUNTY  
ROAD OFFICE.

# Appendix H

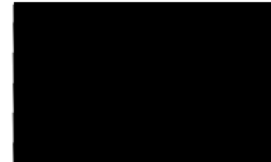
Letter Re: Cross roads





Room 1502C  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line  
Switchboard  
Fax No  
GTN



[Redacted]  
British Driving Society -  
Access Committee  
[Redacted]  
West Yorkshire  
[Redacted]

Your Ref:

Our Ref: R12

Date: 2 May 1997

Dear [Redacted]

At the User Group Meeting on 19 March 1997, I undertook to draw the question of the meaning of 'cross road' to Inspectors undertaking Rights of Way inquiries.

I have now done so, in the following terms:

**DEFINITION OF 'CROSS ROAD'**

In modern usage the term 'crossroad' or 'crossroads' is generally taken to mean the point where two roads cross each other. There is however an archaic meaning of 'cross road', denoting a road running across between two main roads, or a by-road. Old maps showing such ways may be produced as evidence in definitive map order cases that public rights exist.

The meaning of 'cross road' in this context was considered by Mr Justice Howarth in his unreported judgement in the case of *Hollins -v- Oldham*. In considering in evidence an old map, *Burdett's Map of Cheshire 1777*, Mr Justice Howarth found that:

" ... Burdett's Map of 1777 identifies two types of roads in the key: first turnpike roads, that is to say roads which could only be used upon payment of a toll and, secondly, other types of roads which may be called cross roads. That does not mean a place where two roads cross ... but a road called a cross road. This latter category, it seems to me, must mean a public road in respect of which no toll was payable."

At inquiries into definitive map orders, maps showing cross roads may be produced as historical evidence that public rights have existed over the order route. Each case must be decided on its merits, but where the meaning of the term 'cross road' is at issue, Inspectors should bear in mind the above judgement when reaching their conclusions.

I do hope that this will satisfy your concerns.

Yours sincerely



Director, Highways and Transport

29 April 1997

cc



*Cross Roads*

# Appendix I

Cover of Finance Act Name Book

Finance Act Name Book



OS35/6454

NAME BOOK  
REVISED 1922

Containing Plans:-

13 N.E. 3, 4, 7, & 8

STAFFORDSHIRE



No change on this page  
 27th Sept. 1922  
 11th Sept 1922.

Map of Ipstones Sheet XIII. 8. N.E.

Names revised Sept. 1922

Names collected & entered by Madeline Ghan in March 1898.

List of Names as written on the Plan	Various modes of Spelling the same Name	XIII. 8. 1 Spelling	Sheet	Pl	Tre	Descriptive Remarks, or other General Observations which may be considered of Interest
Butcher's Tenement (St.)	Butcher's Tenement.	Mr. J. Barks. Occupier Mr. J. Birch. Mellow Lane Farm Mr. J. Bowler. Cadlow.	XIII	8	1	A farm. Shedding situated about six chains east of Knotbury & north-west of Greenhills The property of Mr. W. Salt. Middleton Park Alkington Park or Dirty. new name.
<u>Mellow Lane</u> (St.)	Mellow Lane.	as above.	XIII	8	2.315	A public road branching off highway R. about 10 chains north of Knotbury & extending in a northerly direction to about 12 chains south of Black Brook. new name
Parkgate. (St.)	Parkgate.	Mr. J. W. Clows. Occupier Mr. C. Massey. Cockintake. Mr. J. Barks. Hallbarn.	XIII	8	4	A cottage tenement situated on the north side of Ipstones Park & about a quarter of a mile south of Cadlow. The property of Mr. Benson. Big Birch. N. Leek. new name



# Appendix J

Copy of Definitive map







# Appendix K

Parish Card 82

Parish Card 82 narrative

Definitive map draft 1954 showing CRF82



21/10/51

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

Staffordshire County Council : Survey of Rights of Way

LOCAL AUTHORITY :

Cheddle R.D.

PATH No., as on map :

82. ✓

PARISH :

Ipstones

PATH SYMBOL, as on map :

CR.F

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

Path starts at : Near badlow.

Ipstones Edge - basey Head Rd.

Path finishes at :

Jones C.R.F No. 85

6" quarter Ordnance Sheet No. :

XIII. N.E.

Names and addresses of persons making the survey :

Survey started on 10<sup>th</sup> Sept 1950

Survey finished on 28<sup>th</sup> Aug. 1952.

R blowes.

Sandycroft, Ipstones.

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

Common Usage by Public for more than 30 yrs without objection.



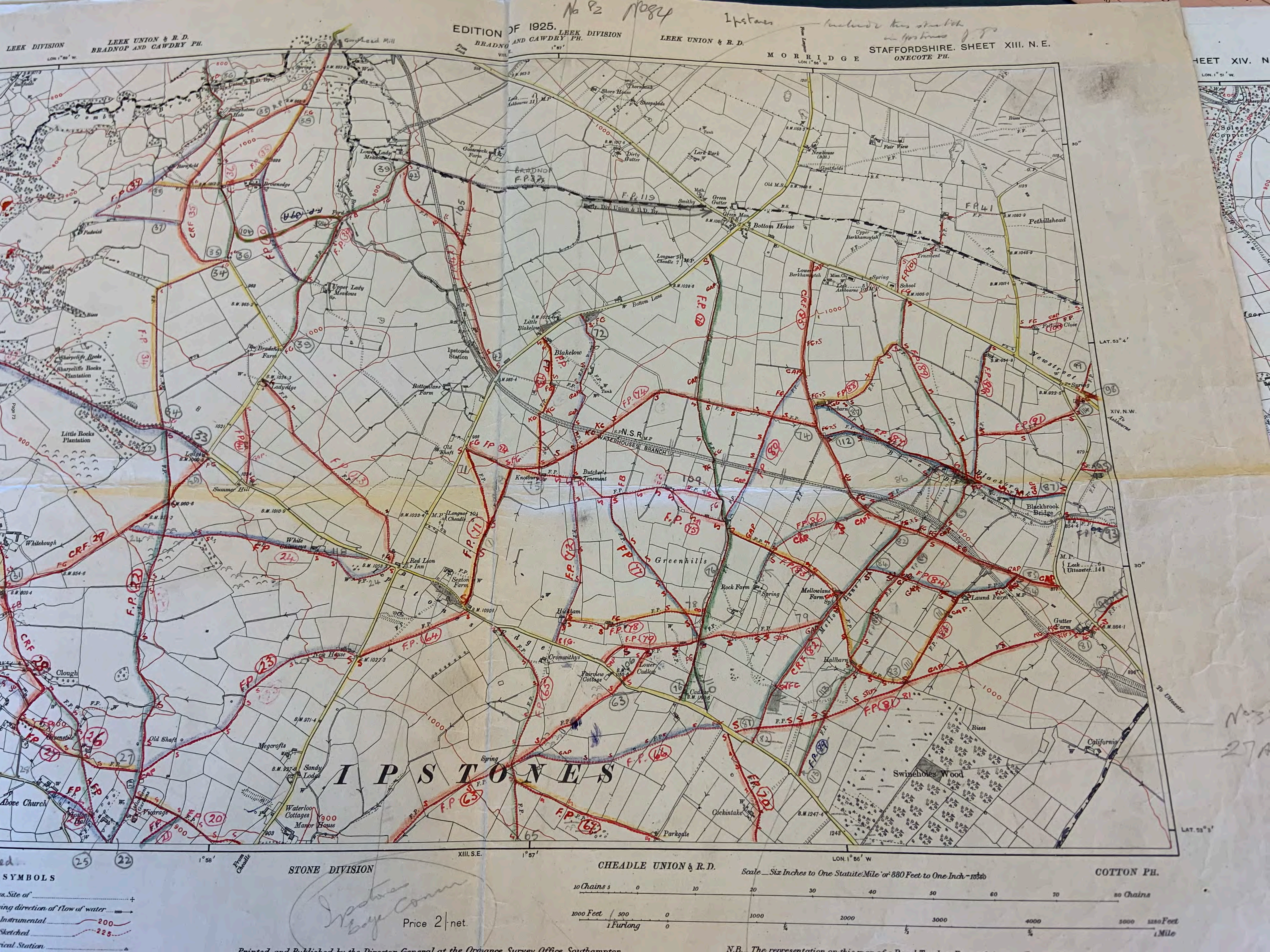
Date of last walking  
riding the path : 21/10/51

Description of route :

C.R.F. to Newbarn & Lower Beekhampton.  
Starts from the Istones Edge - basey Head road some 500 yds  
East of Cadlow on North side of road - S.S. & F.G. and cart track  
over rough common land to second S.S. & F.G. leading into  
Mellow Lane. This continues past Mellow Lane Farm and joins  
up with Newbarn lane being C.R.F. No 85.  
Road very rough and little used for vehicular traffic, except  
by local farmers. No obstruction  
This road is known locally as Mellow Lane.

Date of last walking  
riding the path : 17/5/52.





EDITION OF 1925. LEEK DIVISION  
BRADNO AND CAWDREY PH. LEEK UNION & R. D. MORRIDGE STAFFORDSHIRE. SHEET XIII. N. E.  
ONECOTE PH.

No 2 1084

Ipsstones

includes this sketch  
in 1925

SHEET XIV. N.

# IPSTONES

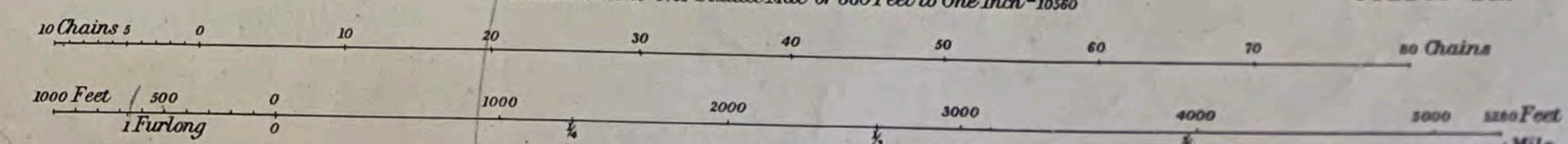
- SYMBOLS**
- Site of
  - direction of flow of water
  - Instrumental
  - Sketched
  - ical Station

STONE DIVISION

CHEADLE UNION & R. D.

COTTON PH.

Scale Six Inches to One Statute Mile or 880 Feet to One Inch - 10860



*Ipsstones  
Boys' Corner*

Price 2 net.



## **Index to Addendum to Report**

	Page
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Comments received from Byways and Bridleways Trust	4
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# Addendum to Report

## Comments provided by a representative of the British Horse Society

To: Stephanie Clarkson, Legal Officer

Date: 11/11/2022

## S36 Application for publicly maintainable highway, Ipstones, Staffordshire Moorlands

Dear Stephanie

Thank you for your email. In addition to the evidence referred to in the application, the Parish Survey records clearly identify footpath Ipstones 82 as a former RUPP, therefore it is arguable that the route has higher rights than that of a footpath. At the time of the production of the first Definitive Map and Statement in Staffordshire, three categories of public rights of way could be recorded, public footpath, public bridleway and road used as a public path (RUPP).

# Gateway to the Past

Staffordshire & Stoke-on-Trent's Cultural Heritage

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Click on Search Results above to return to your hitlist of search results. Alternatively, use the First, Previous, Next and Last buttons to navigate through your search results.

Click on the underlined text inside the grey boxes to open the collection hierarchy and browse the catalogue of the collection. Please use the **Doc Ref No** to order documents.

- [AB01 - Records of Staffordshire County Council](#)
  - [9 - Planning and Development](#)
    - [4 - Surveys: land use, rights of way](#)
      - [8 - Surveys of Rights of Way](#)
        - [1 - Parish rights of way survey files](#)

Located At	Staffordshire Record Office
Level	Item
Alt Ref No	C/P/138/99
Title	<a href="#">Ipstones: parish rights of way survey</a>
Date	Jun 1950-Jun 1958
Description	Includes: OS map sheets: 13SE, 13SW, 13NE,13NW and 14NW

82. Road used as public path from county road about 250 yards north of Cockintake, to road used as Public Path 85 about 400 yards northeast of Mellowlane Farm (known as Mellow Lane) (description of route). Map reference: 13NE

Also, please note that a DMMO application under s.53 HA1980 was submitted to SCC and accepted on 21/08/2014 reference 008636 for Restricted Byway. Prior to reclassification (former RUPP) the route conclusively carried at least bridleway rights and thus only limited new evidence of higher



rights will be necessary to enable a DMMO, to give effect to this application, to be made and confirmed.

The British Horse Society supports the case for higher rights to be recorded on this route although from the road Dog Lane, Ipstones Edge SK 04160 50629.

Kind regards

---

Access Field Officer West and East Midlands

**The British Horse Society**



**Comments provided by a representative of the Ramblers Association**

**To:** Stephanie Clarkson, Legal Officer

**Date** 11/11/2022

**S36 Application for publicly maintainable highway, Ipstones, Staffordshire Moorlands**

---

Hi Stephanie

Regarding public Ipstones footpath 82 to be upgraded and maintained by the highway authority.

I have no evidence for or against the proposal as long as it will only be used by ramblers and horse riders.

Thank you.



**Comments provided by a representative of the Byways and  
Bridleways Trust**

To: Stephanie Clarkson, Legal Officer

Date 15/11/2022

**S36 Application for publicly maintainable highway, Ipstones,  
Staffordshire Moorlands**

---

Dear Ms. Clarkson,

re: Mellow Lane, Ipstones

Thank you for your letter of the 11th instant, with its enclosure.

Clearly, in view of my previous comments in respect of Mr. Smith's s.53 application, I fully support the present s.36 application.

At the risk of repeating myself ad nauseam, this is yet another example of the failure of the Council fully to consider any evidence when this CRF was wrongly reclassified as a mere FP.

Kind regards,



**Comments received from the North Staffordshire Bridleways Association**

**To:** Stephanie Clarkson, Legal Officer

**Date:** 16<sup>th</sup> November 2022

**S36 Application for publicly maintainable highway, Ipstones, Staffordshire Moorlands**

---

Dear M/s Clarkson, Thankyou for your notification to N. Staffs. Bridleways Assoc.

We would definitely hope that the route WILL be added to the list of streets so that it can be legally used by horse traffic. While we hold copies of the several County maps shown in your Report, we would have no extra 'evidence' to submit as the route is more within the area of operations of the Staffs. Moorlands Bridleways Protection Group. We note that the Report mentions them.

We really appreciate being kept informed of such matters in and around 'our' area.

Yours sincerely

█ NSBA Research Officer.



**Comments received from a representative of Staffordshire Moorlands Bridleway Group**

**To:** Stephanie Clarkson, Legal Officer

**Date:** 28th November 2022

**S36 Application for publicly maintainable highway, Ipstones, Staffordshire Moorlands**

---

Hello Stephanie

Thank you for your report. Staffordshire Moorlands Bridleways Group have nothing further to add to this.

As you are aware, SMBG submitted a s.53 application in May 2014 to have this route upgraded to a restricted byway. PINS directed that this application should be dealt with by 31 March 2019 but nothing has been done. I would ask that this application is dealt with as soon as possible, and that your findings in your s.36 report be included as evidence.

Kind regards

Rights of Way Officer  
Staffordshire Moorlands Bridleways Group



## **Evidence Provided by Solicitors to Landowner 1**

**To:** Stephanie Clarkson, Legal Officer

**Date:** 7<sup>th</sup> December 2022

**S36 Application for publicly maintainable highway, Ipstones,  
Staffordshire Moorlands**

---

Dear Sirs,

Please find correspondence attached.

Yours faithfully,

Natasha Thomas

Solicitor

A.H Brooks & Co



Our Ref: NT/KLJ/FRI013/003  
Your Ref: 023965

Staffordshire Legal Services  
Staffordshire County Council  
1 Staffordshire Place  
Tipping Street  
Stafford  
ST16 2DH

LEEK  
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Derby Street  
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ST13 6JG

Tel: 01538 383201  
Fax: 01538 387074

CHEADLE  
Central Buildings  
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Stoke-on-Trent  
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ST10 1AR

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Email: [lawyers@ahbrooks.co.uk](mailto:lawyers@ahbrooks.co.uk)  
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And by e-mail to:  
[legal.services@staffordshire.gov.uk](mailto:legal.services@staffordshire.gov.uk)  
[stephanie.clarkson@staffordshire.gov.uk](mailto:stephanie.clarkson@staffordshire.gov.uk)

7 December 2022

Dear Sirs,

**Re: s36 Alleged Publicly Maintainable Highway along FP82, Mellow Lane, Ipstones**

We have been instructed on behalf of [REDACTED] to reply to your letter dated 9 November 2022 in respect of the above.

[REDACTED] would like to make the following information known, to be considered by the County Solicitor.

A copy of the Land Registry plans showing our clients ownership are attached having Title Numbers SF659757, SF279746, SF313717, SF271937 and SF536712.

The route proposed to be adopted, running from points A to B, is land owned by our client which spans the length of the property known as Mellow Lane Farm.

At the time of our client and her late husband's purchase of the property in 2015, her solicitors made enquiries to Staffordshire County Council as to the upgrading of the Mellow Lane footpath. In a reply received on 14 September 2015 (attached) her solicitors were advised that the application was to upgrade the current footpath to a restricted byway.

They were advised that this would allow pedestrians, riders on horseback or leading a horse and none mechanically propelled vehicles and further that no other vehicle would be permitted as to do so would be an offence under the Road Traffic Act 1988.

Having now received the report produced and sent to her on 9 November 2022, our clients principal concern is that the Application in question refers to the route being a vehicular road



and actually applies to have the route maintained at the public expense and to be a 'Byway open to all traffic'.

Our client recalls being advised that a previous owner, in around the 1970-80's had problems with motorbikes using the area and that a restriction was put in place or confirmed to prevent this. We would be grateful for confirmation as to whether it was on this basis that the Council provided the information that it did in the e-mail dated 14 September 2015, i.e. that it would be a restricted byway. If not, we would be grateful for further information in this regard. We would also be grateful if to receive copies of or information pertaining to any such restriction, as our client is not in receipt of any.

Our client's objections to the adoption of the proposed route and concerns regarding it are as follows:

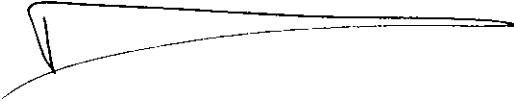
- That providing an adopted highway, being a byway open to all traffic, would allow motor vehicles to access her property using her driveway. This would be both a nuisance and would cause her safety concerns, especially as she lives alone.
- Furthermore, allowing access to her property via motor vehicle would put her livestock at risk who reside in the fields either side of the lane and require access to a water source located in one of the fields.
- That she has livestock grazing on the lane and is concerned that giving access to road users other than pedestrians, risks the gates not being closed and the livestock escaping. This is currently not a problem as the footpath gates are spring loaded.
- That allowing vehicles to use the route could result in vehicles inappropriately using the area for parking to access local footpaths, which would obstruct access to her property.
- That the proposals would permit a throughfare by the public to access an area which only requires residents access, to the detriment of residents who need to access Mellow Lane.
- That parts of the route are not suitable for use by motor vehicle and that as a safety concern, there are no safe passing places.
- Even if the land were to be adopted and used as a restricted byway, that at the end where it would connect it to the bridleway (Ipstones 85), there is no sufficient access for a vehicle. However, there is a concern that vehicles would mistakenly access the area in any event, causing further access issues.
- That Ipstones 85 is already connected to other adopted highways and therefore no detriment should be caused if the application was rejected. Ipstones 82 is currently designated as a footpath, appropriately so, in our clients view (see maps attached).



Our client would be grateful to receive your response along with confirmation as to the proposed type of highway; whether a restricted byway or one permitted to be accessed by all vehicles, as the information provided has been contradictory.

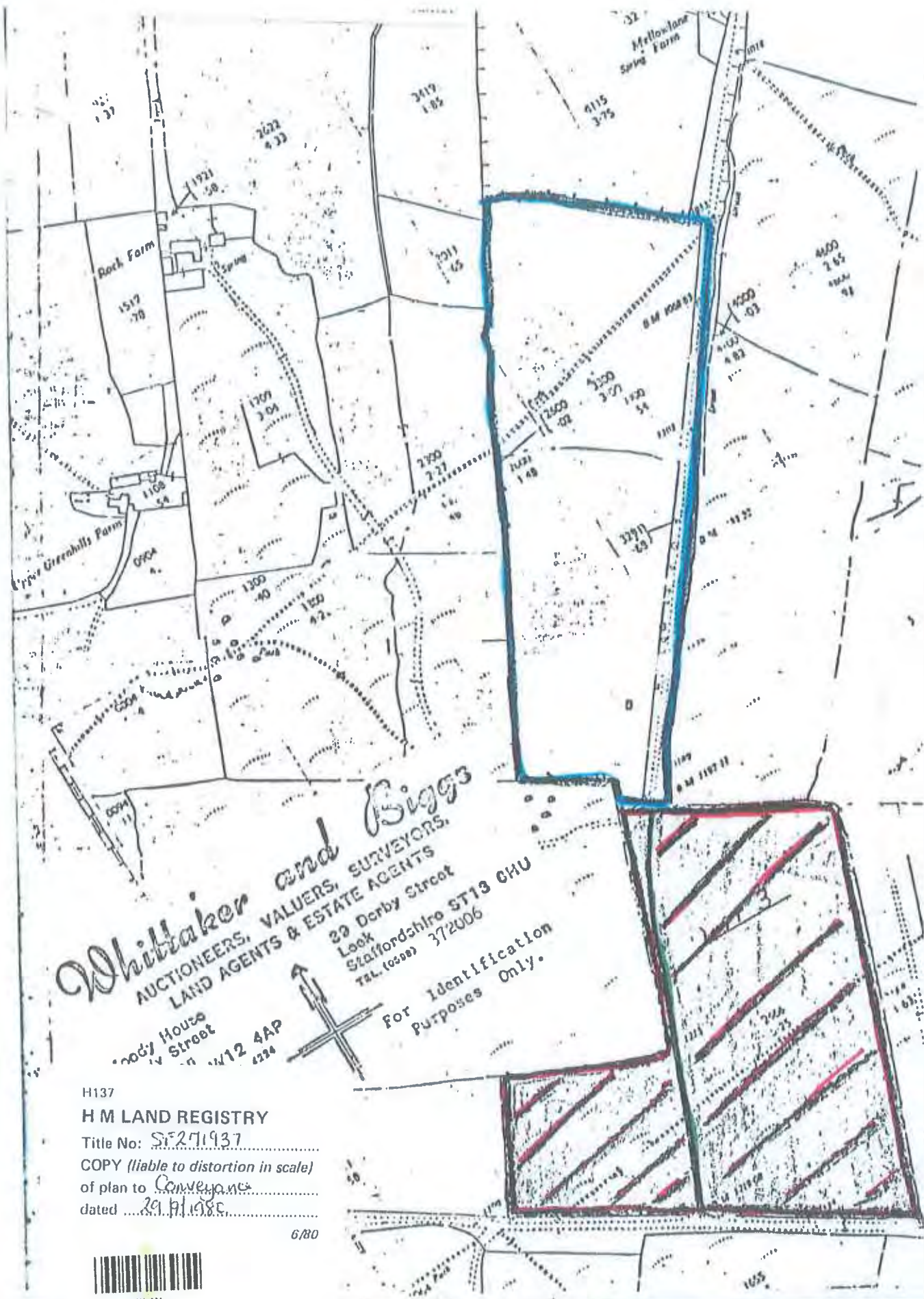
Should the route be adopted in any way, which our client is not in favour of, as part of any further consultation process she would be grateful for proposals for suitable signage.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Natasha Thomas', written over a horizontal line.

NATASHA THOMAS  
Solicitor  
A.H Brooks & Co  
[natashathomas@ahbrooks.co.uk](mailto:natashathomas@ahbrooks.co.uk)





**Whittaker and Biggs**  
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 29 Derby Street  
 Leek  
 Staffordshire ST13 6HU  
 Tel. (0506) 372006

For Identification  
 Purposes Only.

H137  
 HM LAND REGISTRY  
 Title No: SF271937  
 COPY (liable to distortion in scale)  
 of plan to Conveyance  
 dated 29.11.88

6/80



PLAN



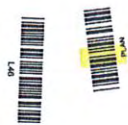
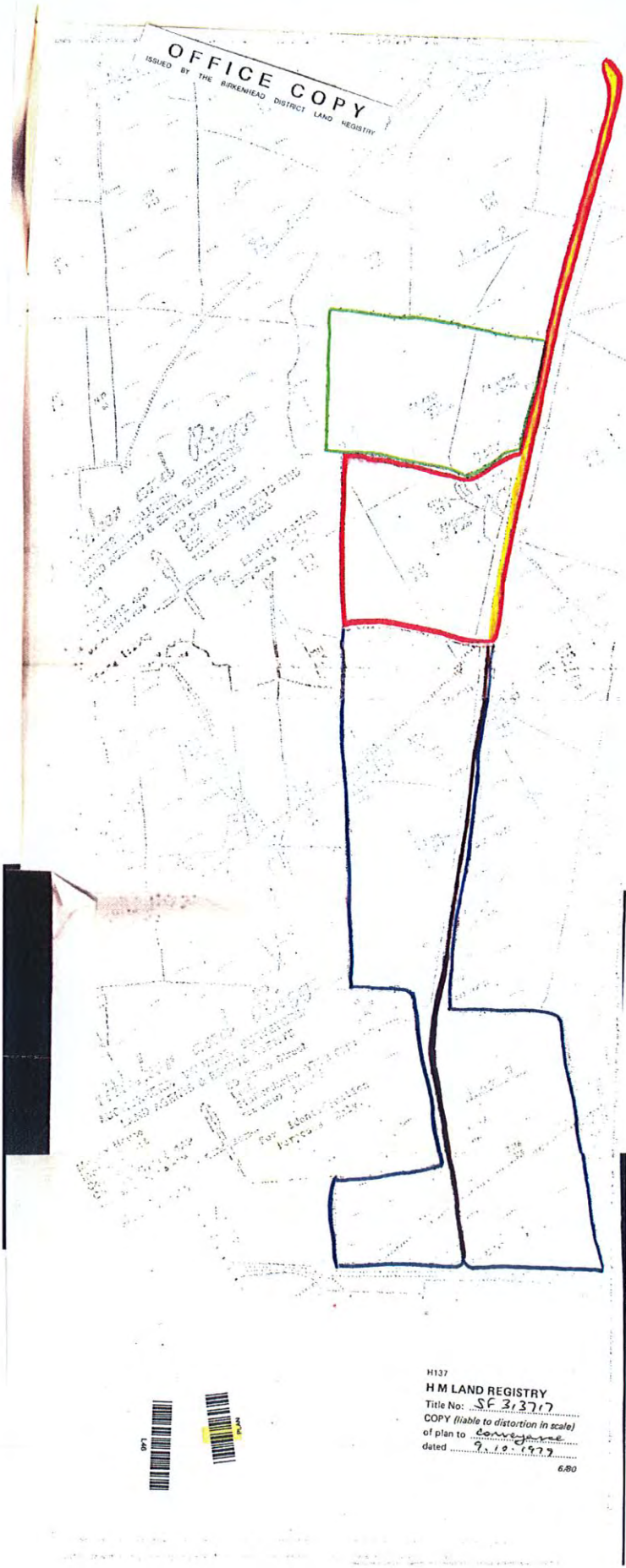
SEQ128

**OFFICE COPY**

ISSUED BY THE BIRKENHEAD DISTRICT LAND REGISTRY



OFFICE COPY  
ISSUED BY THE BIRKENHEAD DISTRICT LAND REGISTRY



H137  
H M LAND REGISTRY  
Title No: SF 313717  
COPY (liable to distortion in scale)  
of plan to conveyance  
dated 9.12.1977  
6.80

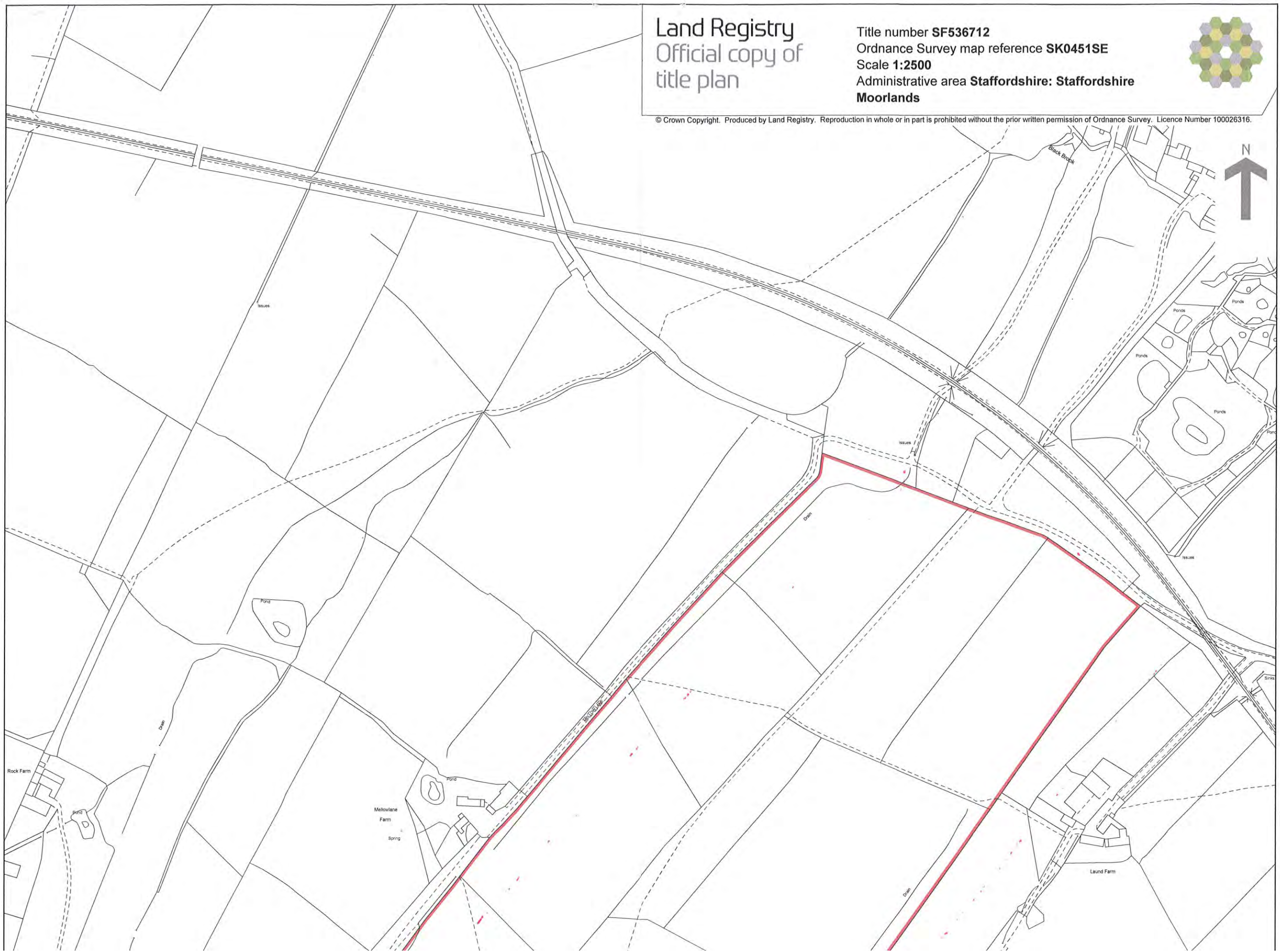


Land Registry  
Official copy of  
title plan

Title number **SF536712**  
Ordnance Survey map reference **SK0451SE**  
Scale **1:2500**  
Administrative area **Staffordshire: Staffordshire**  
**Moorlands**



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**This official copy issued on 2 September 2014 shows the state of this title plan on 1 September 2014 at 14:27:10.** It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).  
This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.  
See Land Registry Public Guide 19 - Title Plans and Boundaries.  
**This title is dealt with by Land Registry, Coventry Office.**





# Official copy of register of title

Title number SF279746      Edition date 22.10.2020

- This official copy shows the entries on the register of title on 17 Nov 2020 at 14:45:04.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 17 Nov 2020.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry Birkenhead Office.

## A: Property Register

This register describes the land and estate comprised in the title.

STAFFORDSHIRE : STAFFORDSHIRE MOORLANDS

- 1      (29.03.1990) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land lying to the North West of Mellow Lane, Leek.
- 2      (29.03.1990) The mines and minerals are excepted.
- 3      (29.03.1990) The Conveyance dated 15 March 1990 referred to in the Charges Register contains a provision as to light or air.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1      (22.10.2020) PROPRIETOR: [REDACTED] of Mellow Lane Farm, Mellow Lane, Winkhill, Leek ST13 7QS.
- 2      (22.10.2020) The price stated to have been paid on 12 June 2020 was £ [REDACTED]

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1      (29.03.1990) A Conveyance of the land in this title dated 15 March 1990 made between (1) The British Railways Board (the Board) and (2) Thomas John Bettany (Purchaser) contains restrictive covenants.

*NOTE: Original filed.*


- 2      (29.03.1990) The land is subject to the rights reserved by the Conveyance dated 15 March 1990 referred to above.

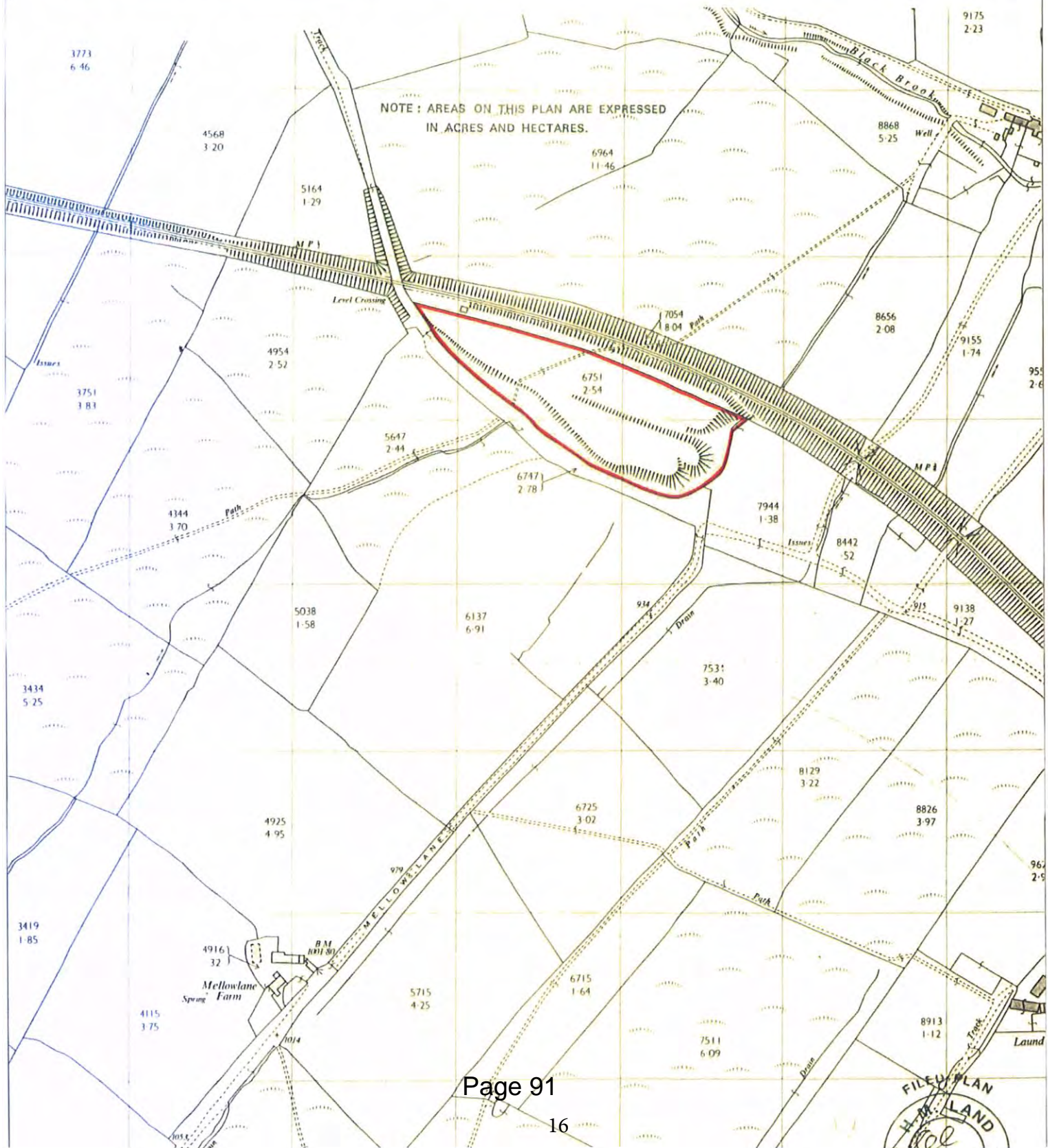


Title number SF279746

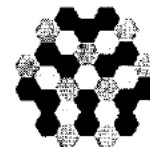
End of register



<b>H.M. LAND REGISTRY</b>		<b>TITLE NUMBER</b>		
		<b>SF279746</b>		
<b>ORDNANCE SURVEY PLAN REFERENCE</b>	<b>SK 0451</b>	<b>SECTION</b>	<b>Scale</b> 1/2500	
<b>COUNTY</b>	<b>STAFFORDSHIRE</b>	<b>DISTRICT</b>	<b>STAFFORDSHIRE MOORLANDS</b>	
			<b>© Crown copyright</b>	







# Official copy of register of title

Title number SF659757      Edition date 20.07.2020

- This official copy shows the entries on the register of title on 17 Nov 2020 at 14:45:06.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 17 Nov 2020.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry Birkenhead Office.

## A: Property Register

This register describes the land and estate comprised in the title.

STAFFORDSHIRE : STAFFORDSHIRE MOORLANDS

1      (20.07.2020) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land on the north-west side of Mellow Lane, Winkhill, Leek.

2      (20.07.2020) The land tinted blue on the title plan has the benefit of any legal easements granted by a Conveyance thereof dated 10 August 1979 made between (1) Robert Aldridge and (2) Thomas John Bettany but is subject to any rights that are reserved by the said deed and affect the registered land.

*NOTE: Copy filed.*

3      (20.07.2020) The land tinted pink on the title plan has the benefit of any legal easements granted by a Conveyance thereof dated 19 October 1979 made between (1) Robert Aldridge and (2) Thomas John Bettany but is subject to any rights that are reserved by the said deed and affect the registered land.

*NOTE: Copy filed.*

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

1      (20.07.2020) PROPRIETOR: [REDACTED] of Mellow Lane Farm, Mellow Lane, Winkhill, Leek ST13 7QS.

2      (20.07.2020) The price stated to have been paid on 12 June 2020 was £ [REDACTED]



Title number SF659757

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (20.07.2020) The land tinted pink on the title plan is subject to any rights that are granted by a Conveyance of Mellow Lane Farm dated 9 October 1979 made between (1) Robert Aldridge and (2) Terence Keith Stubbs and Kathleen Stubbs and affect the registered land.

*NOTE: Copy filed.*

End of register



**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

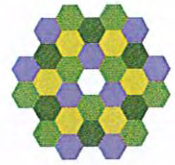
This official copy is issued on 17 November 2020 shows the state of this title plan on 17 November 2020 at 14:45:06. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by the HM Land Registry, Birkenhead Office .

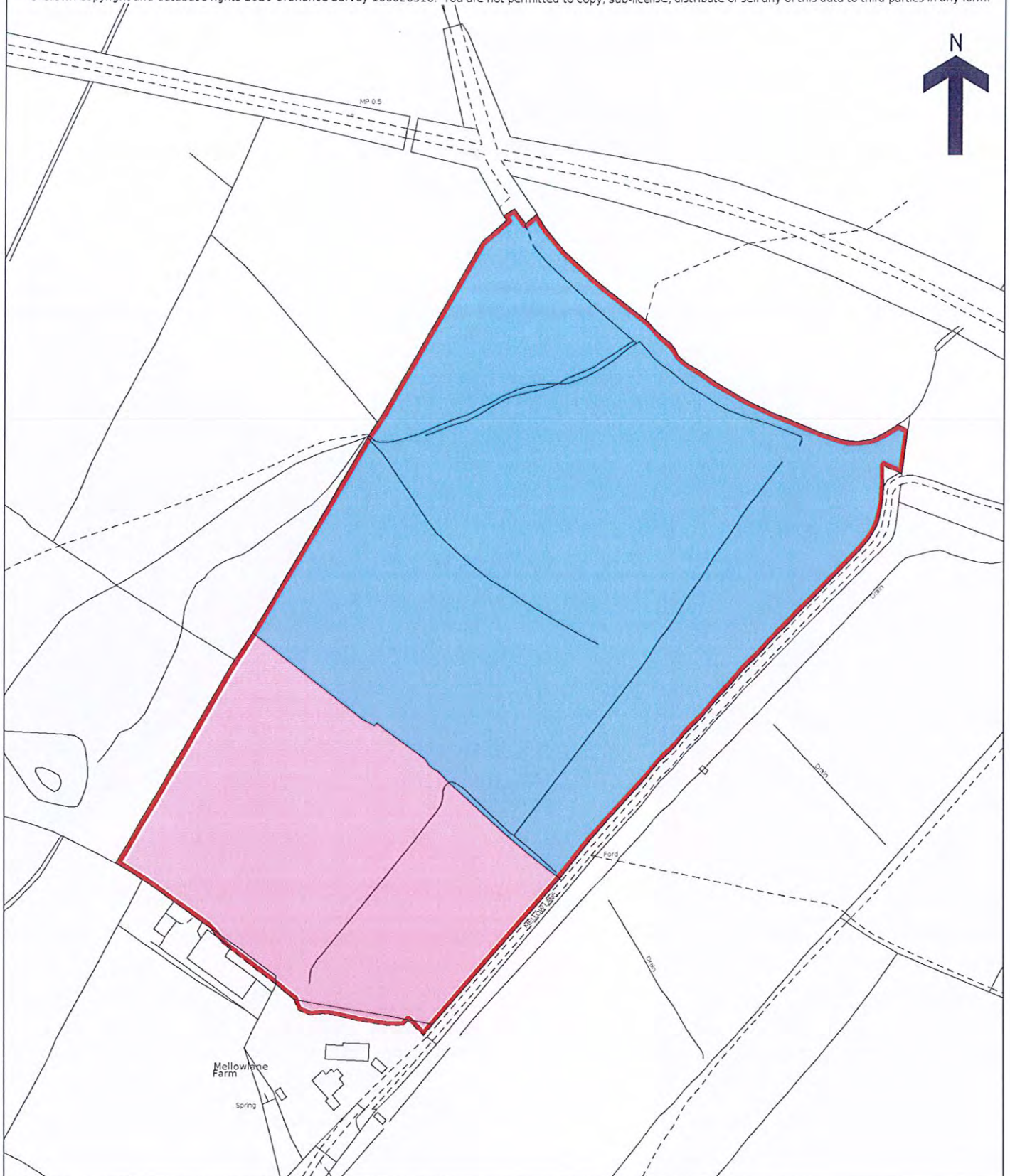


HM Land Registry  
Official copy of  
title plan

Title number **SF659757**  
Ordnance Survey map reference **SK0451SE**  
Scale **1:2500**  
Administrative area **Staffordshire :**  
**Staffordshire Moorlands**



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**From:** Buckley, Rebecca (D,L&T) [rebecca.buckley@staffordshire.gov.uk]  
**Sent:** 14 September 2015 12:33  
**To:** [REDACTED]  
**Subject:** Mellow Lane Upgrading of PF - \*\*\*PMS MARKING 3\*\*\*

Hi [REDACTED]

Apologies for only just getting back to you, I have been on leave.

With regards the above, the application is to upgrade the current footpath to a restricted byway. If it was successful it would mean that the footpath would be open to pedestrians, people on horseback or leading a horse and non mechanically propelled vehicles such as bicycles and horse drawn carriages. Any other vehicle would not be permitted as it is an offence under the Road Traffic Act 1988 to drive a motorised vehicle down a restricted byway.

As I said in my previous email, this application is some way of determination (as it's currently 232 on the list) and if and when the application is dealt with your clients, should they purchase the property, would have the opportunity to put forward any objections they may have.

I hope this has been helpful.

If you require any further information please feel free to contact me.

Kind regards,

Rebecca

Rebecca Buckley, Solicitor  
Staffordshire Legal Services  
The Courthouse, 100, High Street, Stafford, Staffordshire, ST16 2LH  
Tel: 01785 276166  
Fax: 01785 276175  
UK: 012320 Stafford  
E-mail: [rebecca.buckley@staffordshire.gov.uk](mailto:rebecca.buckley@staffordshire.gov.uk)

[www.staffordshirelegalservices.org.uk](http://www.staffordshirelegalservices.org.uk)

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Staffordshire County Council

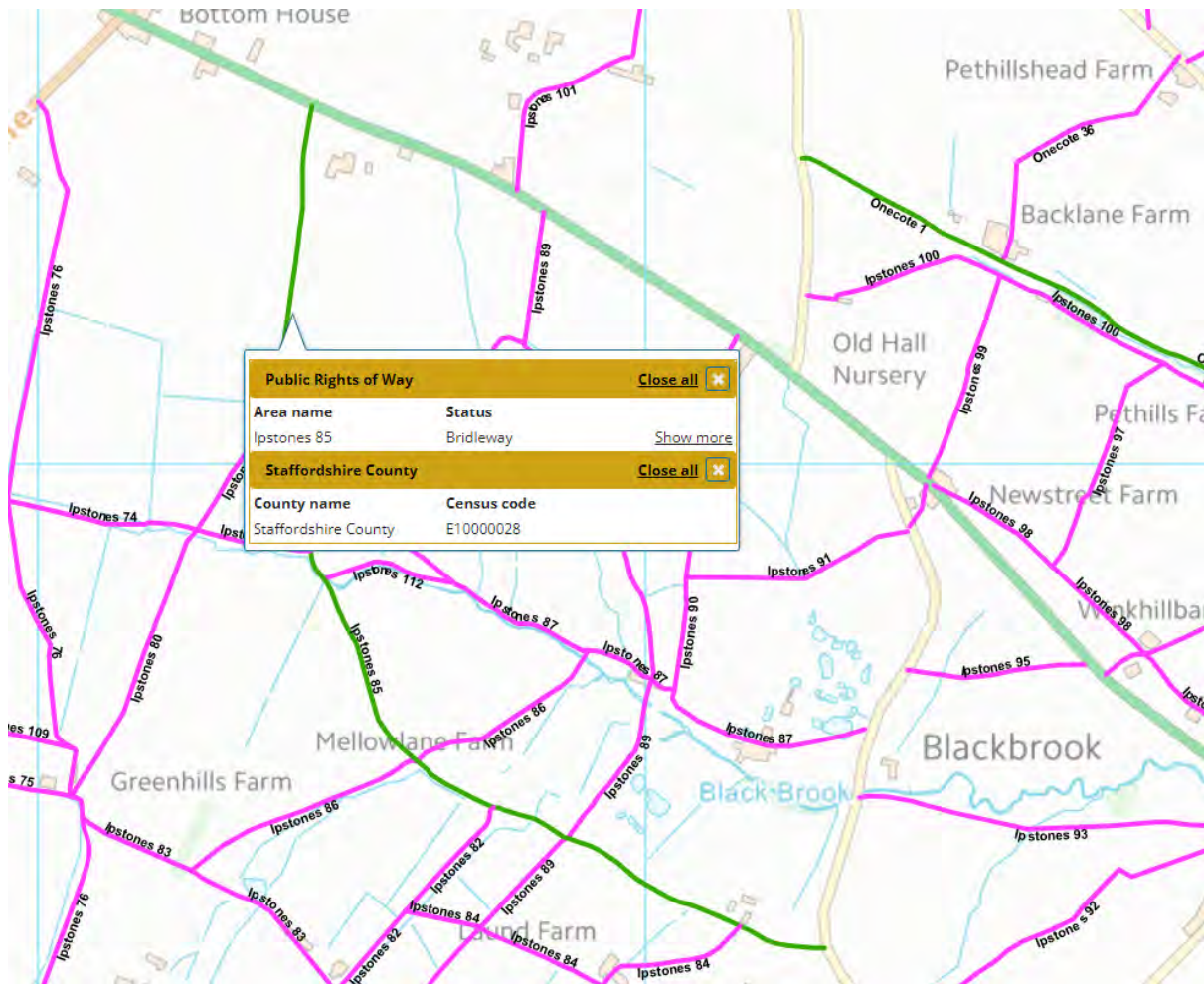
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For more information about the county council visit our website: [www.staffordshire.gov.uk](http://www.staffordshire.gov.uk)

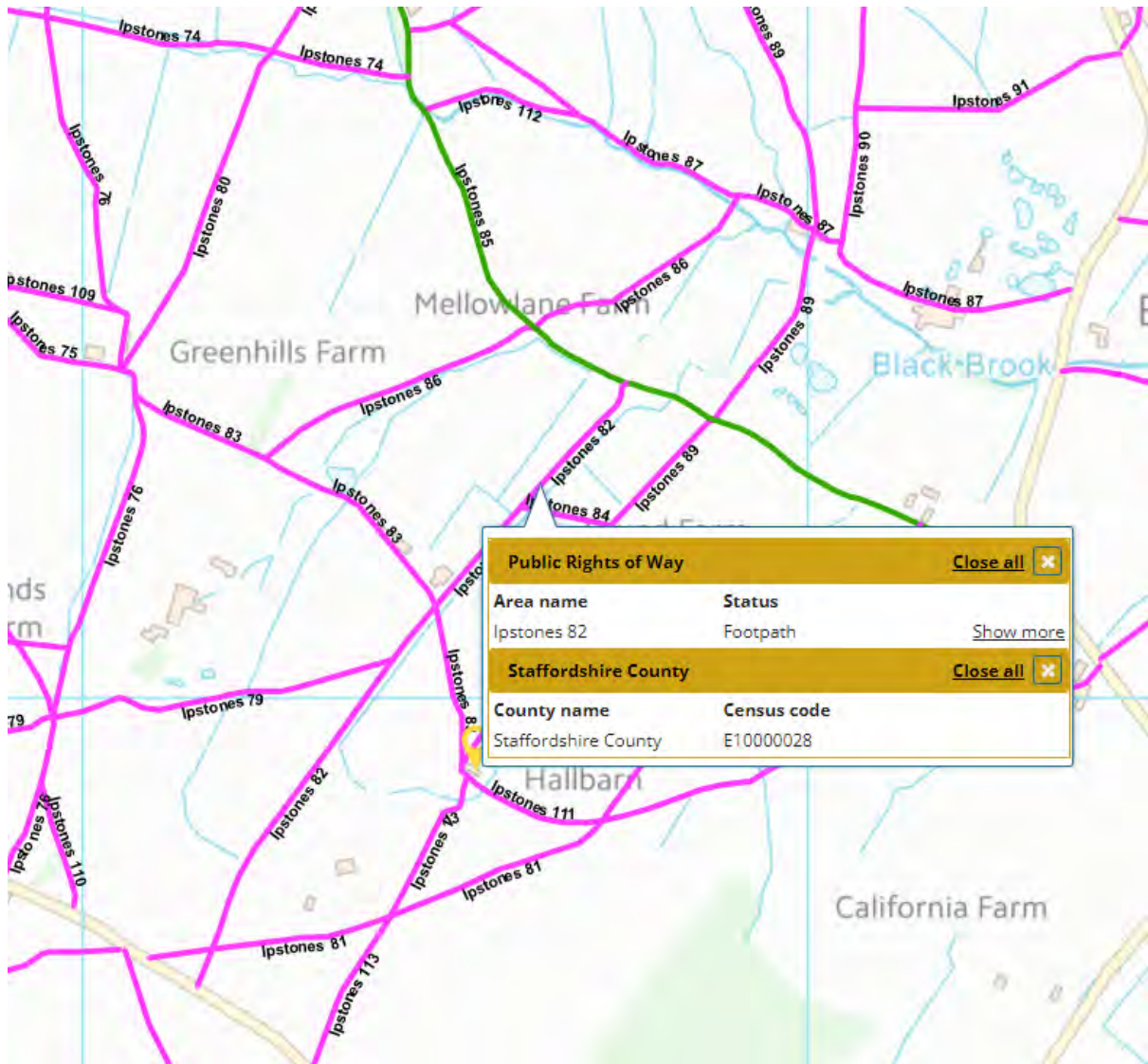
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## Response to Solicitors of Landowner 1

### Protective Marking Scheme Level 3

Ms N Thomas  
Solicitor  
A H Brooks & Co, Solicitors  
Derby House  
Derby Street  
Leek  
ST13 6JG

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: Stephanie Clarkson  
Telephone: 01785 276292  
e-mail:  
[stephanie.clarkson@staffordshire.gov.uk](mailto:stephanie.clarkson@staffordshire.gov.uk)

**My Ref:** 023965

**Your Ref:**

**Date:** 13 December, 2022

Dear Ms Thomas,

### **Re: S36 Alleged Publicly Maintainable Highway along FP82, Mellow Lane, Ipstones**

Many thanks for your letter on behalf of your client dated 7<sup>th</sup> December 2022, together with its attachments regarding the alleged publicly maintainable highway along Mellow Lane.

Before responding specifically to each of your individual points, it is worth noting that Staffordshire County Council currently has two separate applications under different legislation that are pending along this lane. This has led to an element of confusion.

Firstly, there is a s36 Highways Act 1980 application to provide the route with Ancient Highway status and thus making it maintainable at public expense. It is this matter which I am currently dealing and corresponds with the report and supporting documentation which was forwarded to your client on 9<sup>th</sup> November 2022.

There is also a second, more recent application made in 2014 which has been submitted under s53 Wildlife and Countryside Act 1981 to upgrade the current Footpath 82 to a Restricted Byway. This second application will be considered on conclusion of the section 36 Highways Act 1980 application.

In response to your letter, you informed me that at the time of your client and her late husband's purchase of the property in 2015, enquiries were made of the Council regarding the upgrading of Mellow Lane. The email in response from Rebecca Buckley would have been in relation to the s53



application which I suspect would have appeared in the Purchaser's Pre-Contract Enquiries. The contents of Mrs Buckley's email are correct. As mentioned, this application is currently on hold.

With regard to the s36 report and documentation, although the applicant requested that the route have Byway open to all Traffic status, the request is misleading because a s36 application is simply to establish whether or not the route is publicly maintainable and is not linked to its status. There is no application for a Byway open to all Traffic within our system.

I have made enquiries as to any restrictions that may have been put in place as a result of the issues of motorbikes within the area. The Council however does not appear to have any records or information regarding this.

I note your client's objections regarding the proposed route and the information that you have provided on behalf of your client will be added to an addendum to the report for the County Solicitor. I will be in further contact once the County Solicitor has considered the report.

I hope that this clarifies the current position regarding the application.

Yours sincerely

*Stephanie Clarkson*

Stephanie Clarkson  
on behalf of Kate Loader, County Solicitor.

SC5 / 023965



**Email from xxxxxxxxx Head of Asset & Network Management,  
E,I&S, Staffordshire County Council**

**To:** Stephanie Clarkson, Legal Officer

**Date:** 15th March 2023

**S36 Application for publicly maintainable highway, Ipstones,  
Staffordshire Moorlands**

---

Thanks for the extra days to review. In terms of the report and evidence as you conclude, this does appear to point to the route being an ancient highway.

My understanding is that inclusion on the S36 simply defines its status as a highway that is maintainable at public expense but does not infer any specific entitlement to the type of use. I note that paragraph 7.5 indicates that it would be reasonable to assume that the route was used by the types of vehicular traffic in use at that time, namely, horse drawn

vehicles and hence, if we were asked that question by groups such as the trail riders federation or other off road motorised vehicle groups that would be our position. Is that correct?

I have only been able to look at the aerial photographs of the route and note that the road appears to consist of a section at each end that is either metalled or, consists of a stone surface and the centre section appears to be across a field and has the nature of a 'green lane'.

From the aerial photographs it would appear the middle section has gates at both ends which I assume may mean that on designation as an 'ancient' highway these 'obstructions' could be challenged by users. Gates are also referred to in the letter from the landowner. There is also the risk that on addition to the S36 list it comes to the attention of some of the groups described above and I can see us quickly ending up with an issue between the highway authority and landowner once the S36 list is changed.

I will arrange a visit to the road by one of our inspection team to review the whole of the route as I suspect there may be other issues which we would deal with in accordance with our approach to unsurfaced highways. Should we wait for the S36 to be concluded before we visit?

Can you please advise further on who would be able to support the highway service should issues such as the above arise and, what options may be available to prevent such use and resolve any issues of obstruction if they are found on inspection.?



I note that there is also a separate S53 application for the route to be upgraded to a restricted byway, is there a timescale for this decision as this may help with the issues that may arise as described above (i.e. that it is open to walkers, mobility scooters, horse-riders, and drivers/riders of non-motorised vehicles (such as horse-drawn carriages and pedal cycles)). I'm hoping that decision can be accelerated to minimise likely issues that may arise.

Of its easier to discuss any of the above, please let me know and I'll arrange a catch up.

Kind Regards,

**Email to xxxxxxxxxxxxxx**

**From:** Stephanie Clarkson, Legal Officer

**Date:** 24th March 2023

---

Dear David,

Many thanks for your response to the report.

In answer to your queries, you are correct in thinking that generally the inclusion on the s36 list simply defines its status as a highway that is maintainable at public expense but doesn't infer any specific entitlement to the type of use (especially in relation to footpaths and bridleways). In this situation however the surface will need to be maintained to the standard of a restricted byway, should the decision be made in line with the recommendation.

I note your concerns with regard to the present nature of the route as a green lane and that there are gates currently along its length. This reflects its current recorded status on the Definitive Map and Statement of Public Rights of Way which is that of a public footpath. If the route is added to the s36 list as an ancient highway, then the Council will have a liability to maintain the route in accordance with its status although as you are no doubt aware there is no obligation for the County as the highway authority to provide a metalled carriageway. As you rightly recognise, the gates will have to be removed unless there is a lawful reason for them to remain – (e.g. a highway authority can licence gates for stock control reasons) and there may be issues between the landowner and the highway authority arising from the requirement to remove the gates. These are of course legitimate concerns. However questions as to safety, suitability, maintenance of anything other than



information relating to existence of otherwise of a public right or the status have to be disregarded when considering whether the ancient highway exists or not under the law as it currently stands.

With regard to the site visit that you are anticipating, it may be worth waiting for the s36 to be concluded before your visit because, as yet we still have to establish whether or not the route is an ancient highway and the decision with this will rest with Kate Loader the County Solicitor.

In relation to the highway service support, if it is determined to be a Restricted Byway, the Rights of Way team will be the appropriate team to manage any issues such as obstructions, and the Rights of Way Legal Team will provide legal support as necessary.

You rightly note that there is a separate s53 Wildlife and Countryside Act application to upgrade footpath PF82 Ipstones to that of a Restricted Byway. The evidence does suggest the existence of the ancient highway, (which would have been carriageway). Once I have received a response from the County Solicitor as to whether she considers that the route exists as ancient highway, I will be in a position to write the report for the Countryside and Rights of Way panel with a recommendation as to whether or not to add the route to the Definitive Map and Statement of Public Rights of Way as a Restricted Byway. Should the recommendation be to upgrade the path and the recommendation be accepted, the process for upgrading this path through the s53 route however is slow with many opportunities to appeal decisions (for both the parties for and against) and so it may be some years before a final decision is made as to whether the route is upgraded or not, depending on whether or not the legal order is objected to.

I hope that this answers your queries but of course please let me know if you have further questions and we can arrange a meeting to discuss.

Kind regards,

Stephanie



## **Additional Evidence Provided by Landowner 2**

**To:** Stephanie Clarkson, Legal Officer

**Date:** 24<sup>th</sup> April 2023

### **S36 Application for publicly maintainable highway, Ipstones, Staffordshire Moorlands**

---

In regards to the report sent to me concerning Mellow Lane, as an affected landowner I fully support the application to add the route to the list of Publicly Maintainable Highways.

The report appears to prove that this was an ancient highway and as such, should remain so in public records.

My current concern is that the lane has been closed to all but pedestrians by the current occupier of Mellow Lane Farm (a lock has been placed on a gate on the lane near to it's junction with the driveway to Rock Farm) Furthermore, the lane appears to have been fenced off nearer to Mellow Lane Farm where sheep are grazing. I am aware that the lane has been 'open' in previous years and I can provide evidence of it's use as a bridleway. I have personally ridden the length of it in recent years and also over 45 years ago when it was regularly used by Pelham Farm riding school.

Landowner at Mellow Lane



From: Kate Loader, County Solicitor, Staffordshire County Council

To: Stephanie Clarkson, Legal Officer

Date: 2/6/23

---

Dear Stephanie,

Thank you for your email dated 3<sup>rd</sup> May 2023 enclosing an application to have Mellow Lane, Ipstones listed as an Ancient Highway under the Highways Act 1981 and therefore maintainable at public expense.

I have considered, in detail, the Report and the Appendices that you have drafted in response to the Application. I can confirm that the evidence submitted by the Applicant together with that discovered by the County Council is in my opinion sufficient to show, on a balance of probabilities, that the route along Mellow Lane was in existence at the time of the Highways Act of 1835 as a public route carrying carriage rights and thus classified as an Ancient Highway.

My decision is therefore that the claimed route should be added to the s36 list of Highways Maintainable at Public Expense.

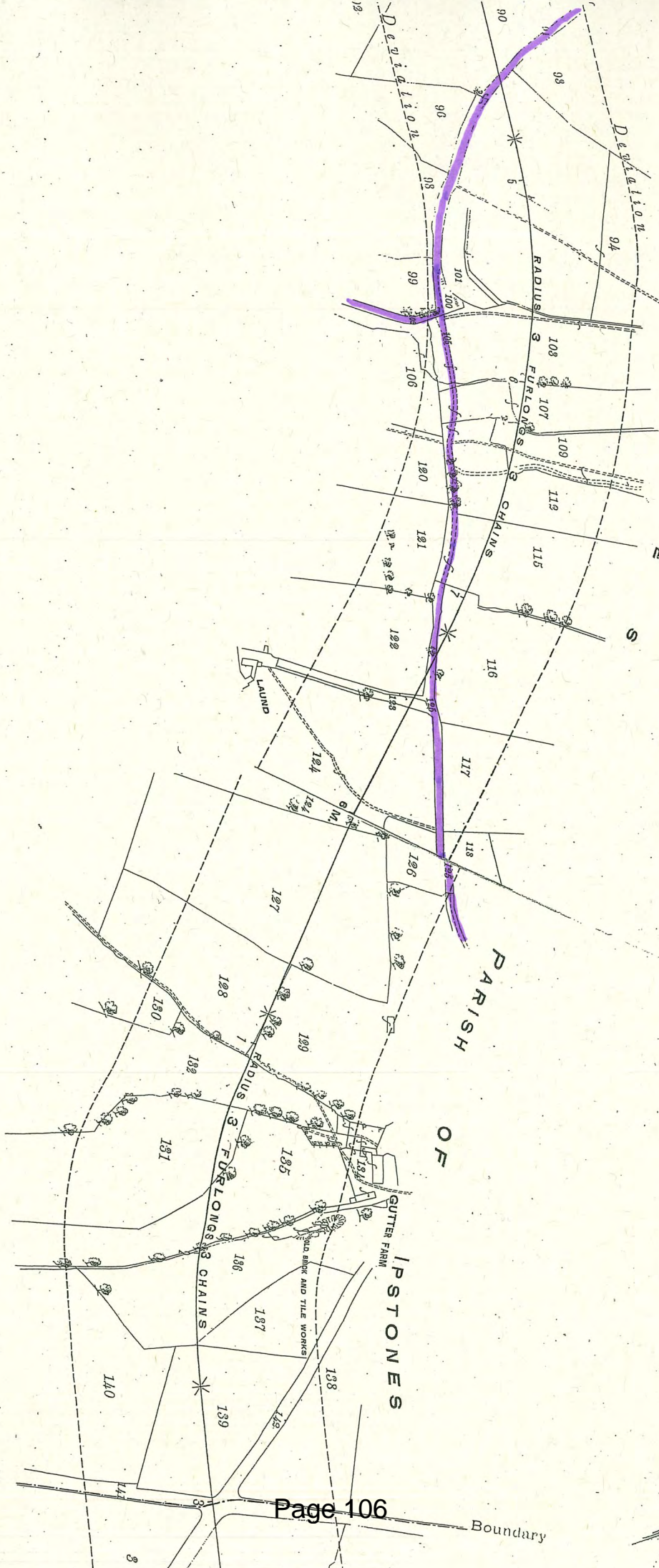
Kind regards

Kate



PARISH OF

IPSTONES





## Leek, Caldon Low, and Hartington Light Railways.

## Railway No. 1.--continued.

## Parish of IPSTONES, in the County of STAFFORD.

(CONTINUED)

Number on Plan	Description of Property	Owners or reputed Owners	Lessees or reputed Lessees	Occupiers
86	Field	Trustees of the Will of Richard Clowes Samuel Clowes Richard Clowes	...	Elizabeth Cope
87	Field	Trustees of the Will of Richard Clowes Samuel Clowes Richard Clowes	...	Elizabeth Cope
88	Field	George Hutchinson Milnes	...	Stephen Harrison
89	Field	George Hutchinson Milnes	...	Stephen Harrison
90	Field	George Hutchinson Milnes	...	Stephen Harrison
91	Road	Ipstones Parish Council Rural District Council of Cheadle	...	
92	Field and fowlhouse	George Hutchinson Milnes	...	Stephen Harrison
93	Field	Ellen Burnett	...	John Wilfred Ratcliffe
94	Field, fowlhouse, watercourse, and public footpath	Ellen Burnett Ipstones Parish Council Rural District Council of Cheadle	...	John Wilfred Ratcliffe
96	Field	Thomas Atkinson Argles	...	James Birch
98	Field	Thomas Atkinson Argles	...	James Birch
99	Field	Thomas Atkinson Argles	...	James Birch
100	Waste land	Thomas Atkinson Argles	...	James Birch
101	Field	Ellen Burnett	...	John Wilfred Ratcliffe
102	Road	Ipstones Parish Council Rural District Council of Cheadle	...	
103	Field, watercourses, and occupation road	Dryden Henry Sneyd Trustees of Ipstones Schools viz : Rev. Robert Henry Good- acre, junr., Dryden Henry Sneyd and Charles Bill	...	Joseph Keeling



Railway No. 1—continued

Parish of IPSTONES, in the County of STAFFORD.

(CONTINUED)

Number on Plan	Description of Property	Owners or reputed Owners	Lessees or reputed Lessees	Occupiers	
105	Road	Dryden Henry Sneyd Trustees of Ipstones Schools Ipstones Parish Council Rural District Council of Cheadle	...	...	
106	Field and watercourse	Rev. Thomas Close	...	...	John Barks
107	Field, watercourse and road	Mary Clowes Ipstones Parish Council Rural District Council of Cheadle	...	...	In hand
109	Field, watercourse public footpath and road	Hannah Boydon Ipstones Parish Council Rural District Council of Cheadle	...	...	Joseph Keeling
112	Field, roads, and public footpath	Mary Naylor Hannah Boydon Ipstones Parish Council Rural District Council of Cheadle	...	...	Mary Coxon
115	Field and road	Mary Naylor Ipstones Parish Council Rural District Council of Cheadle	...	...	Mary Coxon
116	Field and watercourse (glebe)	Rev. Robert Henry Good- acre, junr., Vicar The Freeholders of the Parish, Patrons	...	...	Joseph Smith
117	Field (glebe)	Rev. Robert Henry Good- acre, junr., Vicar The Freeholders of the Parish, Patrons	...	...	Joseph Smith
118	Field (glebe)	Rev. Robert Henry Good- acre, junr., Vicar The Freeholders of the Parish, Patrons	...	...	Joseph Smith
120	Field and public foot- path (glebe)	The Rev. Ernest Henry Nash, Vicar Dryden Henry Sneyd, Patron Ipstones Parish Council Rural District Council of Cheadle	...	...	Charles Clowes
121	Field. (glebe)	The Rev. Ernest Henry Nash, Vicar Dryden Henry Sneyd Patron	...	...	Charles Clowes



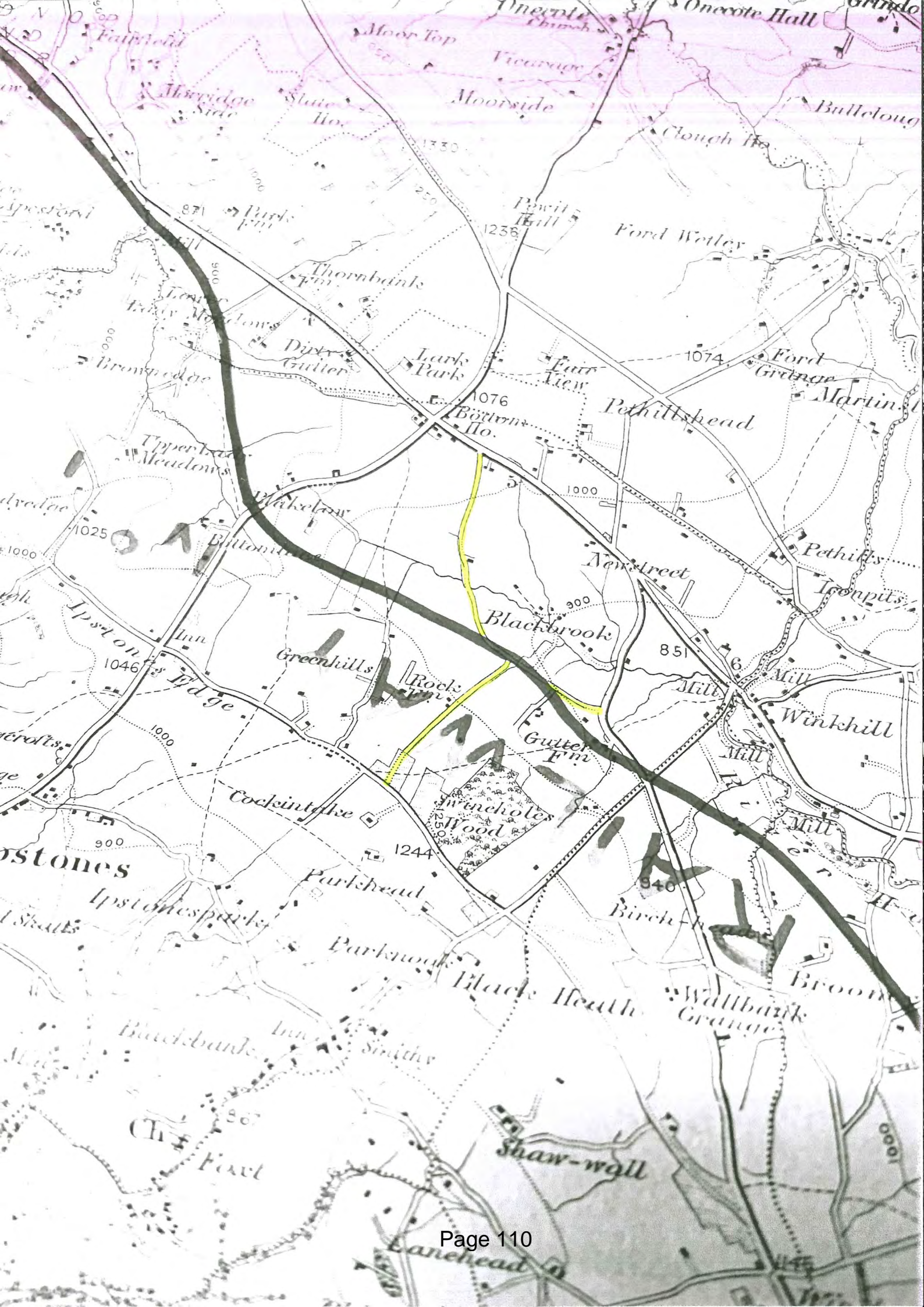
Railway No. 1—continued.

Parish of IPSTONES, in the County of STAFFORD.

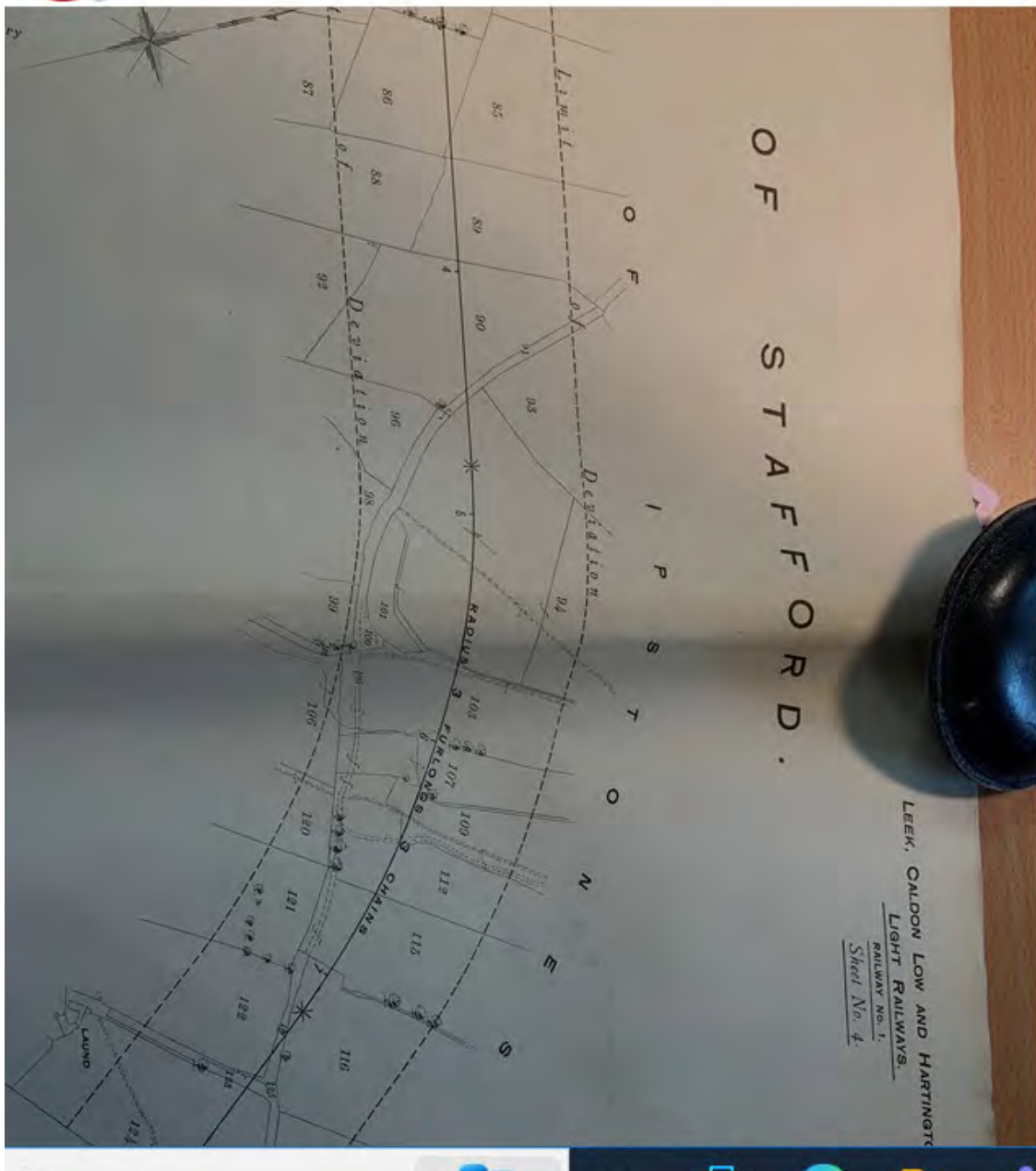
(CONTINUED).

Number on Plan	Description of Property	Owners or reputed Owners	Lessees or reputed Lessees	Occupiers
122	Field (glebe)	The Rev. Josiah Wright, Vicar Duke of Devonshire, Patron	...	George Finney
123	Occupation road and watercourse (glebe)	The Rev. Josiah Wright, Vicar Duke of Devonshire, Patron	...	
124	Field and occupation road (glebe)	The Rev. Josiah Wright, Vicar Duke of Devonshire, Patron	...	George Finney
125	Road	Ipstones Parish Council Rural District Council of Cheadle	...	
126	Field (glebe)	The Rev. Josiah Wright, Vicar Duke of Devonshire, Patron	...	George Finney
127	Field (glebe)	The Rev. Josiah Wright, Vicar Duke of Devonshire, Patron	...	George Finney
128	Field and public foot-path (glebe)	The Rev. Josiah Wright, Vicar Duke of Devonshire, Patron Ipstones Parish Council Rural District Council of Cheadle	...	George Finney
129	Field and cowhouse and public footpath (glebe)	The Rev. Josiah Wright, Vicar Duke of Devonshire, Patron Ipstones Parish Council Rural District Council of Cheadle	...	George Finney
130	Field	James Burnett	...	
131	Field	James Burnett	...	
132	Field and public foot-path	James Burnett Ipstones Parish Council Rural District Council of Cheadle	...	
134	Farmhouse, garden, yard and outbuildings, well and public foot-path	James Burnett Ipstones Parish Council Rural District Council of Cheadle	...	
135	Field and shed	James Burnett	...	
136	Field, old brickworks and watercourse	James Burnett	...	











21/10/51

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

Staffordshire County Council : Survey of Rights of Way

LOCAL AUTHORITY :

Cheddle R.D.

PATH No., as on map :

82. ✓

PARISH :

Ipstones

PATH SYMBOL, as on map :

CR.F

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

Path starts at : Near badlow.

Ipstones Edge - basey Head Rd.

Path finishes at :

Jones C.R.F No. 85

6" quarter Ordnance Sheet No. :

XIII. N.E.

Names and addresses of persons making the survey :

Survey started on 10<sup>th</sup> Sept 1950

Survey finished on 28<sup>th</sup> Aug. 1952.

R blowes.

Sandycroft, Ipstones.

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

Common Usage by Public for more than 30 yrs without objection.



Date of last walking  
riding the path : 21/10/51

Description of route :

C.R.F. to Newbarn & Lower Beekhampton.  
Starts from the Istones Edge - basey Head road some 500 yds  
East of Cadlow on North side of road - S.S. & F.G. and cart track  
over rough common land to second S.S. & F.G. leading into  
Mellow Lane. This continues past Mellow Lane Farm and joins  
up with Newbarn lane being C.R.F. No 85.  
Road very rough and little used for vehicular traffic, except  
by local farmers. No obstruction  
This road is known locally as Mellow Lane.

Date of last walking  
riding the path : 17/5/52.



Staffordshire County Council: Survey of Rights of Way

LOCAL AUTHORITY :

*Cheadle R.D.*

PATH No., as on map :

*85*

PARISH :

*Ipstones*

PATH SYMBOL, as on map :

~~ERT~~ R.P.

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

Path starts at : *Ellestone Road*

Path finishes at :

*Lower Berkhamstedch.*

6" quarter Ordnance Sheet No. :

*XIII*

*N.R. Gutter Farm.*

Names and addresses of persons making the survey :

Survey started on *10<sup>th</sup> Sept* 195*0*

Survey finished on *28<sup>th</sup> Aug.* 195*2*

*R. blowes*

*Sandycroft, Ipstones.*

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

*Used by public for more than 30 years without objection.*

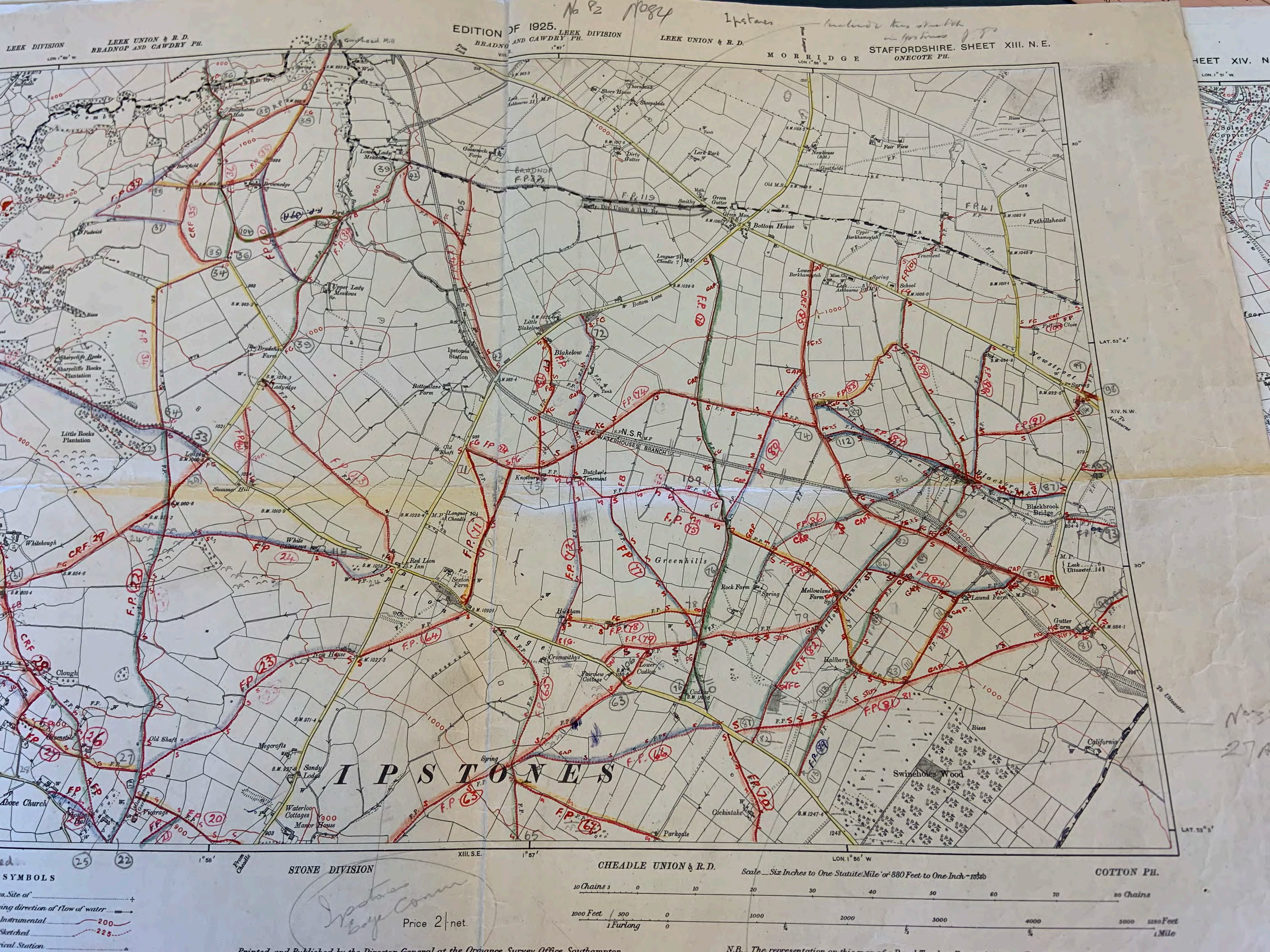


## C.R.F. 6 Lower Berkhamsyck.

Starts from the West side of Ellastone road almost midway between Blackbrook Bridge and Gutter Farm, open entrance from road and being cart road to three smallholdings at Blackbrook, open gate & stile after 200 yds and crossing railway at line level to open fieldgate after 30 yds and with three more fieldgates & stiles to where road is joined by Mellow Lane. Road again crosses railway and has fieldgates on either side of crossing and after a further 300-400 yds crossing Blackbrook and through F.G.T.S. passing Newbarn Farm and continues on through one more F.G.T.S. to exit by open gap onto the Leek-Ashbourne Road at Lower Berkhamsyck.

Road has variable surface and is apparently little used except by one or two local farmers. Stiles & gates in good order.





EDITION OF 1925. LEEK DIVISION  
BRADNO AND CAWDREY PH. MORRIDGE STAFFORDSHIRE SHEET XIII. N. E.  
ONECOTE PH.

No 2 1084  
Ipsstones

Included this sketch  
in 1925

SHEET XIV. N.

# IPSTONES

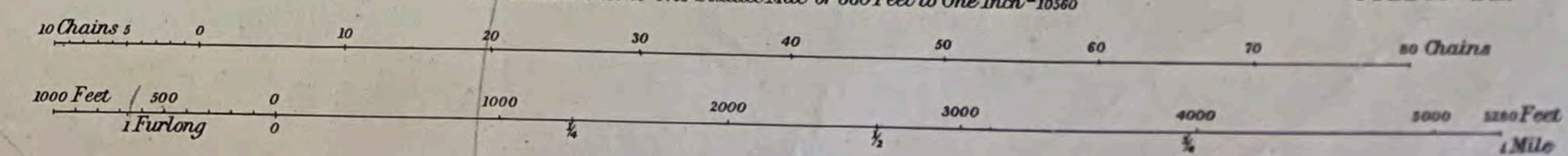
**SYMBOLS**  
Site of  
Direction of flow of water  
Instrumental  
Sketched  
Rail Station

STONE DIVISION

CHEADLE UNION & R. D.

COTTON PH.

Scale Six Inches to One Statute Mile or 880 Feet to One Inch - 10860



*Ipsstones  
Boys' Corner*  
Price 2 net.



**STAFFORDSHIRE COUNTY COUNCIL.**  
**National Parks and Access to the Countryside Act, 1949 (Part IV).**

**SURVEY OF RIGHTS OF WAY.**

**STATEMENT ACCOMPANYING DRAFT MAP.**

**Routes over which a public right of way is alleged to subsist on the 27th day of November, 1954.**

F.P. = Footpath.  
 B.P. = Bridleway.  
 R.P. = Road used as  
 a public path.

*County District :* **CHEADLE R.D.**

**Statement No. 171.**

*Parish :* **IPSTONES.**

1/25000 Maps Nos. 33/94, 33/95,  
43/04 & 43/05

<i>Path No.</i>	<i>Type of Path</i>	<i>Path commences at</i>	<i>Path finishes at</i>	<i>Documents creating or modifying the right of way and other relevant information</i>
1 ...	F.P. ...	Longnor—Cheadle road, at The Hermitage	Junction with F.P. 6 and F.P. 7 at Booth's Hall	
2 ...	F.P. ...	Longnor—Cheadle road, opposite Paddock Farm	Cherryeye Bridge over canal	Part shown on map deposited under Rights of Way Act, 1932
3 ...	F.P. ...	Far Lane, N. of The Grange	Junction with F.P. 5, F.P. 6 and F.P. 9, N. of Booth's Hall	
4 ...	F.P. ...	Far Lane, about 100 yds. S. of the Golden Lion P.H.	F.P. 6, about 200 yds. S.W. of Littlestones	
5 ...	F.P. ...	Junction with F.P. 3, F.P. 6 and F.P. 9, N. of Booth's Hall	F.P. 2 at Cherryeye Bridge	
6 ...	F.P. ...	County road, about 100 yds. W. of Littlestones	F.P. 5, about 175 yds. S. of Booth's Farm	
7 ...	F.P. ...	County road, about 175 yds. S.W. of Heath House	Junction with F.P. 1 and F.P. 6 at Booth's Hall	
8 ...	F.P. ...	F.P. 6 near Booth's Hall	F.P. 5, about 200 yds. S. of Booth's Farm	
9 ...	F.P. ...	Junction with F.P. 3, F.P. 5 and F.P. 6, N. of Booth's Hall	Parish boundary, S.E. of Dalesprink Cottage	
10 ...	F.P. ...	F.P. 9, S.E. of Railway Cottages	Parish boundary, W. of the Flint Mill	
11 ...	F.P. ...	County road near Chapel House	Parish boundary, W. of the Black Lion P.H., Consallforge	
12 ...	F.P. ...	R.P. 13, S.W. of St. Leonard's Church	County road, junction with R.P. 13, N. of Littlestones	
13 ...	R.P. ...	County road, near St. Leonard's Church	County road, N. of Littlestones	
14 ...	F.P. ...	County road, S.E. of Chapel House	R.P. 13 at Oddo Hall	
15 ...	F.P. ...	F.P. 14, near Hay House	F.P. 16, N. of Chapel House	
16 ...	F.P. ...	County road, about 75 yds. N.W. of Chapel House	County road, about 300 yds. N.E. of Intake Farm	
17 ...	F.P. ...	F.P. 16, at Intake Farm	Parish boundary at Stakebank Wood	





Historical maps for 1900's and 1940's provided by National Library of Scotland.

Markers Resource Grid

Show resource grid and markers

Click the button below to view resources in the area selected on the map. At marker level you can also click on the marker points (●) to view resources specific or near to that location.

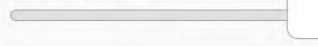
[View Resources »](#)

### Historic Maps

Select which map series you are viewing by selecting from the options below.

1900's Series

With a historic map selected, use the bar below to fade between the historic map and current series.

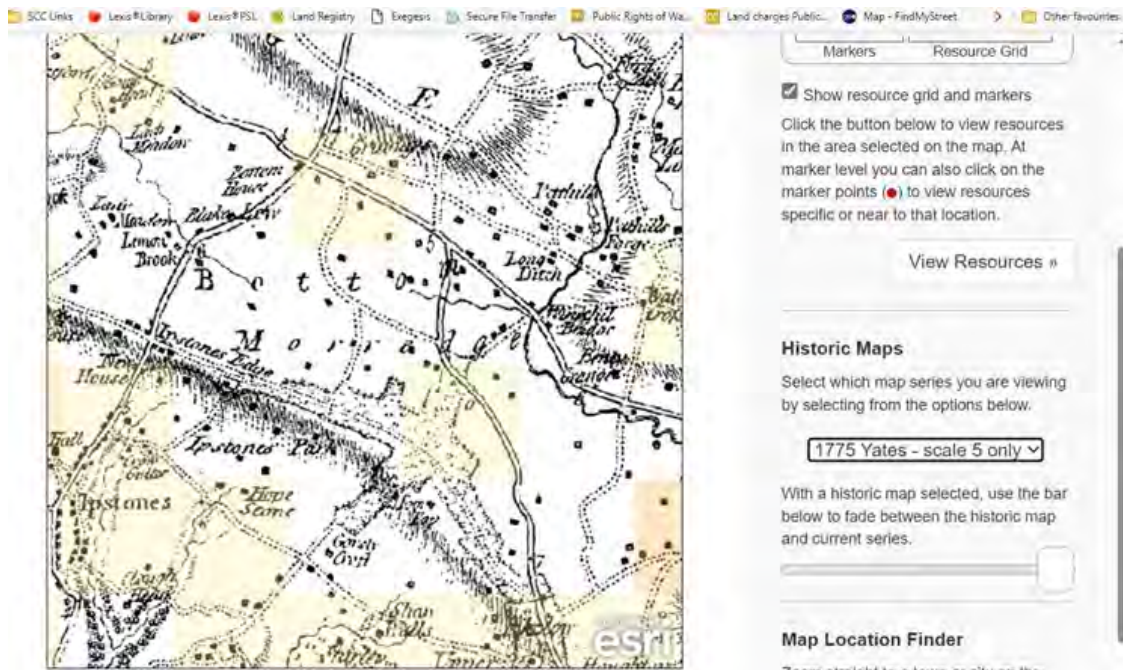


### Map Location Finder

Zoom straight to a town or city on the map

Select Location





1775 -Yates map

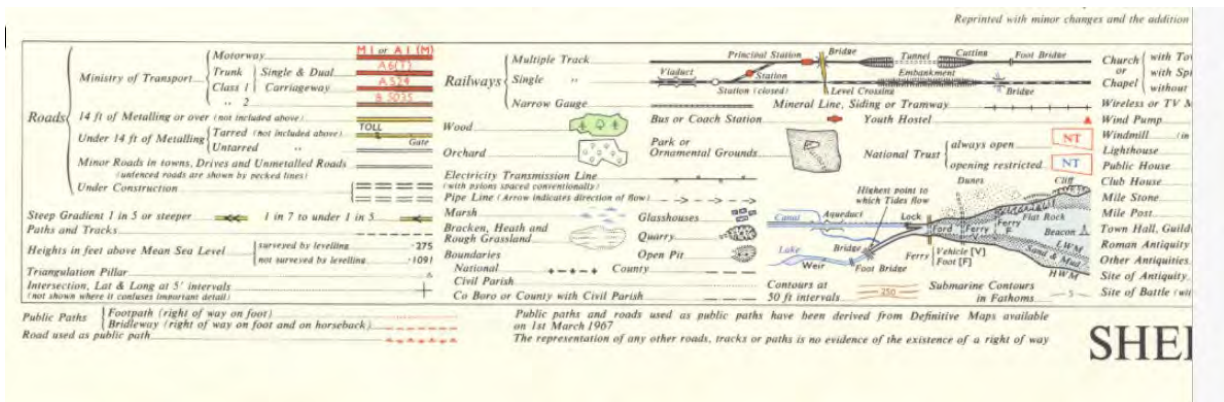






Sheet 111 – Buxton and Matlock B/Edition

Published 1967











**BOWCOCK  
& PURSAILL**  
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E info@bowcockpursaill.co.uk  
www.bowcockpursaill.co.uk

**LANDOWNER 1 - LETTER FROM LEGAL REPRESENTATIVE**

Staffordshire Legal Services  
Staffordshire County Council  
1 Staffordshire Place  
Tipping Street  
Stafford  
ST16 2DH

Your Ref: 008636DW  
Our Ref: 72608/TW/LAJ/TW

05 December 2023

By email to  
Stephanie.clarkson@staffordshire.gov.uk

Dear Sirs,

**Wildlife and Countryside Act 1981 – Definitive Map and Statements  
Section 53 Application for the upgrade of public footpath 82 - Mellow Lane, Ipstones Parish and  
upgrade of public byway 85 Ipstones Parish to that of a Restricted Byway**

As you are aware, we act for [REDACTED] of Mellow Lane Farm, Mellow Lane, Winkle, Leek, ST13 7QS. She has asked us to reply to your letter of 12<sup>th</sup> September 2023.

Having considered the position further, we would like to respond to your request for information by letter in the first instance, rather than completion of your form. If you require a statement of truth from our client, we will consider a request that a written statement be provided in due course.

We confirm that our client would be willing to give evidence either in court or at a public enquiry.

In this letter, we refer to the footpath subject to the proposed upgrading (82) as "the Footpath" and the Bridleway (85) as "the Bridleway".

We confirm that the Footpath and Bridleway pass over land belonging to our client.

We enclose official copies of the Land Registry entries and title plan for title number SF313717 (Mellow Lane Farm). The registered proprietors are our client and her deceased husband, [REDACTED]. Our client is the surviving owner of the land and is entitled to be registered as the sole proprietor of the land. We also enclose the land registry entry and title plan for land in title number SF279746 (Land lying to the North West of Mellow Lane) is registered in our client's sole name. The Bridleway passes over this land. We refer to both parcels of land as "the Land".

We also enclose a copy of the plan that you sent to our client showing the positions of gates on the Footpath and Bridleway on the Land. It is of great importance that our client be permitted to retain the gates in the positions to protect her livestock.

LEEK OFFICE: 54 St. Edward Street, Leek, Staffordshire, ST13 5DJ T 01538 399199 F 01538 399362  
UTTOXETER OFFICE: 9-11 Carter Street, Uttoxeter, Staffordshire, ST14 8HB T 01889 598888 F 01889 565004  
ECCLESHALL OFFICE: 8 Stafford Street, Eccleshall, Staffordshire, ST21 6BH T 01785 339514 F 01785 850691

Partners: Ian Naylor / Catherine Whittles / Timothy Wolley / Emma Amat / Robert Feornley / Joy Hancock  
Associates: Katie Nixon / Heather Reynolds / Clore Thomas / Danielle Newbon  
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& PURSAILL**  
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[www.bowcockpursail.co.uk](http://www.bowcockpursail.co.uk)

We confirm that our client has received notice of application for the Modification Order. We also confirm that she would be willing to allow council officers to make a site inspection. You can contact her directly. Her contact numbers are [REDACTED] mobile number [REDACTED]. We should be grateful if you would inform us if you do intend to carry out an inspection so we can, if necessary, be present.

You will see from the Land Registry entries the dates on which she became registered proprietor of the Land. (28.09.2015 for Mellow Lane Farm and 22.12.2020 for Land lying to the North West of Mellow Lane). Our client does not hold any pre-registration deeds or other documents that might be useful in the investigation.

The Land has been used as a residential farm and for the grazing of animals.

She has always been aware that the Footpath is a public footpath and the Bridleway a bridleway and has not prevented the public from using them.

She has only ever observed use of the Footpath by a sole walker and the Bridleway by single and small groups of walkers. The persons are not known to her. She has never seen the Footpath used by riders on horseback and the Footpath as never been used by any kind of vehicle apart from her own. The Bridleway has only ever been used by vehicles by local residents for access to their properties.

In relation to gates, there are gates across the Footpath and Bridleway, but they have never been locked and are passable by users. She does not accept that the Footpath or Bridleway is a Restricted Byway and does not make any admissions in respect of the application to upgrade including admissions in respect of the factual basis of the application. As stated above, in the event that the application is granted she seeks permission to retain the gates. If they are removed her livestock will be placed at risk.

She has concerns about the safety of the junction of the Bridleway with the highway Ellastone Lane if the bridleway was used for vehicles.

If you require any further clarification on the above matters or further information, please write to us rather than our client directly.

Yours faithfully

*Bowcock & Pursaill LLP*  
**Bowcock & Pursaill LLP**

Direct Dial: 01782 200007  
Personal Email: [tw@bowcockpursail.co.uk](mailto:tw@bowcockpursail.co.uk)

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The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.





Official copy  
of register of  
title

Title number SF313717

Edition date 24.09.2020

- This official copy shows the entries on the register of title on 02 NOV 2023 at 16:24:11.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 02 Nov 2023.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Birkenhead Office.

## A: Property Register

This register describes the land and estate comprised in the title.

STAFFORDSHIRE : STAFFORDSHIRE MOORLANDS

1 (21.07.1992) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Mellow Lane Farm, Mellow Lane, Winkhill, Leek (ST13 7QS).

2 The land tinted yellow on the filed plan has the benefit of the following rights reserved by the Conveyance dated 9 October 1979 referred to in the Charges Register.

"EXCEPT AND RESERVING to the Vendor and his successors in title the owners or occupiers for the time being of the land adjoining the said property hereby conveyed and now or formerly belonging to the Vendor:-

as to the blue land and any part thereof

(ii) full and free right and liberty in common with all other persons having a like right at all times hereafter by day or by night with or without vehicles of any description and with or without animals for all purposes connected with the use and enjoyment of the blue land to pass and repass along the said roadway shown on the said plan and thereon coloured yellow for the purpose of access to and egress from the blue land to and from the public highway".

NOTE: The land in this title forms part of the blue land referred to and the yellow land is so much of Mellow Lane lying to the North East as is not included in this title.

3 (21.07.1992) The land tinted pink on the filed plan has the benefit of the following rights granted by the Conveyance dated 9 October 1979 referred to in the Charges Register:-

"TOGETHER ALSO WITH full right and liberty for the Purchasers and their successors in title the owners and occupiers for the time being of the said property hereby conveyed or any part thereof and their servants or licensees in common with all other persons having the like right:-

(a) at all times hereafter by day or night and with or without vehicles of any description and with or without animals for all purposes connected with the use and enjoyment of the said property to pass and repass along the road shown on the said plan and thereon coloured brown



## A: Property Register continued

for the purpose of gaining access to and egress from the said property to and from the public highway and

(b) to draw and receive and to convey through the existing tank and pipe from the spring situate on the land shown on the said plan and thereon edged blue (hereinafter called "the blue land") such an amount of water as may be required for the domestic and farm purposes of the said property with liberty from time to time as shall be necessary to cleanse repair or replace the said tank and pipe in so far as the same runs through the blue land in the same position as the present tank and pipe and for these purposes and except as hereinafter mentioned no other to enter upon pass along the break up the land adjoining the said tank and pipe doing as little damage as possible to the said land and

(c) subject to obtaining all necessary consents from and in accordance with the requirements of the Severn-Trent Water Authority to connect to the existing water main at a point before the flow of water there through reaches the Vendors water meter therein within the blue land and to lay a pipe therefrom provided that the same shall be laid within a period of twenty one years from the date hereof across the blue land to the property for all purposes in connection with the use of the said property with liberty from time to time as shall be necessary to cleanse repair or replace the said pipe in so far as the same runs through the blue land in the same position as the proposed pipe and for these purposes and except as aforesaid no other to enter upon pass along and break up the land adjoining the said pipe doing as little damage as possible to the said land and

(d) (i) to lay and forever thereafter maintain on the land shown on the said plan and thereon edged green (hereinafter called "the free land") such pipe or pipes as may be necessary or required by Staffordshire Moorlands District Council to form the outflow of a septic tank to be constructed within a period of Twenty one years from the date hereof on the said property hereby conveyed near to the farmhouse in such position and manner as may be approved by the said Staffordshire Moorlands District Council and

(ii) to drain through the said pipe or pipes into the soil of the green land such residuary substances as shall result from operations of the said septic tank Provided that the said right shall only be exercised if the said Staffordshire Moorlands District Council shall refuse to permit the said residuary substances to be drained into the land hereby conveyed and

(iii) to enter upon the green land so far only as may be necessary for the inspection repair maintenance and renewal of the said pipe or pipes and

(e) to enter upon the green land for the purposes of inspecting repairing maintaining and renewing all walls and fences eaves gutters and downspouts on the said property hereby conveyed as are adjacent to the boundaries thereof"

4 (21.07.1992) The Conveyance dated 9 October 1979 referred to in the Charges Register contains the following provision:-

"IT IS HEREBY AGREED AND DECLARED that:-

(a) the walls and fences between the points marked "A" and "B" and "X" and "Y" on the said plan shall be the property of the Purchasers and their successors in title to the property hereby conveyed

(b) the walls and fences between the points shown marked "B" and "C" and "C" and "D" on the said plan shall be the property of the Vendor and his successors in title to the green land."

NOTE: No points A B X and Y were visible on the plan supplied on First Registration.

5 The land tinted yellow on the filed plan has the benefit of the following rights reserved by a Conveyance of land abutting the southern boundary of the said land dated 29 September 1980 made between (1) Robert Aldridge (Vendor) and (2) Herbert Lloyd and Mary Lloyd



Title number SF313717

## A: Property Register continued

(Purchasers) :-

"EXCEPT AND RESERVING

(a) full right and liberty for the Vendor and his successors in title the owners or occupiers for the time being of the adjoining land shown edged blue on the said plan attached hereto within Twenty one years of the date hereof to connect to the existing water main on the property hereby conveyed at a point before the flow of water therethrough reaches the existing water meter and to lay a pipe therefrom to the said adjoining land to use the same for all purposes in connection with the use of the said adjoining land with liberty from time to time as may be necessary to cleanse repair or replace the said pipe in so far as the same runs through the property hereby conveyed in the same position as the proposed pipe and for these purposes and no other to enter upon pass along and break up the land adjoining the said pipes doing as little damage as possible to the property hereby conveyed and

(b) with full right and liberty for the Vendor and his successors in title and the owners and occupiers for the time being of the said adjoining land in common with all other persons having a like right at all times hereafter by day or by night with or without vehicles of any description and with or without animals for all purposes in connection with the use and enjoyment of the said adjoining land to pass and repass along the roadway shown on the said adjoining land to pass and repass along the roadway shown on the said plan annexed hereto and thereon coloured green for the purpose of obtaining access to and egress from the said adjoining land to and from the public highway".

*NOTE: Copy plan filed under SF271937.*

- 6 (20.07.2004) A new title plan showing an amended extent has replaced the original plan.
- 7 (24.09.2020) The land has the benefit of any legal easements reserved by a Conveyance of land adjoining the northern boundary of the land in this title dated 19 October 1979 made between (1) Robert Aldridge and (2) Thomas John Bettany but is subject to any rights that are granted by the said deed and affect the registered land.

*NOTE: Copy filed under SF659757.*

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (28.09.2015) PROPRIETOR: [REDACTED]  
of Mellow Lane Farm, Mellow Lane, Winkhill, Leek ST13 7QS.
- 2 (28.09.2015) The price stated to have been paid on 25 September 2015 was [REDACTED]

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (21.07.1992) The land tinted pink on the filed plan is subject to the following rights granted by a Conveyance of other land dated 10 August 1979 made between (1) Robert Aldridge (the Vendor) and (2) Thomas John Bettany (the Purchaser) :-

"TOGETHER WITH full right and liberty for the Purchaser and his successors in title the owners and occupiers for the time being of the said land or any part thereof or his or their respective servants agents or licensees (in common with all other persons having the like right) at all times hereafter by day or night with or without vehicles



## C: Charges Register continued

of any description and with or without animals for all purposes connected with the use and enjoyment of the said land to pass and repass over and along the road shown on the said plan annexed hereto coloured brown for the purpose of gaining access to and egress from the said land from and to the public highway known as Ipstones Edge and the public highway between New Street Winkhill aforesaid and Alton AND TOGETHER ALSO WITH full right and liberty for the Purchaser and his successors in title the owners and occupiers for the time being of the said land and his or their respective servants agents or licensees (subject to obtaining all necessary licences and consents and in accordance with the requirements of the Severn Trent Water Authority) to connect to the existing spring water pipe within the property shown edged blue on the said plan annexed hereto (hereinafter called "the blue land") and to lay a pipe therefrom across the blue land (the said connection to be made and the said pipe to be laid within a period of twenty one years from the date hereof and the same to be so located as a minimise inconvenience to the owners and occupiers for the time being of the blue land) and to draw and receive from the said spring pipe and to convey through the said pipe laid as hereinbefore provided a supply of water for the benefit of the said land hereby conveyed or any part thereof with liberty from time to time as shall be necessary to cleanse repair or replace the said pipe insofar as the same runs through the blue land in the same position as it shall be originally laid and for these purposes and no other to enter upon pass along and break up the blue land doing as little damage as possible thereto"

NOTE 1: The land tinted pink on the filed plan forms part of the blue land referred to

NOTE 2: The roadway coloured brown referred to is Mellow Lane.

- 2 (21.07.1992) The land tinted pink on the filed plan is subject to the following rights reserved by a Conveyance thereof with other land dated 9 October 1979 made between (1) Robert Aldridge (the Vendor) and (2) Terence Keith Stubbs and Kathleen Stubbs (the Purchasers):-

"EXCEPT AND RESERVING to the Vendor and his successors in title the owners or occupiers for the time being of the land adjoining the said property hereby conveyed and now or formerly belonging to the Vendor:-

(a) as to the green land and any part thereof

(i) full right and liberty in common with all persons having a like right at all times hereafter by day or by night with or without vehicles of any description and with or without animals for all purposes connected with the use and enjoyment of the green land to pass and repass along the roadway shown on the said plan and thereon coloured yellow for the purpose of access to and egress from the green land to and from the public highway

(ii) subject to obtaining the necessary license pursuant to the Water Resources Act 1963 and in accordance with the requirements of the Severn-Trent Water Authority to connect to the said spring water pipe within the said property hereby conveyed and to lay a pipe therefrom beneath the said property hereby conveyed to the green land the said connection to be made and the said pipe to be laid within a period of twenty one years from the date hereof and the same to be so located as to minimise inconvenience to the owners and occupiers for the time being of the property hereby conveyed for all purposes in connection with the green land with liberty from time to time as shall be necessary to cleanse repair and replace the same pipe and for these purposes and no other to enter upon pass along and break up the land adjoining the said pipe doing as little damage as possible to the said land

(iii) full right and liberty to construct within Twenty one years from the date hereof and forever thereafter maintain access to Mellor Lane aforesaid from the green land and to use the same for all purposes and for the purpose of exercising the said right to do such works as may be necessary but doing as little damage as possible in the exercise thereof and"

NOTE: Copy plan filed.



Title number SF313717

## C: Charges Register continued

3 (21.07.1992) By the Conveyance dated 9 October 1979 referred to above the land tinted pink on the filed plan was with other land conveyed subject as follows:-

"subject to

all rights of way drainage watercourses light and other easements or reputed easements and rights of adjoining owners if any affecting the same and to any liability to repair or contribute to the repair of roads ways passages bridges ponds dykes sewers drains gutters fences and other like matters."

End of register



**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 02 November 2023 shows the state of this title plan on 02 November 2023 at 16:24:14. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by the HM Land Registry, Birkenhead Office .

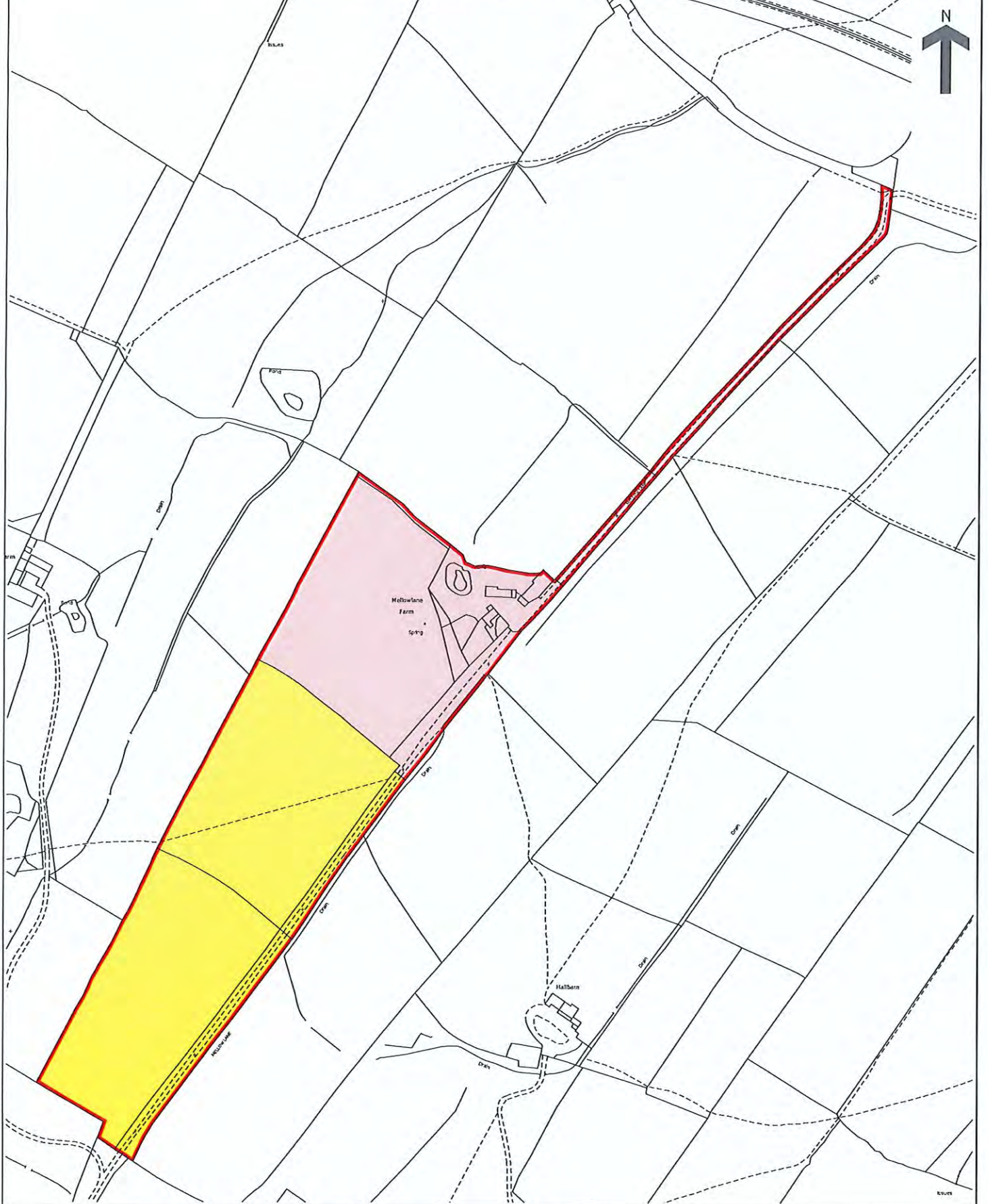


HM Land Registry  
Official copy of  
title plan

Title number **SF313717**  
Ordnance Survey map reference **SK0451SW**  
Scale **1:2500**  
Administrative area **Staffordshire :**  
**Staffordshire Moorlands**



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The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.





## Official copy of register of title

Title number SF279746

Edition date 22.10.2020

- This official copy shows the entries on the register of title on 02 NOV 2023 at 16:45:05.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 02 Nov 2023.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Birkenhead Office.

### A: Property Register

This register describes the land and estate comprised in the title.

STAFFORDSHIRE : STAFFORDSHIRE MOORLANDS

- 1 (29.03.1990) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land lying to the North West of Mellow Lane, Leek.
- 2 (29.03.1990) The mines and minerals are excepted.
- 3 (29.03.1990) The Conveyance dated 15 March 1990 referred to in the Charges Register contains a provision as to light or air.

### B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (22.10.2020) PROPRIETOR: [REDACTED] of Mellow Lane Farm, Mellow Lane, Winkhill, Leek ST13 7QS,
- 2 (22.10.2020) The price stated to have been paid on 12 June 2020 was [REDACTED]

### C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (29.03.1990) A Conveyance of the land in this title dated 15 March 1990 made between (1) The British Railways Board (the Board) and (2) Thomas John Bettany (Purchaser) contains restrictive covenants.

*NOTE: Original filed.*

- 2 (29.03.1990) The land is subject to the rights reserved by the Conveyance dated 15 March 1990 referred to above.



Title number SF279746

End of register



**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

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This official copy is issued on 02 November 2023 shows the state of this title plan on 02 November 2023 at 16:45:06. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by the HM Land Registry, Birkenhead Office .

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# H.M. LAND REGISTRY

TITLE NUMBER

## SF279746



ORDNANCE SURVEY  
PLAN REFERENCE

SK0451

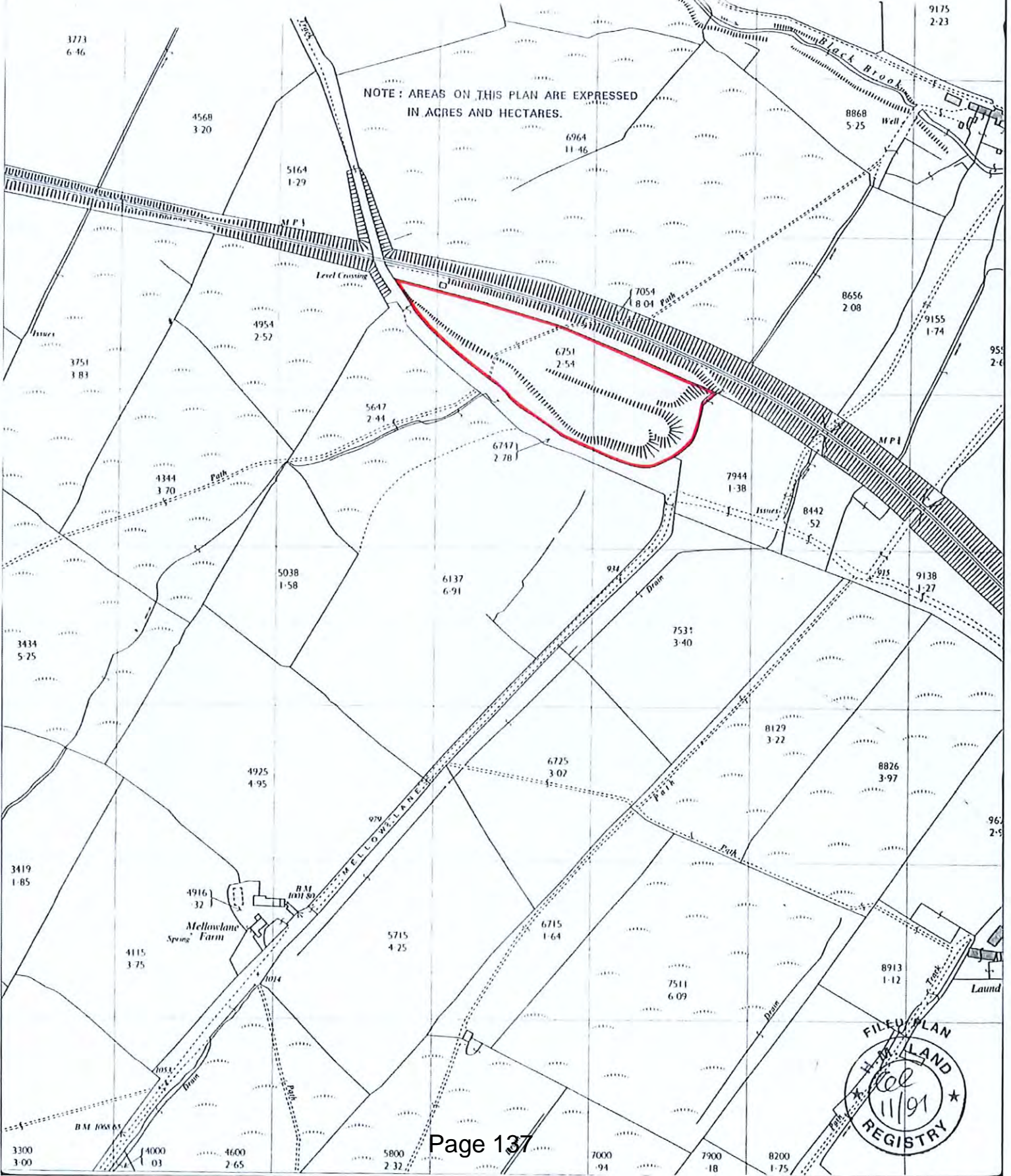
SECTION

Scale  
1/2500

COUNTY STAFFORDSHIRE

DISTRICT STAFFORDSHIRE MOORLANDS

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NOTE: AREAS ON THIS PLAN ARE EXPRESSED  
IN ACRES AND HECTARES.



**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.

Please print your name here [redacted] .....

Address [redacted] .....

[redacted] .....

(Block Capital please)

Your: Home Telephone Number ... [redacted] .....

Mobile Telephone Number... [redacted] .....

Email Address ... [redacted] .....

**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 [redacted]

Date: 23/10/23

**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.

Name [Redacted] [Redacted] .....  
(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.
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)~~ [redacted]

(ii) ~~\*Bridleway (i.e. for horse riders, cyclists and pedestrians)~~ [redacted]

(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

.....  
I HAVE OWNED THE FIELD INDICATED ON ENC. PLAN  
SINCE 2005 AND HAVE A RIGHT OF WAY / ACCESS  
ALONG MELLOW LANE .

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 ANIMALS

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?

.....  
I USED TO RIDE THE LENGTH OF MELLOW LANE ON HORSE BACK  
APPROXIMATELY 45 YRS AGO (FROM PELHAM FARM STABLES) WHEN  
THE ROUTE WAS OPEN (NOW LOCKED GATE!) AND HAVE ALWAYS  
CONSIDERED THIS AS AN OLD ROAD .

\* 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)? ...LOCALS ON HORSES.. OCCASIONAL RAMBLERS ..

(d) Were these people known to you? ...NO.....

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc). ...WALKERS MONTHLY.. UNFORTUNATELY LOCAL RIDERS HAVE CEASED TO USE THE ROUTE AS OCCUPANTS OF MEADOW LANE FARM HAVE PLACED A LOCK ON AN ACCESS GATE.

(f) How many other people, approximately, did you see on these occasions? ...3-5...

(g) Please give any further details of other people's use of the way which you feel may be important. ...MY NEIGHBOUR [REDACTED] REQUIRED ACCESS TO WALK A HORSE TO A FARM AT BOTTOM HOUSE - HE HAD TO 'SQUEEZE' IT THROUGH A PEDESTRIAN GATE TO DO SO OWING TO THE ROUTE BEING BLOCKED WITH A PADLOCKED GATE.



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? I BELIEVE THE OCCUPERS OF MELLOW LADE HAVE PERMANENTLY LOCKED AN ACCESS GATE FOR APPROX. 8 YEARS  
 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 .....  
 .....  
 .....  
 .....

\* Please delete as appropriate



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 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)..... *N/A* .....

Date ..... *23/10/23* .....

\* 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.

N/A

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.

[REDACTED]

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)



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?)

.....

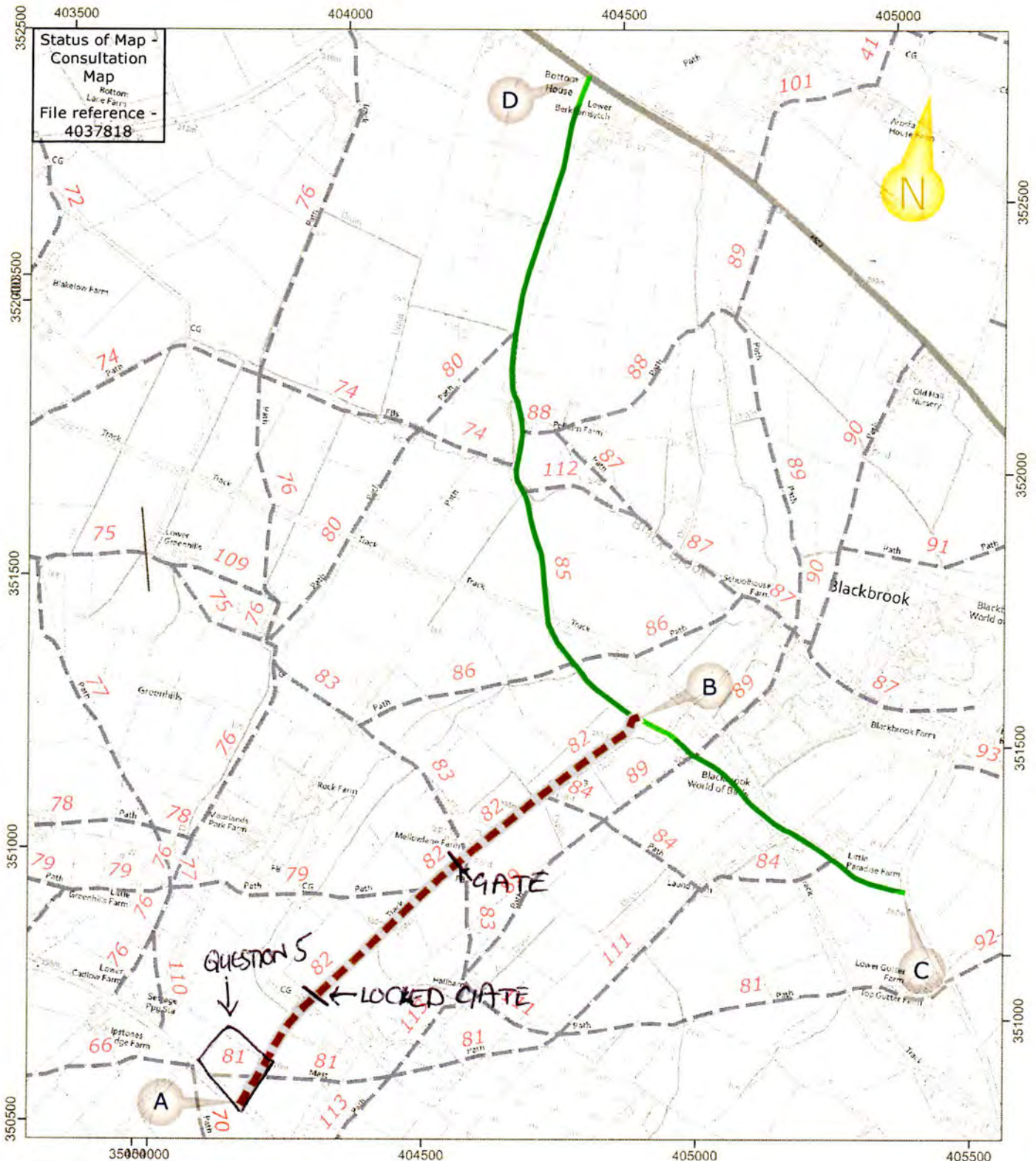
e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you

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



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

Proposed upgrading of Footpath no.82 Ipstones Parish,  
to Restricted Byway.



Map created at the scale of 1:10,000  
(facsimiles may vary)

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shown at [www.staffordshire.gov.uk/maps](http://www.staffordshire.gov.uk/maps).  
Produced by Staffordshire County Council, 05/09/2023.

- - - - - Route of footpath to be regraded to Restricted Byway ( A - B )
- - - - - Footpaths unaffected by proposal
- Bridleway no.85 Ipstones Parish ( C - D )



# **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.

Please print your name here : [REDACTED]

Address NETWORK RAIL, BASKERVILLE HOUSE, CENTENARY SQUARE, BROAD STREET, BIRMINGHAM, B1 2ND

(Block Capital please)

Your: Home Telephone Number .....

Mobile Telephone Number [REDACTED]

Email Address [REDACTED]

**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**



**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) [REDACTED]  
(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.
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.

SEE ATTACHED PLAN OF NETWORKRAIL OWNERSHIP

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].

Freehold sole owner

7. Please give details and dates of ownership or occupation

PLEASE SEE ATTACHED PLAN. NETWORKRAIL  
 OWNERSHIP SHOWN IN GREEN

OWNERSHIP BY RAILWAY SINCE 1845

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

Formerly passenger and freight transportation  
 line presently mothballed however, proposed to re-open.

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 bridleway



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

..... May be provided on request .....

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? UNKNOW ~~\*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)? UNKNOW.....

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)? .....

(d) Were these people known to you? .....

(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? .....

(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? .....

.....  
 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?

..... UNKNOWN .....

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?

..... UNKNOWN .....

**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

Please note, that due to "Statutory Incompatibility Network Rail is unable to dedicate or increase a right of way over its own land.

I certify that, to the best of my knowledge, the statement is true.

Signature

statement

.....

Person taking this statement (if applicable).....

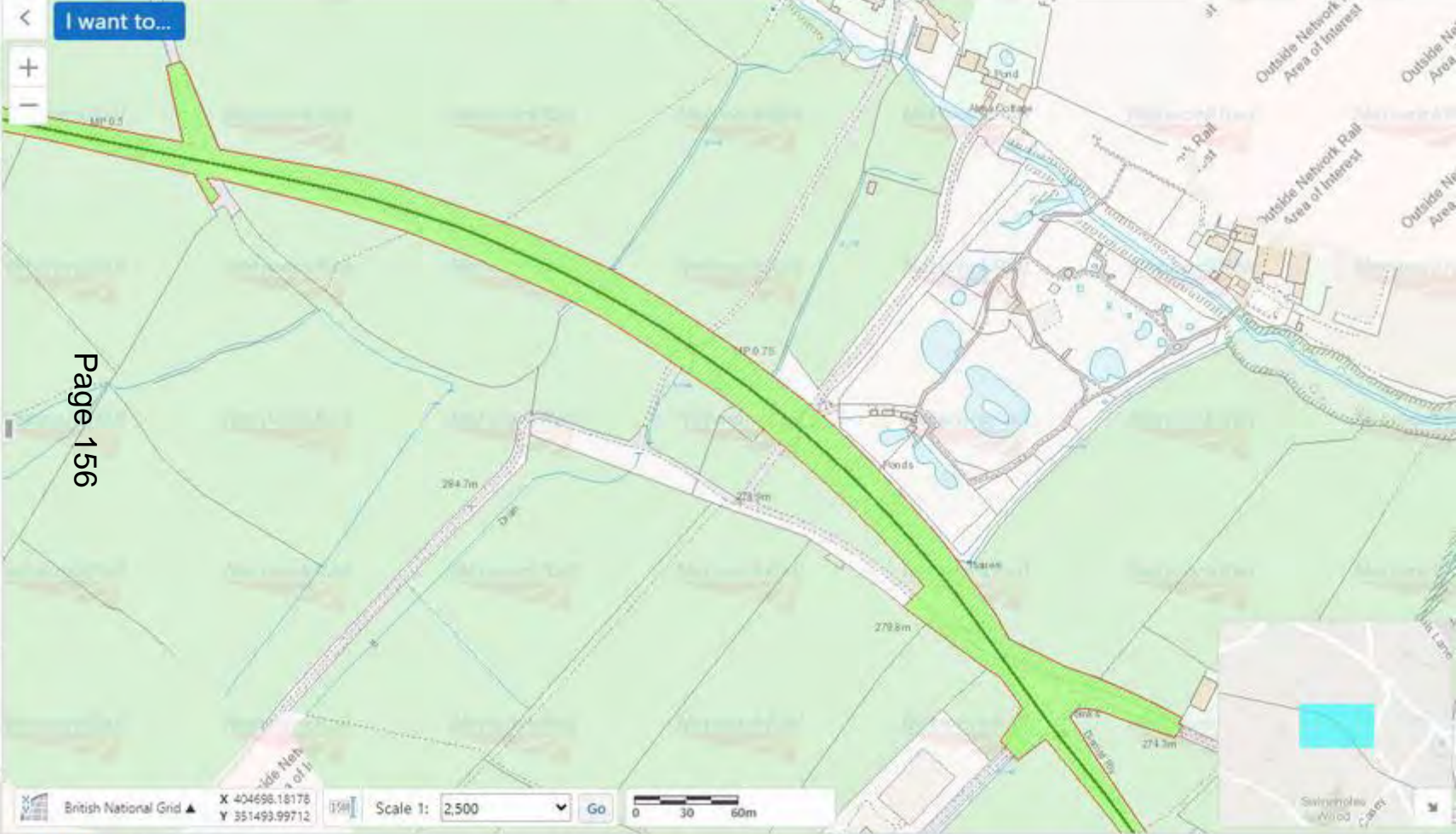
Date ..... 6 October 2023



I want to...



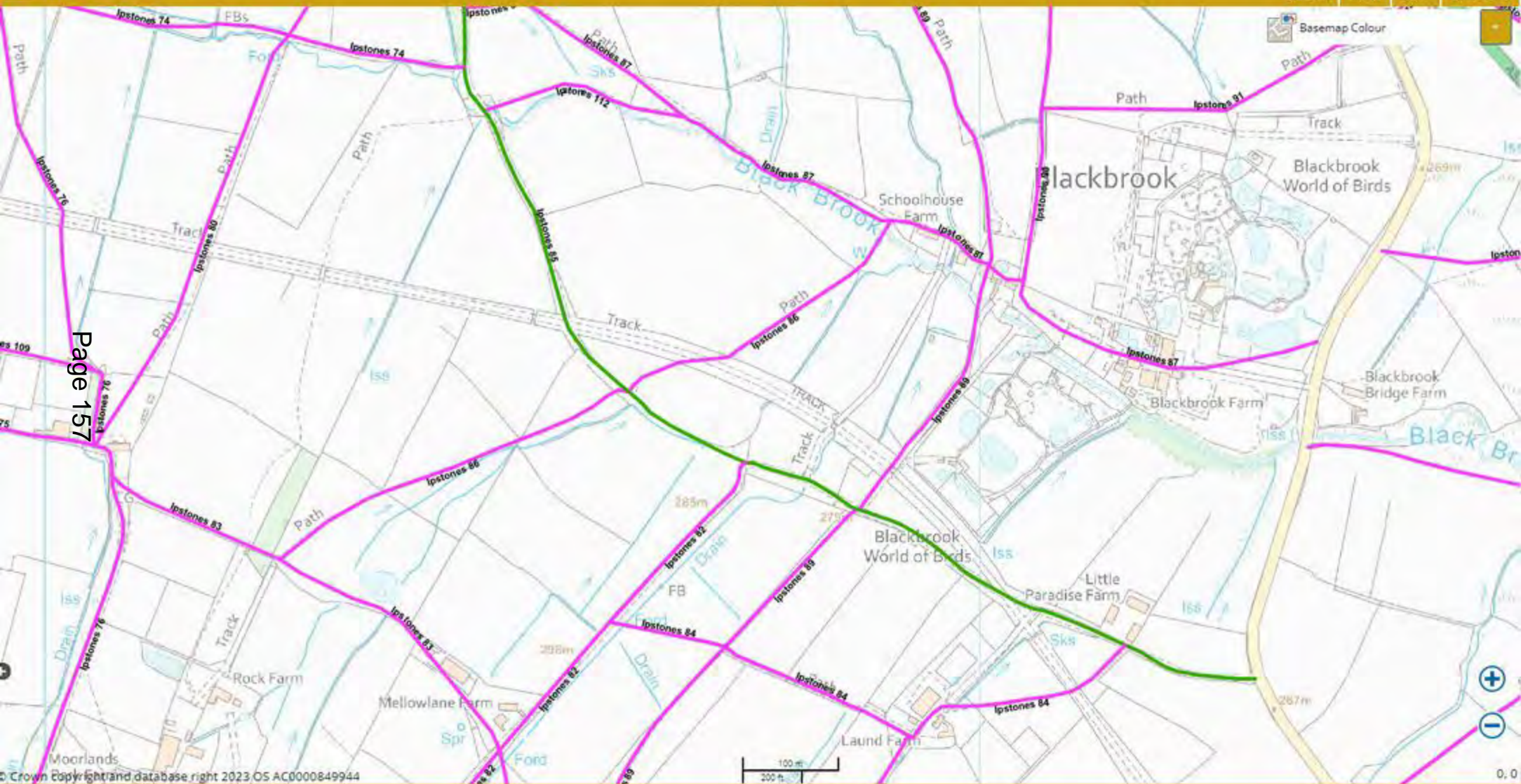
Page 156



British National Grid ▲ X 404696.18178 Y 351493.99712 Scale 1: 2,500 Go 0 30 60m







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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.

\* Please delete as appropriate



**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.

Please print your name here [REDACTED]

Address CHURNET VALLEY RAILWAY 1992 PLC, CHEDDLETON STATION,  
STATION ROAD, CHEDDLETON, LEEK, ST13 7EE

(Block Capital please)

Your: Home Telephone Number [REDACTED]

Mobile Telephone Number.....

Email Address [REDACTED]

**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 [REDACTED]

Date: 26th October 2023

**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)

**DIRECTOR  
CHURNET VALLEY RAILWAY**

**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

LEASEHOLDER - FROM OCTOBER 2016

OCCUPIER - FROM NOVEMBER 2011 TO OCTOBER 2016

.....

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

OPERATIONAL RAILWAY (FIRST OPENED IN 1905 AND NEVER CLOSED)  
TRAFFIC CEASED IN 1988, RECOMMENCED IN 2010 AND TEMPORARILY  
CEASED IN 2013. SUBSEQUENTLY THE TRACK WAS LIFTED, BUT  
WILL BE RELAID

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 - THE RIGHT OF WAY IS SHOWN AS A BRIDLEWAY (BW 85)  
ON THE DEFINITIVE MAP

.....

.....

\* 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)? .....

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)? .....

(d) Were these people known to you? .....

(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? .....

(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?  
 (b) Have there, to your knowledge, ever been any gates on the way  
 (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? .....

\*YES/NO  
 \*YES/NO

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?  
 (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.....

\*YES/NO

\*YES/NO

16. (a) Have you ever stopped or "turned back" anyone found using the route?

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?

If YES please give full details .....  
 .....  
 .....  
 .....

\*YES/NO



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

FOR RAILWAY OPERATIONS

- i) THE LEVEL CROSSING AT LOCATION 1 (OSCR SKOASSIG) IS A PRIVATE VEHICULAR CROSSING CO-EXISTENT WITH A PUBLIC BRIDLEWAY (BW 85)
- ii) THE LEVEL CROSSING AT LOCATION 2, WHERE MELLOW LANE CROSSES THE RAILWAY (OSCR SKOSISIA) IS A PRIVATE VEHICULAR CROSSING CO-EXISTENT WITH A PUBLIC BRIDLEWAY (BW 85)
- iii) MELLOW LANE IS A PRIVATE MEANS OF ACCESS WITH VEHICLES, FOR MELLOW LANE FARM, SCHOOL FARM, LITTLE PARADISE FARM AND BLACKBROOK ZOO/PEAK WILDLIFE PARK.
- iv) TRESPASS ON THE RAILWAY IS AN OFFENCE, SO USE BY THE PUBLIC CANNOT GIVE RISE TO A PRESUMPTION OF DEDICATION THROUGH SECTION 31 OF THE HIGHWAYS ACT.

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 .....

\* 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.

NETWORK RAIL INFRASTRUCTURE LTD  
WATERLOO GENERAL OFFICE  
LONDON  
SE1 8SW

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?)

.....

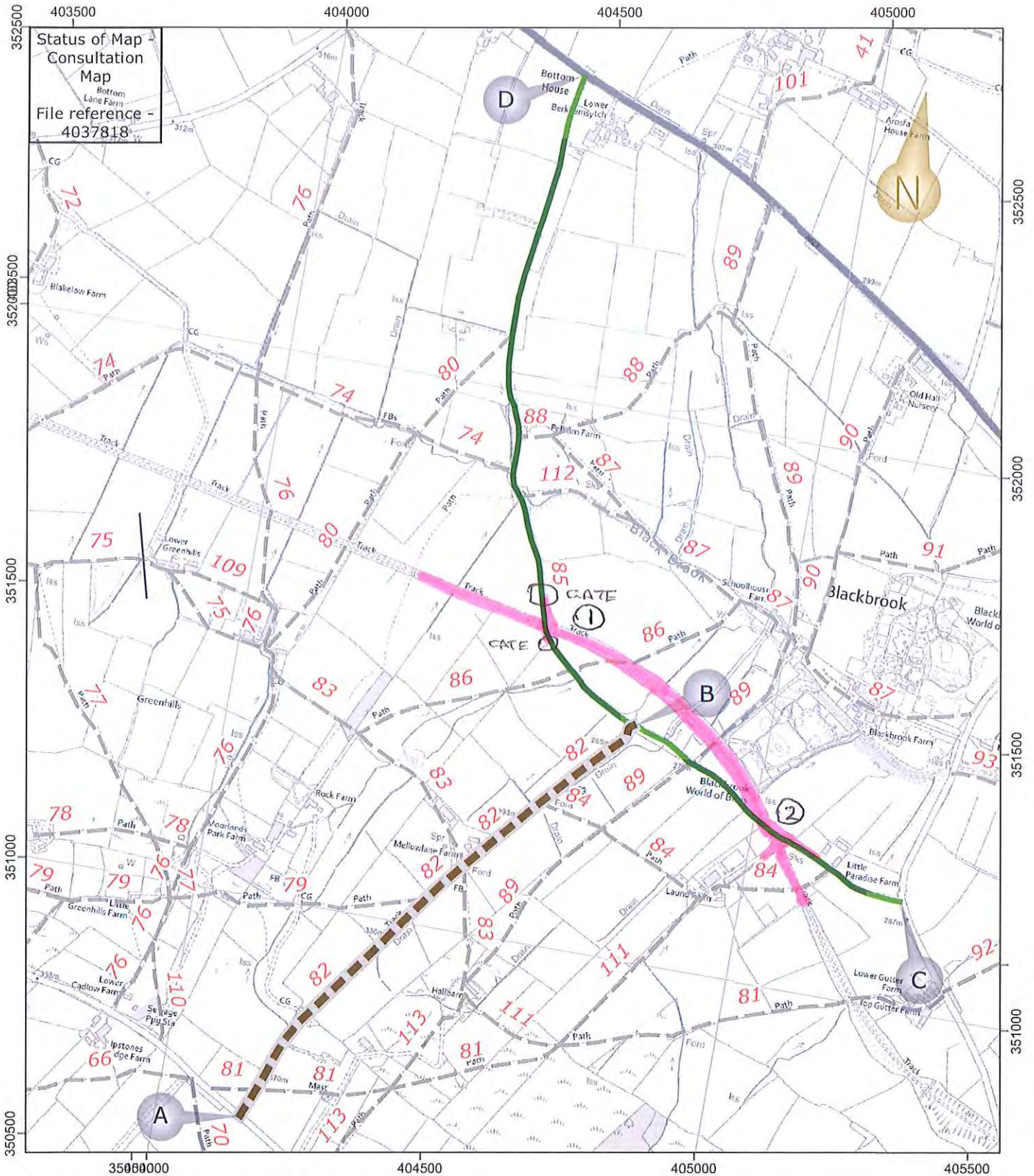
e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you

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






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

Proposed upgrading of Footpath no.82 Ipstones Parish,  
to Restricted Byway.



Map created at the scale of 1:10,000  
(facsimiles may vary)

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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, 05/09/2023.

-  Route of footpath to be regraded to Restricted Byway ( A - B )
-  Footpaths unaffected by proposal
-  Bridleway no.85 Ipstones Parish ( C - D )







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 [Redacted] [Redacted]  
(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.
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?

SEE AREA OUTLINED IN BLACK

\*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



YOUR LETTER DATED 12/9/27  
Mentions BRIDLEWAYS  
ANSWERS REFER TO THAT \*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. SEE BLACK LINED BOUNDARY

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

1994 TO PRESENT

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

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 ANIMALS, GROWING FOODER  
 PLUS OUR DOMESTIC PROPERTY

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?

BRIDLEWAY - SEE Q 4

.....  
 .....

\* 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

SEE ~~LAND~~ LAND REGISTRY

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? SPRING 2008

(b) What did these signs say? PUBLIC FOOTPATH AND BRIDLEWAY

ONLY ~~FOR~~ VEHICULAR ACCESS TO PELHAM HATCH ONLY

(c) Are these signs still in place? YES

(d) Where are these signs located? SEE MAP

(e) How long were these signs in place? SINCE 2008

(f) Did anyone respond/react to the notices/signs? YES - SEE LATER RESPONSE RE: NEIGHBOUR DISPUTE

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 / BICYCLE

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)? ~~LO~~ BOTH

(d) Were these people known to you? SOMETIMES

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc). DAILY WALKER / MONTHLY ON HORSE / 3 OR 4 TIMES / YEAR ON A BIKE

(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? YES, BY ME, GATE LOCKED FULL TIME 2008-2020  
~~BY ME~~

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? PARKED TRACTOR / MACHINERY  
(USED AS STORAGE LOCATION)  
 (ii) When they were erected or removed? FREQUENTLY SINCE MOVING HERE  
NOTE THAT ROAD WALKERS / CYCLISTS / HORSES CAN STILL PASS FREELY  
 (c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.  
SEE MAP  
 (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  
INFREQUENTLY GET OVERROAD MOTORCYCLISTS +  
4X4 DRIVERS - THESE ARE TURNED BACK

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 NOT STRICTLY RE: PUBLIC ROW BUT  
CONSULTED SOLICITOR IN 2008 IN RESPONSE TO  
NEIGHBOUR CLAIMING ROW FOR VEHICLES. SOLICITOR  
CONFIRMED ROW STATUS OF THE ROUTE & TOLD NEIGHBOUR  
THEY HAD NO CLAIM OTHER THAN AS WALKER / CYCLIST  
RIDER ON A HORSE.



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 <sup>BRIDLEWAY (FOOTPATH ONLY)</sup> ~~private right of way~~ or giving details of its closure? \*YES/NO

If YES: --

(a) in what form is this? DEFINITIVE MAP OUR PROPERTY NEEDS  
(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

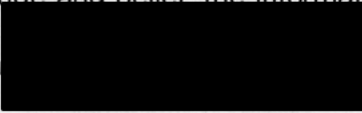


22. Can you give any further information about the alleged route?  
(continue on a separate sheet of paper if necessary).

\*YES/NO

SEE COVERING EMAIL

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 23/10/23 .....

\* 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.)

... ONCE EVERY 2/3 YEARS .....  
.....  
.....  
.....

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)

NONE GIVEN OUTSIDE  
OF FOOTPATH/  
BRIDLEWAY  
RIGHT OF  
ACCESS

\* 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?)

.....

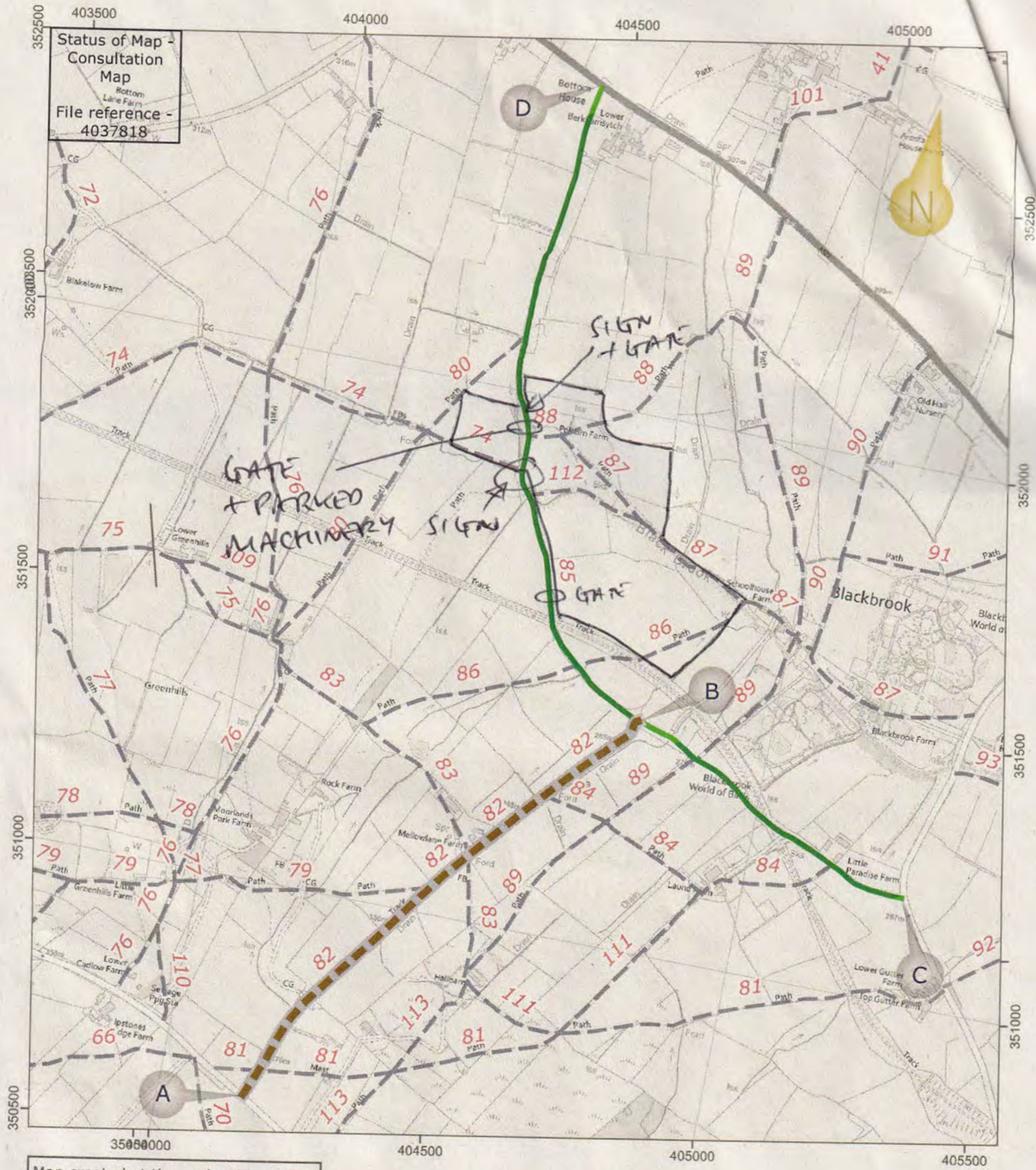
e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you

YES - ACCESS BY MOTORISED VEHICLES BY [REDACTED]  
[REDACTED] FORMERLY OF UPPER GREENHILLS, 2008.  
NEIGHBOUR



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

Proposed upgrading of Footpath no.82 Ipstones Parish, to Restricted Byway.



Map created at the scale of 1:10,000 (facsimiles may vary)

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 Produced by Staffordshire County Council, 05/09/2023.

- Route of footpath to be regraded to Restricted Byway ( A - B )
- Footpaths unaffected by proposal
- Bridleway no.85 Ipstones Parish ( C - D )



**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.

Please print your name here [REDACTED]

Address PELHAM FARM BOTTOM HOUSE LEEK ST13 9GJ

(Block Capital please)

Your: Home Telephone Number .....

Mobile Telephone Number. [REDACTED]

Email Address . [REDACTED]

**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 [REDACTED]

Date: 23/12/27

**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



**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: Stephanie Clarkson  
Telephone: 01785 276292  
e-mail:  
[stephanie.clarkson@staffordshire.gov.uk](mailto:stephanie.clarkson@staffordshire.gov.uk)

**My Ref:** 008636DW

**Your Ref:**

**Date:** 12 September, 2023

Dear

**Wildlife and Countryside Act 1981 - Definitive Map and Statement  
S53 Application for the upgrade of Public Footpath 82, Mellow Lane, Ipstones Parish  
and upgrade of Public Bridleway 85 Ipstones Parish to that of a Restricted Byway**

In the course of investigating an application under Section 53 of the Wildlife and Countryside Act 1981 for the upgrade of PF82 (Mellow Lane) Ipstones to that of a Restricted Byway, evidence has also been discovered to suggest that Bridleway 85 could also potentially be upgraded to that of a Restricted Byway. A plan attached shows the current footpath and bridleway.

I understand that the bridleway passes over or runs adjacent to land which may be in your ownership. I should therefore be grateful if you would complete the enclosed questionnaire and return it to me by 23<sup>rd</sup> October 2023.

Under section 53B of the Wildlife and Countryside Act 1981 the County Council must keep a register of all applications made under section 53(5) of the Act. This register is available for public inspection and is kept in both paper and electronic format, with the latter being available on the Council's website.

Among the details which must be included are those of all the affected properties concerned. Accordingly, should your property be affected this information will be included on the register. This information does not include the name of any owner/occupier, only and merely shows the property details.

If you require any further information, please do not hesitate to contact me at the above address.

Yours sincerely,

*Stephanie Clarkson*

Stephanie Clarkson  
on behalf of Kate Loader, County Solicitor.  
SC5 / 008636DW



From: Landowner 5

To: Stephanie Clarkson, Legal Officer

Dated 23<sup>rd</sup> October 2023

---

Hi Stephanie,

Further to your recent letter regarding the above, I've attached the completed questionnaire. There are a few additional comments:

- I hope that you can read my handwriting - do let me know if I need to clarify anything. (It would have been easier to complete an electronic form).

- Pelham Farm is owned by myself ( [REDACTED] ) and [REDACTED]. We've received letters addressed to myself and [REDACTED] - I suspect that your information comes from the Land Registry [REDACTED] [REDACTED] [REDACTED] Also, our postcode is [REDACTED] as per your letter to Pelham Farm.

- I've looked on the Staffordshire County Council website and not been able to find any further details on the upgrade application to PF82 (Mellow Lane). Might you be able to send me a link?

- I've struggled a bit with your form as it seems to be geared to a new right of way rather than an upgrade in these circumstances.

- In summary, we've owned Pelham Farm since 1994 and have regularly parked vehicles and machinery in the track, restricting access to vehicles, whilst allowing access for horses, bicycles and walkers. A locked gate was also in place across the track from 2008 to 2020 following a neighbour access dispute (where solicitors were involved). Access as a footpath and bridleway was preserved. As part of the neighbour dispute, he called out the council bridleway team to see that the track was blocked - the council official saw the locked gate and was happy with the gap that had been left to allow horse/ bicycle access (but no vehicles other than bicycles). This was in 2008 so records may no longer be available at the council to evidence this.

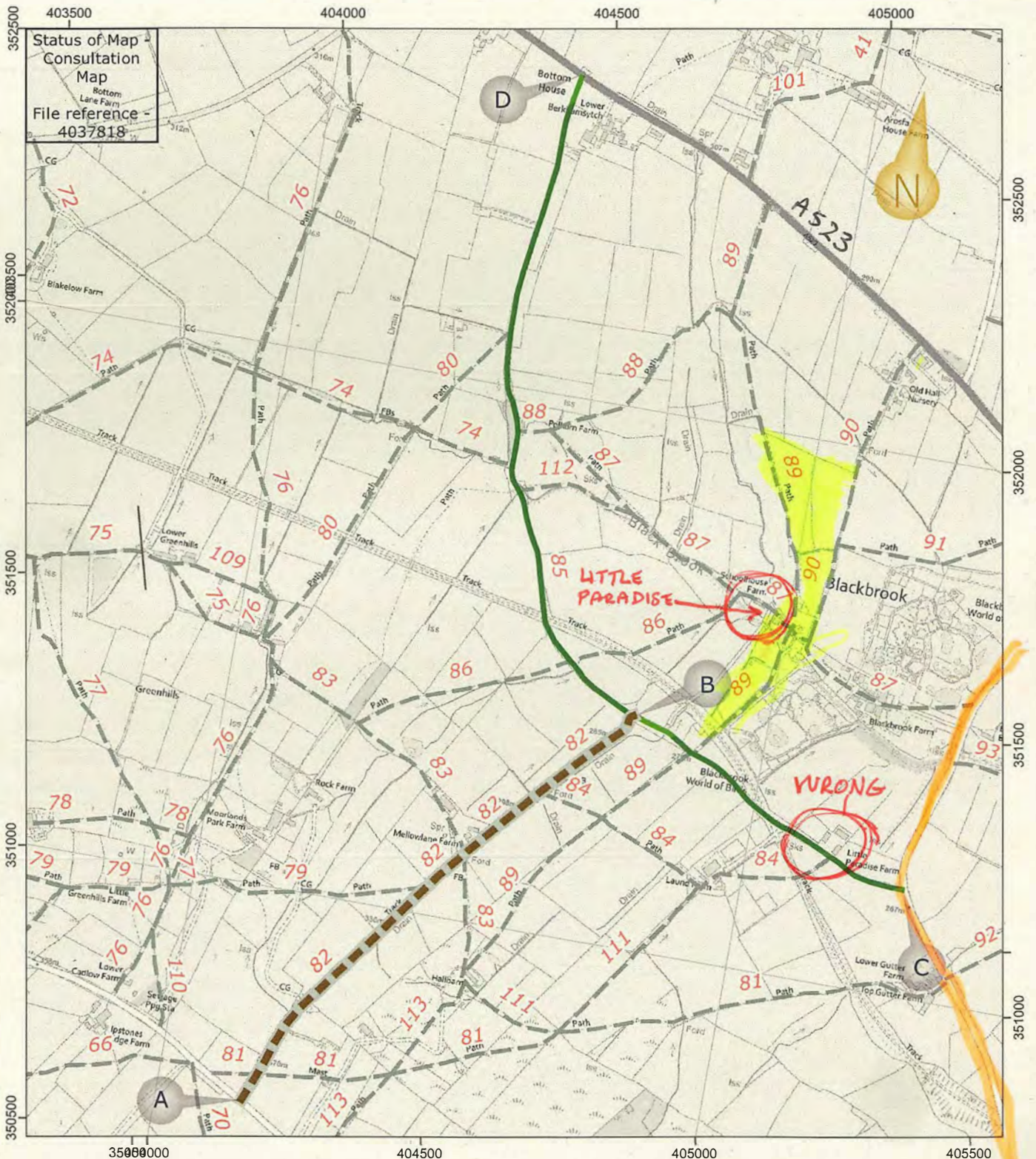
Hope that helps.

Kind regards



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

Proposed upgrading of Footpath no.82 Ipstones Parish,  
to Restricted Byway.



Map created at the scale of 1:10,000  
(facsimiles may vary)

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Produced by Staffordshire County Council, 05/09/2023.

- Route of footpath to be regraded to Restricted Byway ( A - B )
- Footpaths unaffected by proposal
- Bridleway no.85 Ipstones Parish ( C - D )

*Ellastone Road*



**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.

Please print your name here ... [redacted]

Address [redacted]

[redacted]

(Block Capital please)

Your: Home Telephone Number .. [redacted]

Mobile Telephone Number. [redacted]

Email Address ..... [redacted]

**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: [redacted]

Date: 30 September 2023

**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.

Name (\*Mr/Mrs/Miss/Ms) [Redacted] .....  
(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.
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



(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):~~

(85)

(ii) \*Bridleway (i.e. for horse riders, cyclists and pedestrians) YES, BUT USED AS

(iii) \*Byway open to all traffic (open to all traffic) ← (iii) FOR DECADES

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.

(IN YELLOW)

~~ALREADY TRIED BUT~~

~~NOT SURE -~~

~~MAP INNACURATE~~

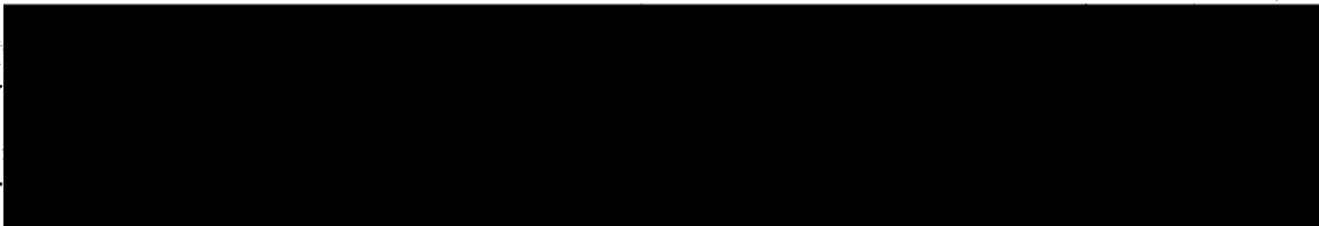
6. Please state the nature of your interest in the land over which the alleged public right of way is claimed.

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

PURCHASED [REDACTED] IN JUNE 1999.



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

LEISURE ONLY - DOG WALKING

NO KNOWLEDGE OF USE PRE 1999

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?

NO IDEA BUT ALWAYS PRESUMED TO BE PUBLIC FOR ALL TRAFFIC.

(SOLICITOR INVESTIGATED THIS, WHEN WE PURCHASED.)

REFER TO ROUTE 85 C-B and B-A (82) ONLY.



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

CAN'T FIND

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, VEHICLE .....

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)? ..... NO IDEA - VARIED .....

(d) Were these people known to you? ..... NO., MOSTLY, EXCEPT NEIGHBOURING FARMS?

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc). ..... WALKERS VERY OCCASIONALLY, BUT 3 OTHER PROPERTIES USE VEHICLES DAILY FOR ACCESS

(f) How many other people, approximately, did you see on these occasions? ..... MAYBE 2 or 3 + DOGS.

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

SOME FIELDS RENTED TO OTHER FARMERS FOR GRAZING.  
NOT MINE' [REDACTED]



4. (a) Have there, to your knowledge, ever been any stiles on the way?  
 (b) Have there, to your knowledge, ever been any gates on the way.  
 (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? .....

\*YES/NO DONT KNOW  
 \*YES/NO " "

NOT TO MY KNOWLEDGE

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?  
 (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.....

\*YES/NO

16. (a) Have you ever stopped or "turned back" anyone found using the route?

\*YES/NO BUT

If YES please give details

ONCE WHEN USING PATH 82 BECAUSE ROUTE 85 WAS BEING PARTIALLY TARMACKED, WE WERE QUESTIONED, BUT ALLOWED TO PASS. MAYBE THE OCCUPANTS OF MELLOW LANE FARM.

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 .....



8. 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 N/A

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

PLEASE NOTE THAT MY RESIDENCE [REDACTED] IS WRONGLY  
MARKED ON YOUR MAP. IT IS ACTUALLY SITUATED BETWEEN SCHOOLHOUSE  
FARM AND BLACKBROOK ZOOLOGICAL PARK [REDACTED]

\* I WAS UNDER THE IMPRESSION THAT MELLOW LANE — BRIDLEWAY 85 —  
CONTINUED FROM POINT C TO POINT A, VIA B. \* FROM POINT B, (N.W.)  
THE PATH 85 CROSSES AN IMPREGNABLE MARSH. IMPASSABLE,  
WITHOUT WADERS!

DONE

I DO NOT UNDERSTAND THE LOGIC BEHIND THIS APPLICATION.  
SURELY, ALL THE PATHS AND BRIDLEWAYS HAVE SUITED EVERYONE  
CONCERNED OVER SEVERAL DECADES. WHY CHANGE NOW?  
SO, ALL THINGS CONSIDERED, I OBJECT TO THE APPLICATION.

\* HENCE — MELLOW LANE FARM

I certify that, to the best of my knowledge and belief, the information I have given in this statement  
is true.

Signature [REDACTED]

Person taking this statement (if applicable).....

Date 30 September 2023



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.)

.....  
NEVER  
.....  
.....

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)

N/A

.....  
.....

\* Please delete as appropriate



**Email sent from:** Representative of Peak & Northern Footpath Society

**To:** Michael Murphy – Legal Officer

**Date:** 9<sup>th</sup> November 2014

---

Dear Mr Murphy

Upgrading Footpath 82 Ipstones Mellow Lane

Thank you for your letter dated 7<sup>th</sup> October 2014. The Peak & Northern Footpath Society does not have any evidence to support the claim, however we do not object to the upgrading of footpath 82.

Yours sincerely



**Email sent from:** Representative of Byways and Bridleways Trust

**To:** Michael Murphy – Legal Officer

**Date:** 8<sup>th</sup> December 2014

---

Dear Mr. Murphy,

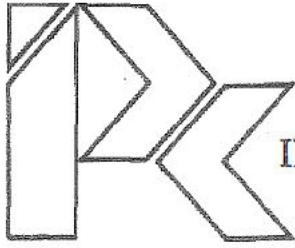
Thank you for your letters of the 7th and 29th October, and I regret the delay in responding.

As you will, I am sure, appreciate, I support both applications by the Staffs Moorlands Bridleways Association, although, obviously, I would have preferred full Byway status, which I believe would have been the result if the research for the First Review had been properly conducted, or D Class Road, if the Handover Maps had been accurately prepared in 1929.

I recall that xxxxxx and I, together with other members of the North Staffs TRF, rode both ways on motorcycles in the 1970s and 1980s on a number of occasions when they were RUPPs: xxxxxxxx has already supplied you with historical documentary evidence to substantiate the Applications.

Yours sincerely,





IPSTONES PARISH COUNCIL

Clerk: [REDACTED]

Mobile: [REDACTED]

E-mail: [ipstonespc@hotmail.co.uk](mailto:ipstonespc@hotmail.co.uk)

Your Ref: MMU/Zip008636DW

Mr Michael Murphy  
For Director of Democracy, Law and Transformation  
2 Staffordshire Place  
STAFFORD  
ST16 2DH



10 November 2014

Dear Mr Murphy,

**Wildlife and Countryside Act 1981 – Section 53**

**Application for the upgrading of PF82 (Mellow Lane) Ipstones Parish to a restricted Byway**

Thank you for your letter dated 7 October 2014 regarding the above.

Members have considered this and do not have any objections to the application.

Yours sincerely,

[REDACTED]

Clerk  
On behalf of Ipstones Parish Council



Email received from: Clerk to Ipstones Parish Council

To: Stephanie Clarkson – Legal Officer

Date: 3<sup>rd</sup> October 2023

---

Good Morning Stephanie

Ipstones Parish Council considered the above at the latest Parish Council Meeting on 27<sup>th</sup> September 2023, it was agreed to support the upgrade of the footpath as detailed

I hope this is in order

Best regards



**Email received from:** Representative of Byways and Bridleways Trust

**To:** Georgia Highway, Paralegal

**Date:** 1<sup>st</sup> October 2023

---

Dear Ms. Heighway,

Thank you for advising me about this Application. I do not think that I can usefully add to the comments made to your colleague, Ms. Clarkson, on 15th November last: clearly, substantial historical evidence has been produced to support a finding that both ways carry public vehicular rights, and should be shown as such on the List of Streets.

Kind regards,







<b>Local Members' Interest</b>	
Cllr. Gill Heath	Staffordshire Moorlands

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

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

#### **Proposed Agreement with Derbyshire County Council under section 101 of the Local Government Act 1972**

#### **Application for the upgrade of Public Footpath 41, Sheen to a Restricted Byway, Sheen**

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

#### **Purpose of Report**

1. To seek authority to enter into an Agreement with Derbyshire County Council under Section 101 of the Local Government Act 1972 for the discharge of functions from one local authority to another in relation to the matter of determining a Definitive Map Modification Order made under section 53 of the Wildlife and Countryside Act 1981, which crosses the County Boundary.

#### **Recommendation**

2. That an agreement be entered into with Derbyshire County Council under Section 101 of the Local Government Act 1972 for Derbyshire County Council to delegate its powers to Staffordshire County Council to determine an application made under Section 53 of the Wildlife and Countryside Act 1981 as the alleged right of way is a continuous route that crosses the Staffordshire/Derbyshire County borders in the Sheen Parish in Staffordshire and the Hartington Parish in Derbyshire.
3. In accordance with such arrangements as may from time to time be agreed between the Director for Corporate Services and the appropriate officer of Derbyshire County Council.

#### **Background**

4. An application has been made to Staffordshire County Council under section 53 of the Wildlife and Countryside act 1981 for the upgrade of Public Footpath 41, Sheen to a restricted byway to the County boundary. A copy of the plan showing the route marked in red, which is subject to the application is attached at Appendix A to this report.
5. An application has also been made to Derbyshire County Council, under section 53 of the Wildlife and Countryside Act for the upgrade from the County boundary to add a restricted byway at SK11636 63308 and



upgrade existing Public Footpath 27, Hartington. A copy of the plan showing the route is attached at Appendix B to this report.

6. The applications lodged with Staffordshire County Council and Derbyshire County Council form one continuous route.
7. An anomaly, therefore, would occur **if** Staffordshire County Council were to determine the application lodged with them in favour of the Applicant before Derbyshire County Council were able to make a decision on the application on their side of the county border.
8. Following discussions, Derbyshire County Council have agreed in principle to delegate their powers to Staffordshire County Council in determining the part of the above-mentioned continuous route which is in the County of Derbyshire. Derbyshire County Council will request formal delegation via their committee.
9. Staffordshire County Council have been directed by the Secretary of State to determine this application following a directions request made by the applicant.
10. Historical evidence has been submitted in support of both applications, the Applicant is the same and the evidence submitted in respect of each county route is identical.
11. The decision to act on behalf of Derbyshire County Council and to receive the delegated powers of their Committee under section 53 of the Wildlife and Countryside Act 1981 in relation to the application referred to is one which is a matter for the Panel.

### **Conclusion**

12. Officers seek approval from the Panel to enter into an agreement with Derbyshire County Council to obtain delegated authority to determine the above-mentioned section 53 application as the applied for routes form a continuous route across the Staffordshire and Derbyshire County borders and Staffordshire County Council have been directed by the Secretary of State to determine the application made to Staffordshire County Council.

### **Resource and Financial Implications**

13. The costs of Staffordshire County Council making the necessary investigations, determinations and the Order-making process in respect of both applications will be met from existing budgetary provision.

### **Equal Opportunity Implications**

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

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J Tradewell  
Director for Corporate Services

**Background File:** 017286



## INDEX TO APPENDICES

Appendix A	Staffordshire Boundary Plan of Claimed Application Route
Appendix B	Derbyshire Boundary Plan of Claimed Application Route

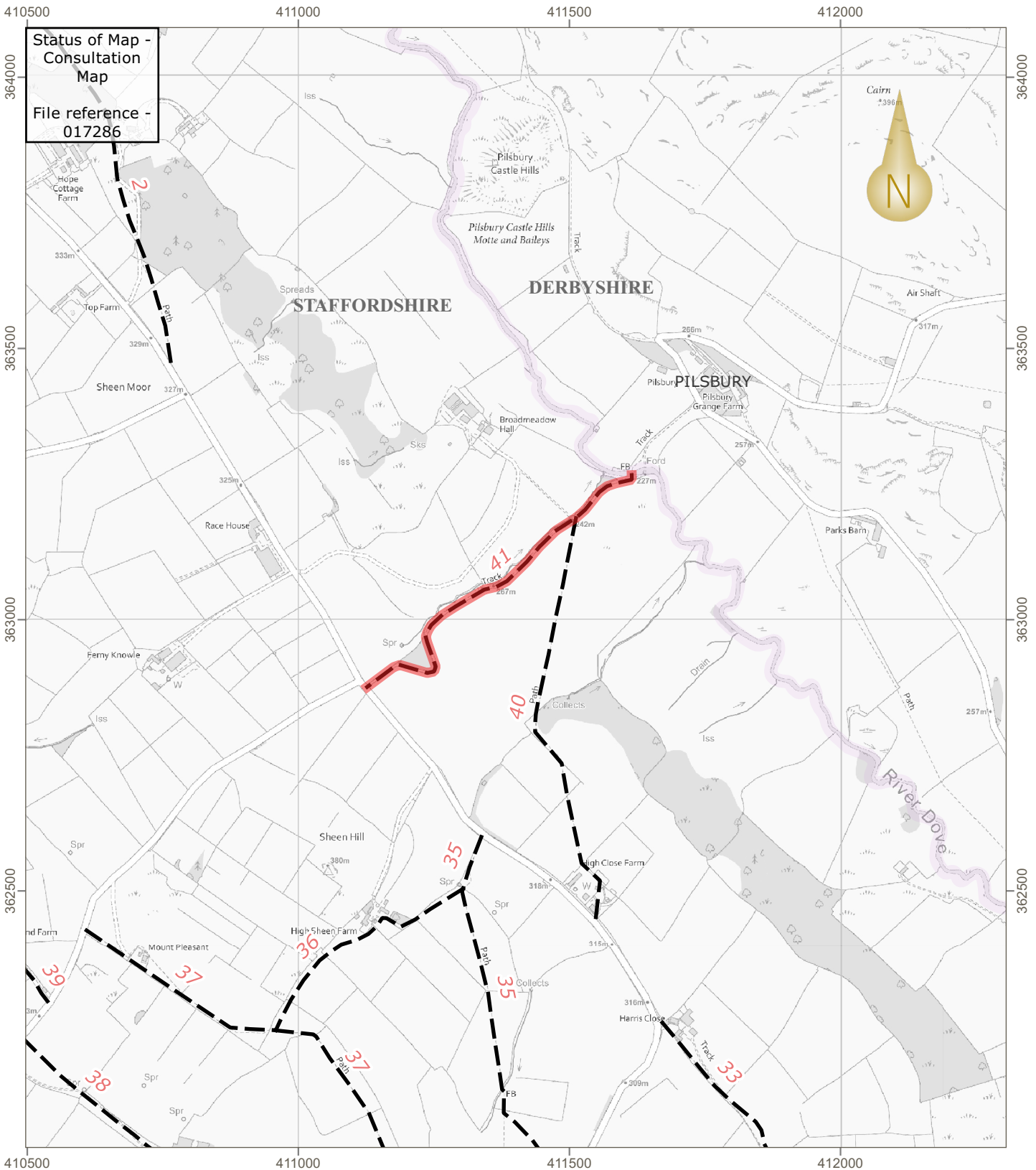






# Wildlife and Countryside Act 1981, Section 53A(2)(b)

Claimed upgrade of Public Footpath no.41,  
Sheen, to Restricted Byway.  
(route highlighted in red)



Status of Map -  
Consultation  
Map  
File reference -  
017286

Map created at the scale of 1:10,000  
(facsimiles may vary)

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Produced by Staffordshire County Council, 03/03/2024.

----- Footpaths unaffected by proposal

Page 201 Parish and County boundary







