

APPENDIX G
LEGAL SERVICES FILE NOTE

FILE REFERENCE	DA1/LF609G
FEE EARNER	David Adkins
DATE	12 October 2020
SUBJECT MATTER	Footpath Between Keele Rd and Paris Avenue Westlands Newcastle-under-Lyme - Alleged Public Footpath - Wildlife and Countryside Act 1981 Section 53

NOTE: Initial Telephone Confirmation Received From Current Landowner in Response To The Report

New landowner called on mobile number - 07825674676. He had just returned from the United Arab Emirates – delayed return due to C19 / lockdown restrictions. Had received the consultation pack – sent to Mr Webb and confirmed he did not require another pack. DA asked him to confirm same by email direct. The new landowner bought the property from Mr Webb in 2001 – the land prior to 2001 had not been registered at Land Registry. The clients mother now owns the land under two separate titles – both purchased from Mr Webb in 2001 and encompassing the wooded / northern area of the application. The client wanted to object strongly to the application and will confirm same by email. He offered an affidavit to this affect if needed. DA said that a simple email outlining his perspective would suffice to include confirmation of property ownership and a plan of the ground in their ownership. Client also testified to barbed wire having been erected during his ownership of the land to keep walkers out.

Email Received From Current Landowner in Response to Report.

This supports the position of the previous landowner Mr Webb and confirms the extent of his land ownership.

Tue 13/10/2020 16:23

Dear Mr Adkins,

Thank you for your time yesterday on the phone, where you gave further details about the Application being made and the CROW panel on November 13th, 2020.

I would like to confirm that Mr Webb is no longer the owner of the woodlands (where right of way is being alleged), nor the property that is adjacent to the woodlands. He was the former owner.

The current owner (whom I have authority to communicate on behalf) is my mother, **Kaniz Bi**. She purchased both the woodlands and the property on 10th May 2000 (Title Register & Plans are attached). The contact details of Ms Bi are Rosemary Wood Cottage, Keele Road, Newcastle-under-Lyme, Staffordshire, ST5 5AA; mobile: 07825674676.

Unfortunately, my mother & I were out of the UK since June 2020, so we did not see the letters you sent to Mr Webb until 12th October 2020 (upon our return from the United Arab Emirates). However, we do not require the communication sent to Mr Webb to be resent to us and we have had an opportunity to review the pack (i.e. the details of the Application being made).

I would like to make it clear that my mother would also be in the same position as Mr Webb, in that she opposes the Application (alleged public footpath) being made and which goes through registered land that she owns. Details given my Mr Webb (to the extent we have knowledge of) in opposing the 1996 application are considered to be the truth.

In addition, I would like to provide the following details with respect to that position:

- (1) When Kaniz Bi bought the property from Mr Webb, it was understood the woodlands were part of purchase price. The woodlands were not purchased separately (both purchased on 10th May 2000). The woodlands added value because they provided additional privacy & security to the property ("Rosemary Wood Cottage"), as it is cushioned between two woodland areas (i.e. it restricts the ways in which potential intruders could access the property).
- (2) Mr Webb explicitly told my mother that it was a private woodlands (indeed the land had been registered with the land registry), with no charges indicating this. Hence, there was no reason not to believe Mr Webb or why any part of the woodlands would be considered to be public, or contain a public path. This was also not shown in the Title Plan/register. He also mentioned there was wooden fencing and barbed wire in place surrounding the private woodlands. If any part has been accessed by the Public, it must only be by actively trying to circumvent the security/restriction in place and trespassing (e.g. using wire cutters or knocking down the fence).
- (3) If the woodlands were to be made a public right of way, it would diminish the value of this security and lead to more instances where potential intruders may try to break into Rosemary Wood Cottage.
- (4) The alleged pathway ends onto the very busy Keele Road, which is unsafe. Hence, it is not a natural end to any typical pathway and raises potential safety concerns, given there is no public (or private) pavement. This is highly dangerous.

- (5) The last portion of the alleged pathway (which ends in Keele Road), has 3 to 4 metre drop in elevation. This would not be consistent with the definition of a 'pathway' in my opinion, and again quite dangerous as individuals can easily slip with nothing to hold onto.
- (6) The alleged pathway would be considered to be "one directional", in that you could not really start it from the Keele Road side, because of the very busy Keele Road (as described above).
- (7) My mother & I have not heard of any established "Butts walk" and have lived in the areas for 20+ years.

For the reasons mentioned above, Kaniz Bi's position would also be that the Application should fail.

If there is an additional details required or any further clarification, please do not hesitate to contact me. We would appreciate if this email was brought to the attention of the CROW panel.

I Nazim Mohammed certify that I believe that the facts stated in this Email are true. I am willing to give sworn evidence (if required).

Kind Regards,

Nazim

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