

FORM OF APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

Definitive Map and Statement - Staffordshire County Council

District of SOUTH STAFFS

Parish of KINVER

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

I/We MARTIN REAY
of 53 TITLE BARN RD, STAFFORD

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

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

* adding the (footpath)(~~bridleway~~)(~~byway open to all traffic~~) from KINGSFORD LANE to COMPTON RD.

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

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

and shown on the map accompanying this application.

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

*delete as appropriate.

List of Documents

THIS FOOT PATH IS SET OUT ON
INCLOSURE AWARD Q/RDC36. (RED ON MODEL
ENCLOSED MAP)
THE ^{KINVER} TITLE MAP ALSO SHOWS THIS PATH
WITH A DASH (-----) ALONG SAME ROUTE.

Date 22/5

19 98

signed.....M. Reay.....

FOOTPATH FROM KINGSFORD LN TO COMPTON RD,
KINVER
LH 613G

Form 3

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT - STAFFORDSHIRE COUNTY COUNCIL

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION
FOR MODIFICATION ORDER

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

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

hereby certify that the requirements of paragraph 2 of Schedule 14 to the
Wildlife and Countryside Act 1981 have been complied with.

Dated 22/5/98 Signed M. Reay

Names and addresses of owners and occupiers of land on whom notice has been
served that an application for a Modification Order has been made:

O. HOUGHT + T. IVES, VALE HEAD FM, COMPTON RD, KINVER
.....
.....

COMPTON RD TO HUNTSFORD LN. (KINVER)

Form 3

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT - STAFFORDSHIRE COUNTY COUNCIL

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION
FOR MODIFICATION ORDER

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

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

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with.

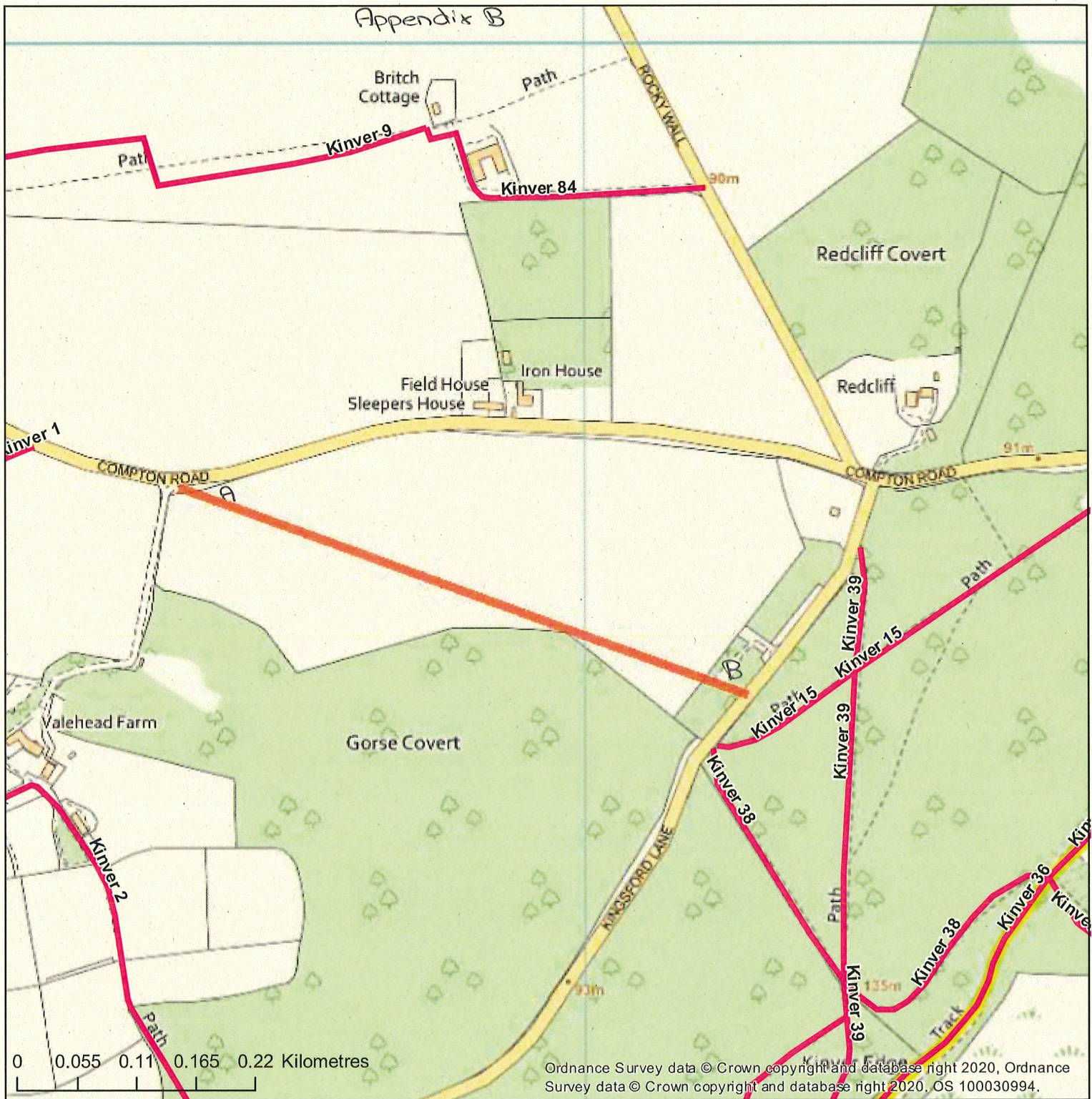
Dated 12/7/98 Signed M. Reay

Names and addresses of owners and occupiers of land on whom notice has been served that an application for a Modification Order has been made:

- 1. MR IVES VALE HEAD FM, COMPTON RD, KINVER, STAFFS
- 1. MR Hought " " " " " "
- NATIONAL TRUST, ~~PA~~ ATTINGHAM PK, SHREWSBURY, SY4 4TP.

(1 + 2 - IVES + Hought - NOTICES ALREADY SERVED.)

Appendix B



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

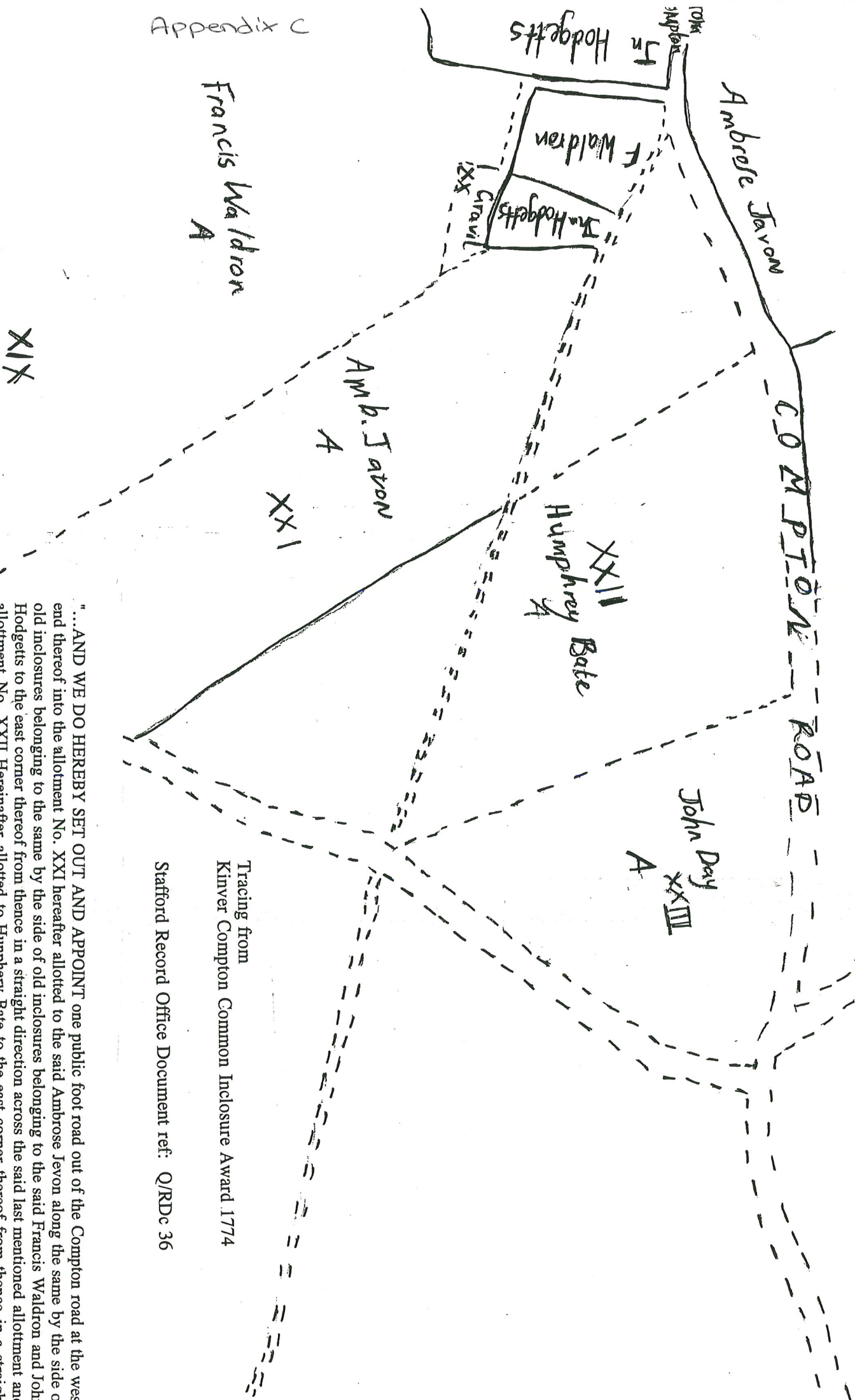
Public Rights of Way

- Footpath
- Section 53
- Promoted Routes
- Parishes



Staffordshire County Council Map

Staffordshire County Council



Tracing from
Kinver Compton Common Inclosure Award 1774

Stafford Record Office Document ref: Q/RDc 36

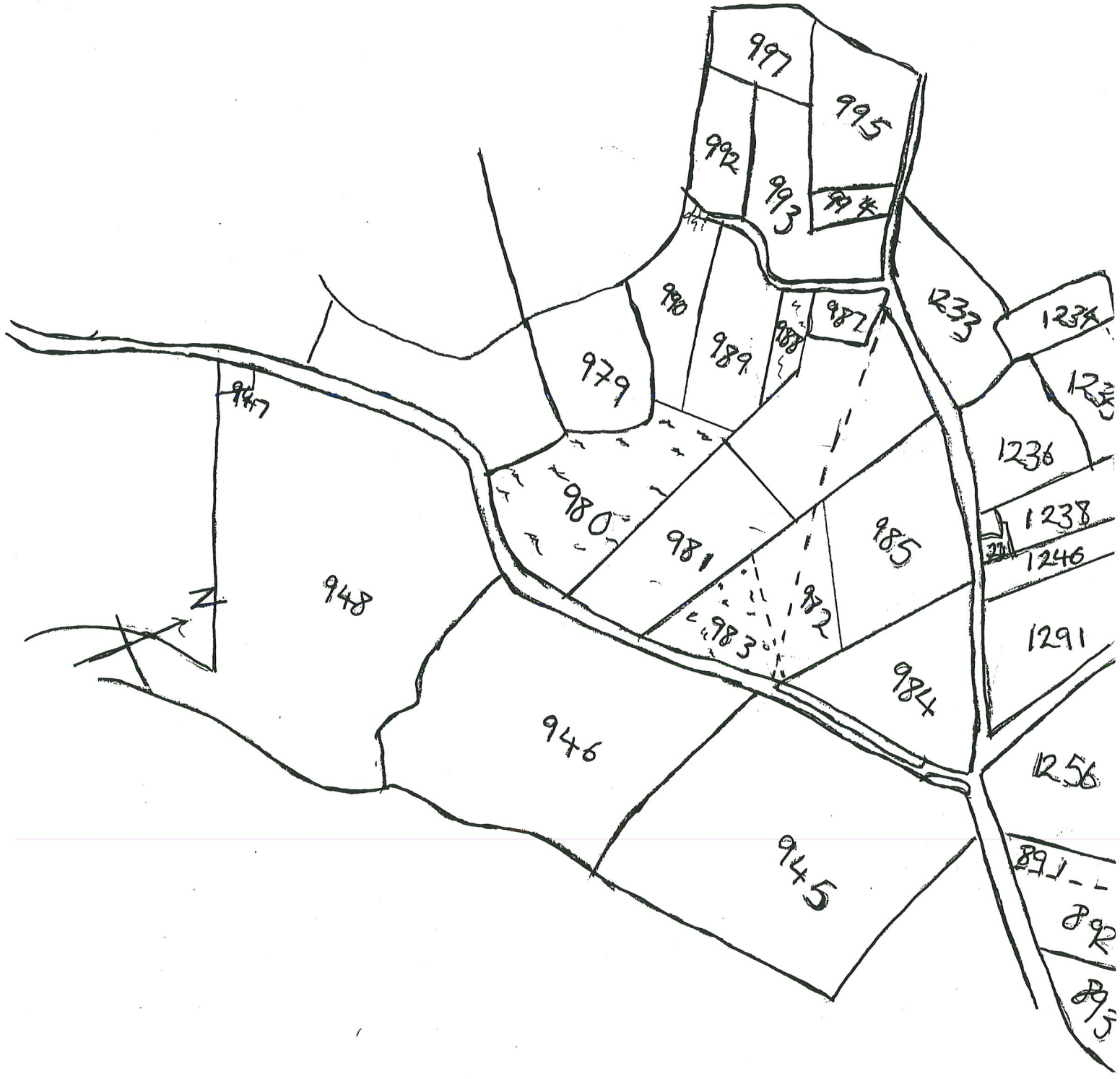
"...AND WE DO HEREBY SET OUT AND APPOINT one public foot road out of the Compton road at the west end thereof into the allotment No. XXI hereafter allotted to the said Ambrose Jevon along the same by the side of old inclosures belonging to the same by the side of old inclosures belonging to the said Francis Waldron and John Hodggetts to the east corner thereof from thence in a straight direction across the said last mentioned allotment and allotment No. XXII Hereinafter allotted to Humphrey Bate to the east corner thereof from thence in a straight direction across the said Kingsford road and the said allotment No. LXXX hereinafter allotted to the said John Hodggetts to the north corner of the said allotment No. LXXXI for gravel from thence in a straight direction across other part of the allotment No. LXXX hereinafter allotted to the said John Hodggetts into the said Bewdly Road opposite to the west end of the said Kinfare Church road..."

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Appendix D

Tracing from
Plan of the Parish of Kinver in the County of Stafford
Tithe Award 1856

Stafford Record Office Document ref: D/1493/1



Vale Head Farm,
Kinver, Stourbridge,
DY7 5NJ
01384 877631

27 July 1998

John Gregory Esq
Director of Central Services
PO Box No 11
County Buildings
Martin Street
Stafford
ST16 2LH

Your ref 4/OTS/LH613G

Dear Sir,

Alleged footpath at Compton Road Kinver.

Although the application does not apply to any of my land, I feel that I should let my feelings be known.

In my view the path is totally unnecessary as there is a path running through from the car park on Kingsford Lane to the private lane running to Vale Head Farm. This is a delightful walk through the beech woods belonging to the National Trust. Although it may not be a public path it is used by many people every day who use my lane to obtain access to Compton Road and in my opinion is very much more pleasant than trudging across a ploughed field. If it is claimed as a shortcut it would save about 110 yards.

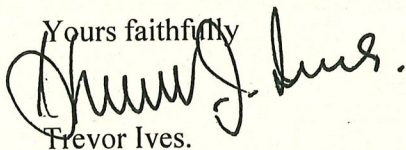
Public footpaths can be a burden on landowners and as you may know we in Kinver are proud of the number in the parish. We have one running right through our stable yard, which means that we cannot make it secure against unwanted visitors. If the landowners are put upon too much then the goodwill that now exists will be lost.

This appears to me to be an application for the sake of an application and not a valid request for a path of some use. I wonder if the applicant has actually visited the area in question or if he has relied entirely on one hundred to two hundred year old maps.

I have passed the incorrectly addressed copy of this document to Mr R Brown of Pigeon House Farm, he farms the field in question.

I await your reply.

Yours faithfully


Trevor Ives.

acknowledged
30/7/98

PUBLIC RIGHT OF WAY EVIDENCE FORM

Questionnaire to be completed by the owner/occupier
of land over which there is an alleged public right of way

Important Note

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

Name of witness TREVOR JAMES IVES
(Block Capitals please)

Address NALB HEAD WAY
..... KINVER

Telephone No: 01380 877631

Date of Birth/...../..... 1942 Occupation STABLE + LIVERY OWNER

1. Do you own or occupy any of the land affected by the proposal or adjacent
to it? If the answer is YES please answer questions 2 to 13 and indicate
on one copy of the plan the extent of ownership. If the answer is NO
please, if possible, advise the names and addresses of the
landowners/occupiers.

~~YES~~/NO

2. Have you received a Notice of application for a Modification
Order?

YES/~~NO~~

3. Would you be willing to allow my assistant to make a site
inspection?

~~YES~~/NO

4. Do you consider the route to be public?

~~YES~~/NO

5. How long have you had an interest in the land affected
by the application. years.

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

Freehold Ownership Are you:-

- (a) Sole freehold owner?
- (b) A joint tenant,
if so, with whom?
- (c) a tenant in common,
if so, with whom?
- (d) A tenant for life under the Settled Land Act,
if so, with whom?

Tenancies and Leases

are you a tenant or lessee of the land? If so, please state the nature of your interest as tenant or lessee.

7. Have you, or any previous owner/tenant of the land, erected any "private" or "trespassers will be prosecuted" or similar signs on or near the alleged public right of way? If so please state when and where these signs were erected, what they said, whether they are still in place and show their position on the attached plan.

8. Have you ever given anybody permission to use the path? If so, when and to whom?

9. Have you, or any previous owner of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the path? If so, when, where and for how long was the path obstructed?

10. Have you ever stopped or "turned back" anybody found using the path? If so, please give full details.

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way?

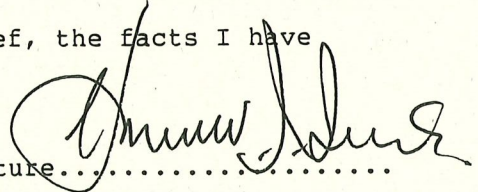
NOTE - Section 31(1) of the Highways Act 1980 states that:-

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

12. Do you have any documents which show this as a private right of way or giving details of its closure?

13. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law if necessary?

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

Signature.....

Person taking this statement

Date ..27/7/98.....

