

s53 Application to Upgrade PF34 Grindon to a Restricted Byway.

Submission of comments from Grindon Parish Council.

Grindon Parish Council asks for the application to upgrade the FP34 to be rejected.

According to the Staffordshire County Council (SCC) Countryside Access and Public Rights of Way map Slade Lane is marked as a bridleway (Waterhouses 21) to where it ends and meets the fields (and boundary) of Oldfields Farm. The footpath (Grindon 34) starts here and is marked crossing fields and stops south at the farmyard of Oldfields Farm.

There are no other routes marked through the farmyard on this SCC map.

The parish council requests that the footpath FP34 remains a footpath.

The footpath follows a track across the fields.

The tracks are a route for the landowner and his working vehicles to access adjoining fields, just as past farmers did when part of the much larger land estate in the past.

There are multiple references in the Report of the Director of Corporate Services (no's 3, 4 5 and 25 for example) to maps and their illustrations which are without keys, that therefore cannot be relied upon to support if a track has been a route for public access.

The SCC Survey of Rights of Way parish record card (appendix k, no 36) the recorder identifies the track as a 'CRF' – a footpath – and the mention of a cart road is referring to the use by the landowner. Any maintenance was to the track by the owner than by the county council. It is understood maintenance to the track has taken place to allow the landowner to safely use the route to access the adjoining fields.

It is apparent from the current landowner's Evidence Form in 2014 (appendix L) that where the footpath runs and who can use it has been under the assumption that the path is concessionary and, in their gift, to permit access along it. The parish council understands that the question asked regarding this has yet to be answered.

Walkers, and others, have left the footpath to walk through the yard without necessarily requesting permission to do so. To avoid confrontation the landowner, and family, has not always informed walkers of this. When there have been people attempting to take advantage of any misunderstanding of which routes are what designation, for example motor cross bikes, 4x4 off road vehicles, then they have been informed there is no road through the farm and requested to turn back.

Grindon Parish Council would like to know what the time frame for these applications is, as the original applicant (in 2014) was unaware that further evidence had been submitted by another person in 2020 and with the original application is now for review by the panel. The applicant has not been informed of the upcoming panel review.

Protective Marking Scheme Level 3
RESTRICTED

Nicola Distin
Parish Councillor
Grindon Parish Council
Grindon Village Hall
Grindon
Leek
ST13 7TP

John Tradewell
Director for Corporate Services

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

DX 712320 Stafford 5
Fax No. (01785) 276179
Please ask for: Hannah Titchener
Telephone: 01785 854190
e-mail: hannah.titchener1@staffordshire.gov.uk

My Ref: 008996

Your Ref:

Date: 4 October 2021

Dear Nicola,

Re: s53 Application to Upgrade PF34 Grindon to Restricted Byway

Thank you for your e-mail dated 30 September enclosing a submission of comments from Grindon Parish Council in response to the draft report in relation to the above matter.

The Council's comments have been noted and this letter is a response to those comments. It is noted that the council ask that the application is rejected and that Public Footpath 34, Grindon remains a footpath.

It is confirmed that Staffordshire County Council Countryside Access and Public Rights of Way map shows Waterhouses 21 as a footpath and Waterhouses 91 as a bridleway, with the two routes running parallel to each other. Both routes connect to Grindon 34 to the north.

As stated, points 3, 4, 5 and 25 in the report make reference to maps that do not provide any evidence as to nature of the rights over the alleged route. The report confirms that these maps have no keys with them and therefore they do not provide any evidence as to the nature of any rights over the alleged route. The 5 maps referred to only form part of the evidence and although they do not provide any evidence as to the nature of any rights over the alleged route, this doesn't mean that the claim automatically fails, as all of the evidence must be reviewed



together before determining whether the application fails or not. As the applicant has submitted this evidence, it needs to be discussed in the report.

Also, the issue of whether the route is public is not a question for this report as it has already been established that the route is public, as it is recorded as a public footpath on the map.

In relation to the Parish Survey record card, the applicant provided the statement accompanying the first draft of the Definitive Map, which recorded the alleged route as a RUPP (Road used as Public Path). This doesn't automatically mean that the route has status higher than a footpath. Equally, the idiom "CRF" on the parish survey card, means that the route was classed as a "highway which the public were entitled to use vehicles, but which, in practice was mainly used as a footpath".

When the description in the parish survey card is considered, the fact that the route is used as a cart road and a footpath, suggests that the route was used by horse and carts as well as people on foot and therefore adds weight to the contention that this route was accessed by non-motorised vehicles and therefore should be classed as a Restricted Byway.

We note that you advise use of the route is concessionary and in the gift of the landowner to permit access along it, but the path is recorded on the map as a public footpath and therefore it has already been determined that this route is public and therefore it is not within the remit of the landowner to give the public permission to use the route, as the public have the right to use the route.

The council's comments have been noted and it is not our intention to belittle any legitimate concerns, however issues that are raised relating to concerns or questions as to safety, suitability, privacy, maintenance, or anything other than material relating to the existence or status of a public right of way have to be disregarded under the law as it currently stands.

The council's submission of comments will be appended to the report and put before the Panel for their consideration, however the council's recommendation remains unchanged. A date for when this application will be put before and determined by the Panel has not yet been decided but once a date has been set all parties will be informed.

Yours faithfully

H.J.Titchener

Hannah Titchener
on behalf of Director for Corporate Services

HT2 / 008996

