

















Protective Marking Scheme Level 3
RESTRICTED

Alan Simpson, Oldfields Farm
Sue & Alan McGilveray, Brookhouse Farm
Jacqueline Langford-Mycock, Back o the
Brook Farm
Ian & Julie King, Brooklyn

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 Landowners,

Re: s53 Application to Upgrade PF34 Grindon to Restricted Byway

Thank you for your letter dated 26th September in response to the draft report in relation to the above matter. Your comments and objections to the upgrading of Public Footpath 34, Grindon to a Restricted Byway have been noted.

We note in particular that you object to the upgrade on the grounds that it would be damaging both environmentally and ecologically to the surrounding area, particularly as the area provides habitat for birds and other animals up and down the banks. We also note that you have concerns about the route not being wide enough, that the route is used by children completing their Duke of Edinburgh and the potential detrimental impact if the route were to be used by motorbikes and 4x4's.

Whilst it is not our intention to belittle any legitimate concerns expressed, the courts have decided that issues such as safety, suitability, privacy, maintenance, obstructions and wildlife concerns or anything other than material relating to the existence of a public right of way are irrelevant considerations and therefore cannot be taken into consideration when determining section 53 applications. The only material that can be taken into consideration is anything that relates to the existence of the way.

Therefore, whilst your comments have been noted, officers recommendation remains unchanged. Your letter will be appended to the report and a copy of your

the knot unites



comments will be placed before the Countryside Rights of Way Panel for their consideration when the report goes to Panel.

If there is anything else then please do not hesitate to get in touch.

Yours sincerely

H.J.Titchener

Hannah Titchener
on behalf of Director for Corporate Services

HT2 / 008996