

Trent Lodge
Ingestre
Staffs
ST18 0RE

Staffordshire County Council
1 Staffordshire Place
Tipping Street
Staffordshire
ST16 2DH

18th November 2021

Re: s53 Application to add a Public Bridleway from Trent Walk to public SE corner of Home Farm

Dear Hannah,

I submit the following evidence as an objection to your Recommendation for Trent Lane/Trent Walk on Ingestre Estate to be assigned as a Right of Way, i.e. the section from A51 to River Trent Bridge, plus the section known as Trent Walk up to Home Farm Court.

I would, also, like to point out that I haven't been sent any information regarding this alleged Public Right of Access and was only informed of the Council's intention via a third party.

Unfortunately, unlike the Council who have been in possession of this information for 42 years, I have only had three days to put together my evidence!

1) – I assume that if the Council decide to give these routes Public Access Status that they will take over the responsibility of maintaining them in the future and, of course, the Trent River Bridge.

The Earl of Shrewsbury submitted a 20 page document (This Statutory Declaration of the Rt Hon the Earl of Shrewsbury & Talbot DL can be acquired from Ingestre & Tixall Parish Council) to the Land Registry in July 2019, requesting that they acknowledge that the residual land known as Trent Lane & Trent Walk were still in his ownership. The Land Registry threw out his claim and in doing so proved that he is not the owner of this land. I have contacted the Land Registry on numerous occasions to ascertain who does own this land, to no avail. I, therefore, hope that the council have unrefuted evidence as to who is the official owner. As certainly in the future, there will be a need for the lane to be maintained. As it currently stands, the land is not owned by a specific person.

2) – You are using information that was submitted to the Council **42 years ago** and, all of which, is total hearsay. People's thoughts on how they view something is not FACT. Plus, the evidence that accompanied the Evidence Forms has been proved to be unreliable and, in some cases, totally inaccurate. The map that is highlighted and marked along the various routes is not correct. Plus, the 1801 Order that has been submitted alongside these forms has been proved by Sandwell Metropolitan Council to be inaccurate and not the original, plus they consider it to have been amended/doctored. Please see below the evidence for this statement.

– In June 2009, Trent Walk & Trent Lane was again the subject of Rights of Access

Robert Lee from Sandwell Metropolitan Borough Council found the following evidence which was sent to the S.C.C. Legal Services on 5th December, 2006

A. Defects in plan submitted with the 1801 order to Staffordshire CC

i) An examination of a copy of the plan **purporting** to be the Order Plan indicates that it has been added to and annotated by additional text between the plan being originally prepared and the date the claim was received (a period of about 200 years) to direct and lead in the Order's interpretation. This raises the possibility that the plan may not have been the original and whatever its origins it has been amended retrospectively in a contrived attempt to support changes to features on the ground.

ii). The purported Order Plan is unsigned by both the Justices of the Peace who are named in the Order. This supports the idea that there is no conclusive proof this plan is the actual Order Plan. The requirements for Order Plans to be signed by magistrates are recognised by the statutory methods that have developed from these judicial methods that operated in 1801. For example section 116 (9) of the Highways Act 1980, section 108 (8) of the 1959 Act previously, and so on.

I would suggest that if Staffordshire C.C. are considering registering the claimed route to their definitive record, then they should also have regard to the implications of blighting any residential properties as well as creating a potential criminal liability. This evidence was submitted to Staffordshire County Council Legal Services so they will be able to recover these documents as proof this information was submitted to Bill King on the 5th December 2006.

3) – We have lived at Trent Lodge since June 1981 which, for most of the Evidence Forms submitted, covers the period that the users are claiming that they have had access to this route. When purchasing our house, our solicitors' who conducted the conveyancing, in 1981, and then a few years later (1985 & 1989) when we had extension work carried out on the property, – that in Part II 1 of the Requisition for search & official certificate of search which states:- Has any public path or road used as a public path or byway over the property been shown in a draft, provisional or definitive map, or a draft revision or revised map, whichever may be later, prepared under Part IV of the National Parks and Access to the countryside Act 1949, Schedule 3 to the Countryside Act 1968 – this has always come back as NO

4) - Our house, Trent Lodge, was built circa 1858 as the gatehouse on the north access road to Ingestre Hall. On our Deeds it quite clearly shows our Access Rights to the House, but at no time has anyone suggested that Trent Walk is a Public Bridleway or Public Footpath. In fact, evidence within our Deeds shows is a Private Road, so if the Earl of Shrewsbury did make an Order in 1801, allowing people to come onto his Estate, why did he purposely erect a Gatehouse? People had to ask permission to be allowed through the gates and it was only given to those who worked on the Estate, or who were visiting the Estate. The Earl monitored (via the Gatehouse) people entering and leaving his Estate which brings into question the 1801 Order. At the time, the gatekeeper of Trent Lodge was a Mrs Rowbottom who was under the employ of the Earl of Shrewsbury. It was her sole purpose to question visitors wanting access. So, I find it strange that her son is amongst the petitioners claiming that no-one has ever challenged visitors along this route. Since 1964, when the Estate was sold off -the gates have remained in their original position and were periodically closed so that no-one could say they have had access for a whole year i.e. to prevent claims that it is a Public Footpath or Public Bridleway. Those gates are still in place, today. Since living at Trent Lodge, people have been challenged on a regular basis, and signs have been erected which are constantly ripped down Unfortunately, some people are very entitled and feel that they have a right,

regardless of the situation, and can be extremely rude/abusive or just totally ignore you. So, the claim by the 23 people who have accessed the route via various means between 1979 to 1999 and have failed to mention the gates is a little concerning, or maybe convenient.

5) – In the Conveyance Document that was set up when the Earl of Shrewsbury sold off the various parcels of land from the Estate. It is quite clear that the Rights of Access were for the sole purpose of the owners & tenants of property on Ingestre Estate - not the general public. Our Deeds state the following:-

*In pursuance of the said Agreement and in consideration of the said sum of ***** now paid by the Purchaser to the Vendor (the receipt of which sum the Vendor hereby conveys unto the Purchaser ALL THAT plot or piece or parcel of land situate at Ingestre in the County of Stafford and comprising ***** acres or thereabouts TOGETHER WITH the messuage dwellinghouse and buildings erected and standing thereon in and known as Trent Lodge Ingestre aforesaid All Which said premises are for the purpose of identification shown on the plan annexed hereto and thereon edged red TOGETHER WITH a right of way at all times and for all purposes over and along the access road known as Trent Walk & Trent Drive from the point marked A on the said plan to its junction with a public highway at the point marked B on the said plan EXCEPTING AND RESERVING unto the Vendor and its successor in title or other the owner or owners and occupiers for the time being of the property now forming part of the Vendor's Ingestre Estate.*

This clearly shows that the road from the A51 along Trent Lane and then Trent Walk is JUST an access road and was never intended as a Public Right of Way.

6) The Evidence Forms that Staffordshire County Council have accepted in support of this becoming a Public Bridleway has disappointed me. Firstly, the only section of the the lane i.e. from the A51 to the Trent River Bridge that is designated as Rights of Access is a Public Footpath which is clearly signposted at the end of the lane, on the entrance to the lane from the A51. A Public Footpath can ONLY be used by people on foot, but 12 people who have submitted Evidence Forms state that they were on bikes. This is committing a trespass against the owner of the land, unless it is by permission. The rules may have changed since this was submitted, but at the time, it was considered a trespass! As permission certainly wouldn't have been granted, I am unsure as to why the council would be supporting people trespassing. I believe the information within those forms is spurious to say the least. It is also very questionable that each, and everyone of them, has sent in exactly the same documentation within the space of a few months of each other. This clearly indicates that it is a concerted effort by a very small number of people to fulfil their Objective. Unfortunately, as shown; their evidence is not factual or accurate, so I'm not certain that your statement below is correct.

The combination of the Order and the attached plan provides a Fairly accurate description of the path intended to be diverted and the new bridleway.

Considering there will be a considerable amount of disruption to current landowners & residents if this proposal goes ahead. Your evidence should be TOTALLY accurate and not questionable in any shape or form. A lot of evidence you presented, and purported to be factual, in support of this lane is factually incorrect i.e. copies of transcripts from a 220 year old manuscript i.e. the 1801 Order which Sandwell Legal Department proved would inadmissible in Court, very rough and inaccurate maps that are not to scale, and a lot of copied information that is difficult to decipher. Also, you have stated a significant number of people! I am uncertain how 23 people can constitute a significant number. People have submitted evidence from Hixon/Tixall/Weston/Great Haywood &

Little Haywood. The combined population for those villages in 1979 was approx = 6,677 so 23 people is extremely negligible. If you include the population of Stafford in with the 6,677 it totals a population of 75,149, meaning 23 people from this number it is so small it couldn't be considered. Therefore, I do not think 23 people is a significant number, it is a minute number.

I would very much like to be informed of any decision that is made on this proposal.

Mrs J Eccleshall

Titchener, Hannah (Corporate)

From: judy Eccleshal
Sent: 19 November 2021 21:35
To: Titchener, Hannah (Corporate)
Subject: Re: s53 Application to add a Public Bridleway from Trent Walk Bridge to public road SE corner of Home Farm.

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Evening Hannah,

As stated in my previous email, I have only had three days to find evidence which would refute the information that has been presented by S.C.C. to support this section of Ingestre being passed as a Bridleway. After further discussion with relevant affected parties, I need to raise the following points, which hopefully the Council have already taken into consideration.

1) Since the Evidence Forms from the 23 people were submitted in 1979, activities on Ingestre have evolved enormously. Such as: HS2 has purchased the land alongside Trent Walk and it is, currently, being turned into a Golf Course for Ingestre Golf Club. If, at any time, the public were walking along the Public Highway (as proposed by SCC) and were injured due to stray golf balls etc., could the liability lie with S.C.C. for allowing this to become a Bridleway, when previously it was a Private Road?

2) Various people own the Shooting Rights for Alder's Coppice, and Poplars Coppice, which run along Trent Walk. In the past, Open Reach have been called out on numerous occasions because the shooting has peppered the phone lines running alongside Trent Lane & Trent Walk. Have the Council considered what liabilities might be incurred if they grant this as a Public Highway knowing that previously it was a Private Road. Should any member of the public be accidentally peppered with gunshot as they use the Bridleway, they would have sufficient evidence that S.C.C. should have been aware of potential dangers to the public before going ahead with awarding Public Highway Status. Currently, anyone who could be injured due to 'The Shoots' that take place, do so at their own risk because it is a Private Road and therefore they take this risk because they have ignored that Status.

I believe that this further information I have submitted should still be considered as it is still officially the 19th December, 2021.

Regards,

Judy Eccleshall



Protective Marking Scheme Level 3
RESTRICTED

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Please ask for: Hannah Titchener
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My Ref: 008112

Your Ref:

Date: 7 January 2022

Dear Mrs Eccleshall,

Re: s. 53 application for the addition of a Public Bridleway from Trent Walk Bridge to public road SE corner of Home Farm

We write in response to your letter dated 18th November and advise that your comments have been noted.

In relation to the 1801 Order, we acknowledge your opinion that Sandwell Borough Council has proved that the Order may have been amended or doctored and therefore is not accurate. We would argue that the names of the Justices of the Peace are on the document and the document shows it is verified by the Justices and the Earl of Talbot. The Order has also been verified by Dr Fowkes, a consultant archivist and historical researcher, who never raised any issue with the document not being an original or the document having been doctored in any way. In relation to the information provided by Sandwell Borough Council regarding the 1801 Order, we can advise that we have no record of this correspondence from 5th December 2006 on file. Also, Sandwell Borough Council have been consulted on the proposal and whilst they have raised objections, they have made no comments regarding the authenticity of the 1801 Order.

The Quarter Session Order is a legal document, outlining a public right of way and therefore it has legal effect. The only way a public right of way can legally cease to exist is through a legal event, i.e., another legal order that legally extinguishes the route. Even if a public right of way falls into disuse, it does not

the knot unites



automatically become legally extinguished, it still exists. As stated, it can only be extinguished by a legal event. In this case, there does not appear to be any evidence that this has happened.

We note your view that the evidence should be totally accurate and not questionable in any way. However, when determining a Definitive Map Modification Order application, the legal tests only require that the evidence shows on the balance of probabilities, therefore it is more likely than not that the alleged route is a public right of way. In one case, Lord Denning said: *"If the evidence is such that the tribunal can say 'we think it more probable that not' the burden is discharged, but if the probabilities are equal it is not"*. There is also a lesser test of reasonable allegation, which requires the evidence to show that it can reasonably be alleged that a public right of way subsists. The Judge in the case of Bagshaw said: *"the wording of the section indicates, as I consider, that the evidence necessary to establish that a right of way is reasonably alleged to subsist must be less than that which is necessary to establish that a right of way does subsist"*. Therefore, the test is not absolute, in that the evidence doesn't need to show a routes existence beyond all doubt.

We further note your comments regarding the number of people who have provided evidence of use regarding the alleged route. We would advise that there is no statutory minimum level of user required, as long as enough people have used the way for a sufficient length of time to make it clear to a reasonable landowner that the public are asserting a right. It's how the use would have appeared to a reasonable landowner. Therefore, this number of users on its own does not automatically mean it should be viewed as too small to pass the necessary legal tests.

We acknowledge your comments that the user evidence is spurious and not fact. The user evidence has been reviewed as a whole along with other relevant evidence.

Regarding your comments about safety issues, including the potential risk of injury to members of the public from stray golf balls from the local golf course and or injury from peppered gunshot from people with shooting rights for Alder's Coppice and Poplars Coppice, these have been noted. However, the law states that issues such as safety, security, suitability, privacy, and maintenance cannot be taken into consideration when determining a section 53 application. The only evidence that can be considered is anything that relates to the existence of a way, as the purpose of this process is not to create new public rights of way but to recognise public rights of way that exist.

Your comments will be put before the Countryside Rights of Way Panel when the matter is determined. Please do not hesitate to contact us if you have any further comments.

Yours sincerely

H.J.Titchener

Hannah Titchener
on behalf of Ann-Marie Davidson, County Solicitor.

HT2 / 008112

