

ADDENDUM TO REPORT

The below additional evidence was received following circulation of the second draft report:

Email received on 07/02/2022 from Marcia Grice of Birketts LLP on behalf of Mr Peter Till (landowner adjoining the claimed route) to Stephanie Clarkson, Legal Officer, Staffordshire County Council

"Thank you for your email and for the revised report.

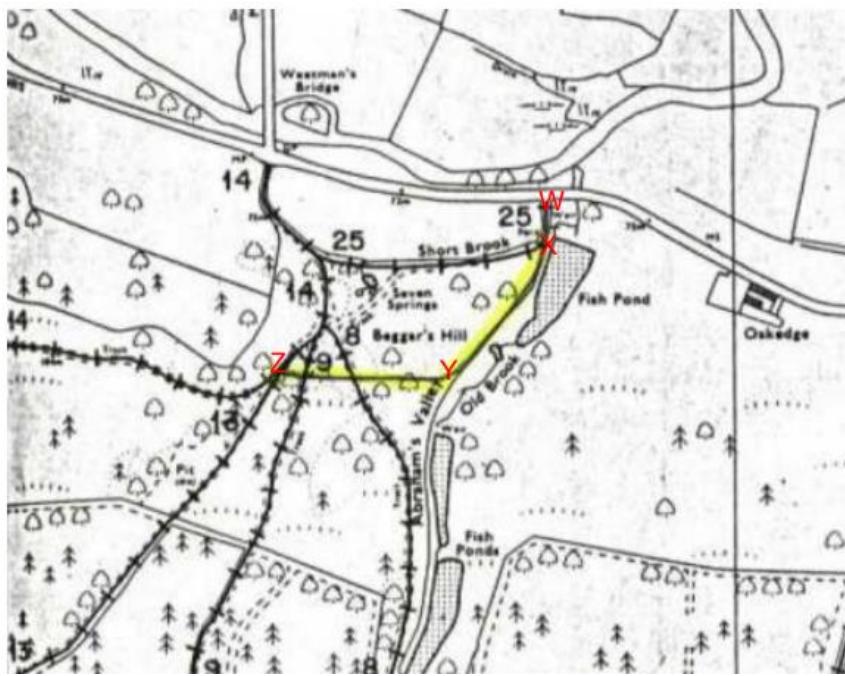
We agree with the recommendation within the report which advises that the Council considers that there is insufficient evidence for the claimed footpath. We make the following comments, however, which we hope you will find helpful:-

1. *In the response which we submitted on 13 October 2021, we referred to two appendices - 'Appendix 1' and 'Appendix 2'. For ease of reference they are attached. We also followed up our response with a further plan, also attached, which was annotated with lettering referred to in the report. For ease of reading and referencing could you please ensure that they are included and are clearly identified in your report. Overall, clearer referencing and identification of the location of maps and documents in the body of the report would assist readers.*
2. *In your paragraph 20. You observe that the 1817 map shows a feature on the ground. In our view there is no feature which could be properly interpreted as a track or route. The map is of very poor quality and is not possible to make a determination or interpretation as we set out in our response paragraph at 5.1.3.*
3. *In your paragraph 43 we feel that there is some confusion as to the way in which the applicable test has been stated. The test at this stage (which is not met) is that the route can be reasonably alleged to exist. The balance of probabilities test only applies at the confirmation stage.*

We hope that these comments are clear but please contact us if you have any questions."

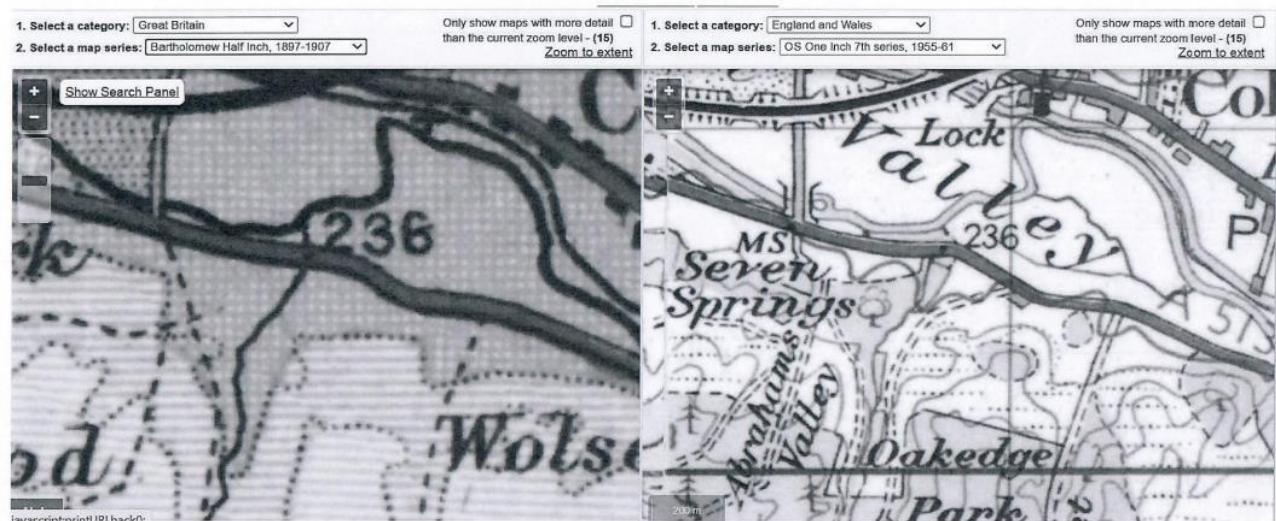
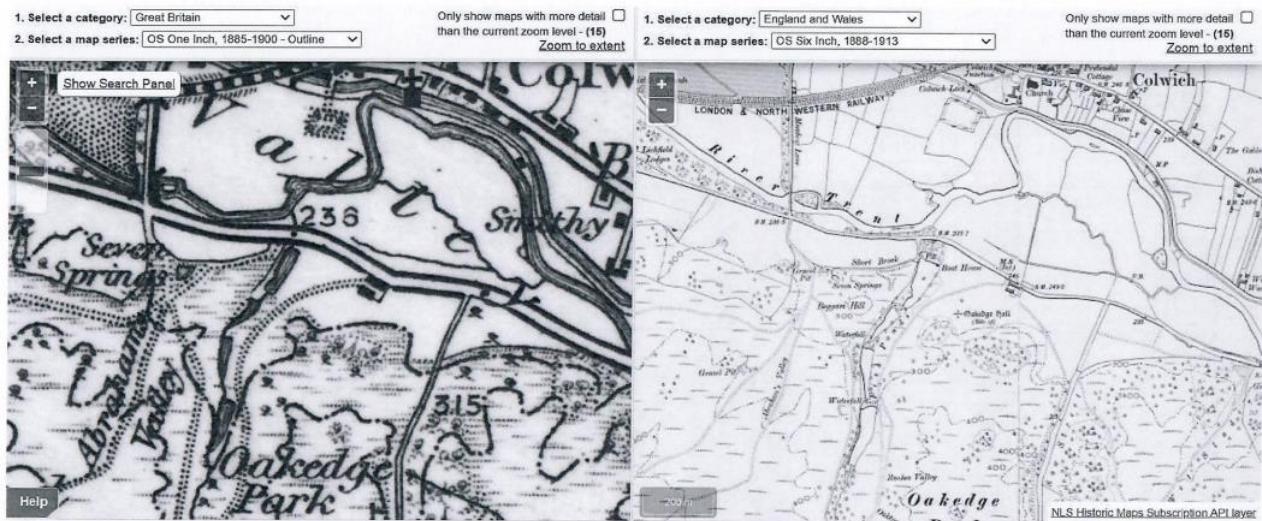
Annotated plan

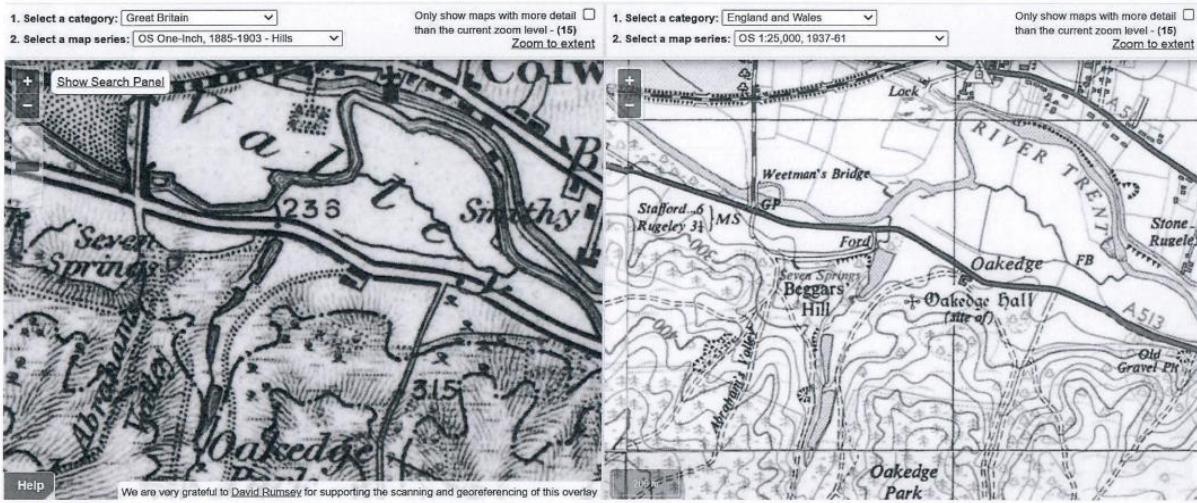
Claimed Route Annotated



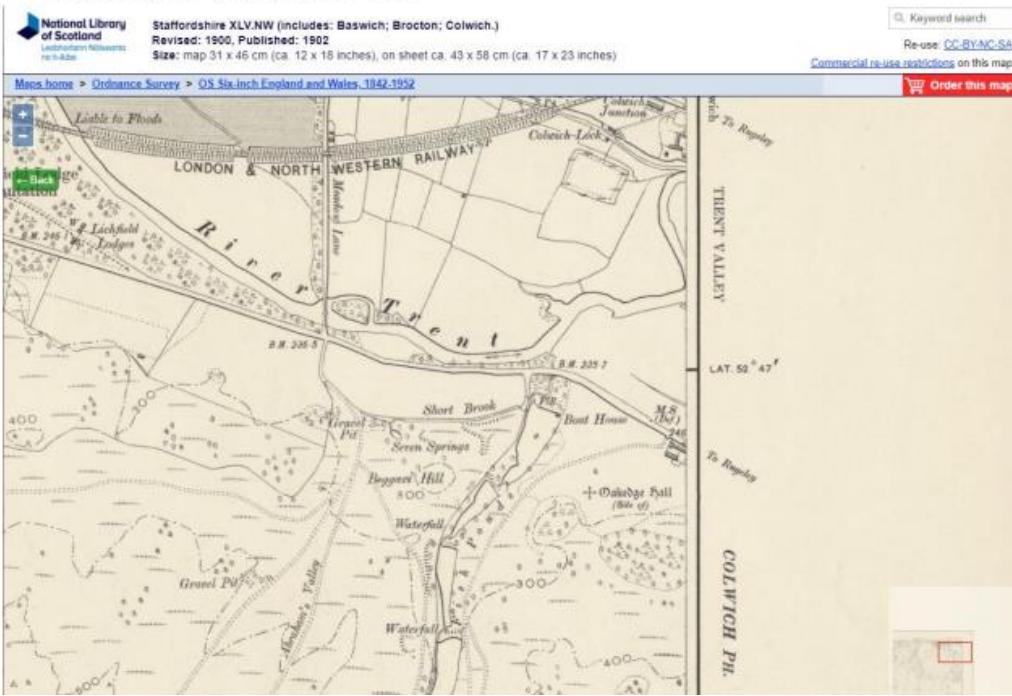
Appendix 1

Appendix 2

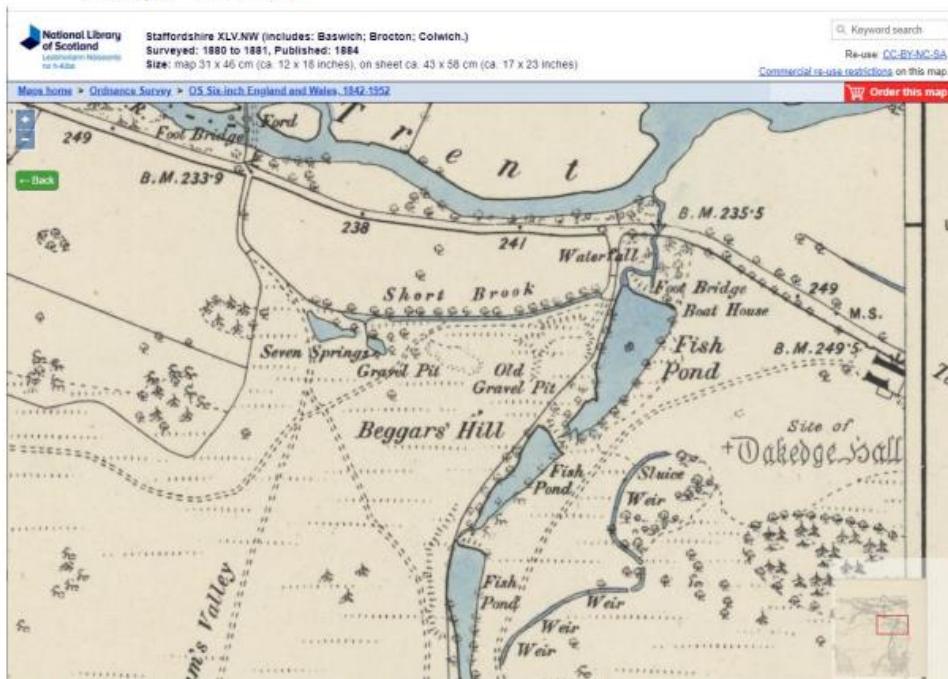




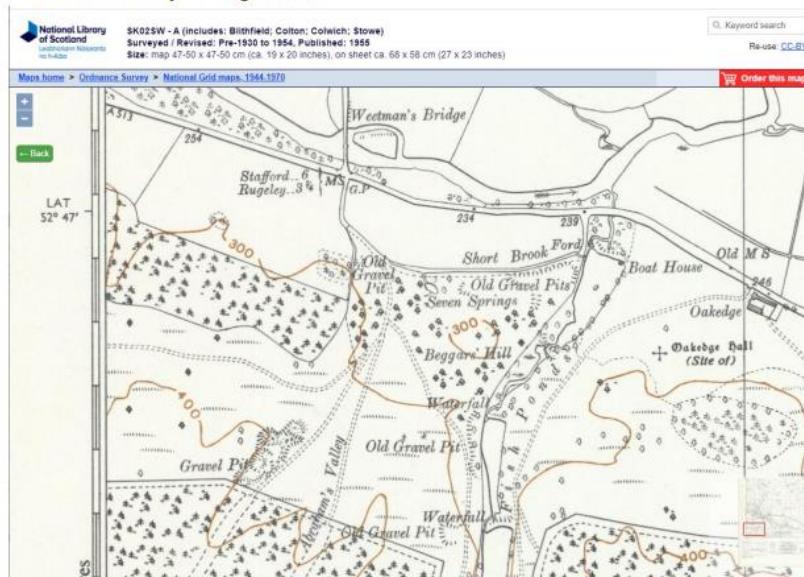
Surveyed 1878-1872 Revised 1900



Surveyed 1880-1881



Revised for major changes 1949



Explanation concerning the salient point raised by the adjoining Landowner's Solicitor - Stephanie Clarkson, Legal Officer

Item 1

In response to item 1, the annotated plan is illustrated above. Schedule 1 can be found in Appendix C and Appendix J of the report and Schedule 2 can be found in Appendix J. The addition of the annotated plan although a new piece of evidence, does not turn the case. The strengths and weaknesses of the remaining plans have already been discussed within the report.

Item 2

The adjoining Landowner's Solicitor considers that with regard to paragraph 20 within the report, there is no feature which could be properly interpreted as a track or route on the plan. They observe that the map is poor quality and that it is not possible to make a determination or interpretation. Their comments may be found in paragraph 5.1.3 of their Representation. Whilst the plan could be considered to be far from convincing, your officers aver that the feature on the ground of the 1817 is open to interpretation and considers that it does show a track or route. They do not consider that the map can be dismissed.

Item 3

Your officers consider that this has already been addressed in the body of the report. The report spells out the two tests for s 53(3)(c)(i) in paragraph 41 either of which must be satisfied to be able to consider that the claimed right exists. The report has outlined both tests. In light of the scarcity of evidence, your officers concentrated on the lower evidential burden test for the report, and whether it could be reasonably alleged that the footpath subsists based upon the evidence. Your officers believed that this test could not be satisfied, and your Officers recommendation is that an Order is not made to have the footpath registered on the Definitive Map and Statement.

These comments do not turn or impact on the recommendation within the report.