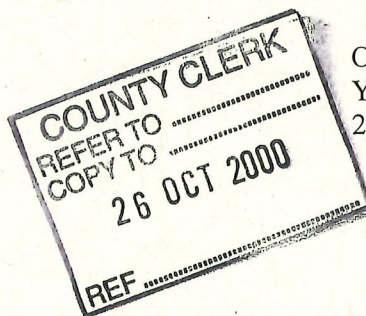




Russell Poole

BSc (Hons) ARICS
CHARTERED SURVEYOR



Our ref: swg10/rp
Your ref: 4/MTM/LK621G
25th October 2000

John Gregory
Director of Central Services
P O Box 11, County Buildings
Martin Street
Stafford
ST16 2LH

Dear Sirs

Lord Stafford's Estates – Application for the upgrading of Footpath No 52 Swynnerton Parish to Bridleway

Thank you for your letter and enclosed documentation.

We apologise for the delay in responding, please find enclosed the public right of way evidence form completed by ourselves as agents on behalf of the land owner and the neighbouring landowner.

As you will see, the right of way was subject of an enquiry in the 1970's which confirmed the dedication as being public footpath.

The route has always been maintained as a public footpath and horse riders have always been questioned and told that the right was footpath only and not a bridleway. On occasion, Lord Stafford has granted permission for the route to be used strictly on an one off basis for charity riding events by members of the public.

The local authority incorrectly erected a bridlepath sign at the northern end of the route, and this was removed by the estate staff following discussion with the County Council Footpaths Department. Gates are erected at both ends of the route, and sufficient access has had to be left for footpath users.

The agricultural tenant of the property known as Hatton Farm, directly adjacent to the route, has horses himself and for friends, and occasionally uses the route for his own purposes.

We trust this provides sufficient information for your consideration, but if you require any further information please contact this office.

Yours faithfully

RP *Russell Poole*

RUSSELL POOLE BSc (Hons) ARICS

Enc.

The Estate Office
Swynnerton, Stone, Staffordshire, ST15 0QE
Tel. 01782 796593 Fax. 01782 796106
e-mail. rpestateoffice@btclick.com

Staffordshire
County Council

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 public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (Mr/Mrs/Miss/Ms) MR. R. POOLE FOR TRUSTEES OF SWYNNERTON SETTLED ESTATE
(Block Capitals please) & THE LORD STAFFORD

Address THE ESTATE OFFICE SWYNNERTON STONE STAFFS ST15 0QE
(Block Capitals please)

Telephone No. 01782 796593

Date of Birth ...10./...12./...63... Occupation CHARTEDED SURVEYOR

*please delete as appropriate.

Please take time to answer the questions carefully and in full.

1. Do you own or occupy any of the land affected by the proposal or adjacent to it? *YES/NO
AGENT FOR OWNERS
If the answer is YES please answer questions 2 to 15 and indicate on the attached map the extent of your ownership or tenancy.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers.

2. Have you received a Notice of Application for a Modification Order? *YES/NO

3. Would you be willing to allow County Council officers to make a site inspection? *YES/NO

4. (a) Do you consider the route to be public? *YES/NO

(b) If YES what description best describes the route? (please delete those inappropriate)

- (i) *Footpath (i.e. for pedestrians only).
- (ii) ~~*Bridleway (i.e. for horse riders, cyclists and pedestrians)~~
- (iii) ~~*Byway open to all traffic (open to all traffic)~~

5. How long have you had an interest in the land affected by the application?
OWNERS SEVERAL CENTURIES..... years
AGENT 12 YRS

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? *TRUSTEE - OWNER OF ADJOINING LAND*

(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?..... *LORD STAFFORD*

If so with whom?..... *THE LATE LORD STAFFORDS WILL TRUST ENTIALED LAND*

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, ever erected any signs such as "Private", "Keep Out" or "Trespassers will be prosecuted" or similar signs on or near the alleged public right of way?

~~YES~~/NO

If YES please state:-

ACKNOWLEDGED A PUBLIC FOOTPATH

(a) When were these signs erected?.....

(b) What did these signs say?.....

(c) Are these signs still in place?.....

(d) Where are these signs located?.....

Please indicate location on attached map.

8. Have you ever given anybody permission to use the route?

YES/~~NO~~

If YES please state:-

AS A PUBLIC FOOTPATH

(a) When was this?.....

(b) To whom was it given?.....

(c) Why was it given?.....

9. Have you, or any previous owner/tenant of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the route?

YES/~~NO~~

If YES please state:-

*TO PREVENT VEHICULAR ACCESS
ACCESS MAINTAINED FOR WALKERS*

- (a) When was this?..... APPROX 1993.....
- (b) For how long was this?..... PERMANENTLY.....
- (c) How was the access blocked?..... GATES.....
- (d) Where was this?..... BOTH ENDS COMMON LAW.....

Please indicate location on attached plan.

10. (a) Have you ever stopped or "turned back" anyone found using the route? *YES/~~NO~~

If YES please give full details..... HOME RECORDS IN THE PAST INFORMED

..... NOT A BYLAWWAY WENT MET......

11. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way? *YES/~~NO~~

If YES please give full details..... APPEAL & INQUIRY HELD IN 1970'S WHICH
CONFIRMED FOOTPATH STATUS. LOCAL AUTHORITY INCORRECTLY ERECTED BYLAWWAY SIGNS
 THESE WERE REMOVED TO LEAVE FOOTPATH SIGNS ONLY.....

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 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? *YES/~~NO~~

If YES: -- COUNTY COUNCIL RECORDS CONFIRMING FOOTPATH STATUS

(a) In what form is this?.....
 (i.e. maps, photos, deeds, etc. please attach a copy if possible)

(b) Would you be willing to make the original document available if necessary? *YES/~~NO~~

SEE COUNCIL FILES

13. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary? *YES/~~NO~~

- ~~14. Can you give any further information about the alleged route?
 (continue on a separate sheet of paper if necessary).~~

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signature *Steve Aguirre for Amicus*

Person taking this statement (if applicable).....

Date *23/10/00*

