

SILVERDALE PARISH COUNCIL



Heritage Projects: Erection of Miners' Wheel (2018) and Restoration of Miners' Tribute (2020)



Application for a Footpath at Former Keele Golf Course

SCC Countryside and Rights of Way S 53 Panel Application 24 April 2011

Report by the Chairman of Silverdale Parish Council

1 Report to Countryside & Rights of Way Panel

1.1 The Countryside and Rights of Way Panel will meet on 16 September to decide on the application for the Public Footpath from Hulme Close. The letter sent on 12 August to Chairman, Silverdale PC contained the 80 page report covering 16 evidence statements with 19 maps depicting footpaths and a detailed legalistic discussion of the veracity of the claims.

1.2 The Director of Corporate Services recommendations:

1.2.1 The evidence produced is not sufficient to show that a Public Footpath ...subsists on the balance of probabilities along the route A to B on a plan attached at Appendix B to the report.

1.2.2 That an order should not be made to the alleged right of way.

2 Know How, Justice, Maps and Statements of Evidence and Background

2.1 The letter dated 15 August 2011 from the County to Mr Mellon is significant as Thomas Mellon on 18 August confirmed the 'alleged footpath' on the Keele Municipal Golf Course in Document E. However, in agreeing to the new plan Document E in place of the previous Document B plan in April 2011, Appendix E plan was completely detached and that letter opened up the application to additional criticism about consistency. The County report covered this issue in para 51-58 which then developed into a series of points all casting considerable doubt on all other evidence forms. This would seem *unjust* as the second plan should have been taken as a correction and the first plan deleted.

2.2 Added to an absence of legal support in drafting the separate statements, the map variations in the documentation highlight the difficulty in drawing lines accurately to represent narrow footpaths round the perimeter of a golf course on a near blank canvas. The common map used by all 16 contributors shows no golfing areas whatsoever; no greens, no fairways and no bunkers. It is not a map of a golf course but 157 acres of land with boundary lines only. That map had no line distinguishing the 18 Hole main golf course from the Junior course of 9 Holes.

2.3 Scaling from map can be inexact when tracing footpath lines. 1 cm distance on the map represented 110 metres of golf course, so a line of thickness 1mm represents 11 metres. The line for the Public Footpath was 2mm thick representing 22 meters of golf course, a footpath wider than cricket pitch length.

2.4 As no professional help was involved, the 16 member application group were working completely on their own, as amateurs each producing independent statements and plans but doing so in all honesty as naïve participants. The recommendation in 1 is questionable,

because the evidence statements and associated maps were generated without consideration of the legal implications. In addition, there was no correspondence with the Borough Council or anyone else who could have alluded to legal problems or provided better scaled maps for the applicant to use. Photographic evidence of the blockages to the Public Footpath and the positioning of signage were just missed opportunities in 2011.

2.5 Assuming that Document E is the application baseline, another assumption to make concerns accessibility. There were entrances from the northern boundary enabling direct access to this alleged footpath at Greenwood Drive and similarly at Alton Close. At Greenwood Drive and Alton Close entrances the Public Footpath was marked by 2 separate signs; a metal sign and a wooden pointer post in locations where the alleged footpath joins Silverdale 20. Another assumption concerns Silverdale 20 which was impassible due to lack of hedge maintenance and difficult terrain at Greenwood Close.

2.6 Although the application period covered 1981-2011, the mapping information was frozen in time to the date of application. No previous documentation was considered, despite the considerable local history sources such as the Sneyd Family Archives and detailed Estate records at Keele University and County and Borough Planning records on the golf course development.

2.7 A narrative was evidently missing. This is mainly the Applicant's omission, but again no advice was involved or offered. There was no space in the evidence form used by the County to add other relevant maps to the modification information.

2.8 The landscape changing from agriculture to recreation as a golf course and adjacent house building would start that narrative. Also a set of drawings from the Borough Council's planning application for the golf course were available to find out more about planning proposals and resulting boundaries.

2.9 A circumnavigational Keele Golf Course Public Footpath made sense if Silverdale and Keele parishioners had enjoyed access through the land before ownership changed and a golf course was created to change that access. A new footpath around the golf course would be the end result of residents wanting to continue to enjoy their green expansive environment again.

3 Historic Map Evidence

3.1 Silverdale Farm consisted of a series of rectangular fields. It was farmed as mixed livestock/arable (from an entry in Barry William's book, Life and Times on the Dell).

3.2 There were originally rectangular divisions forming separate fields (and still visible today in the blank application maps). Historic field divisions at Silverdale Farm included footpaths adjacent to Field 280 and Field 281 and one footpath bisecting Field 285 thus provided a route through the farmland. Footpaths are shown in Ordinance Survey Maps of 1900, 1926 and 1947. Furthermore the Block Plan for the Golf Course of 1970 shows the Spring Pool before the change of use. See Ordinance Surveys for 1900 (2 maps), 1926 and 1947 and Borough Council Plans in 1970 and 1971.

3.3 The original farmland on the Sneyd Estate changed hands via Keele University to Newcastle under Lyme Borough Council. After acquiring the land, the borough council made

a planning application to the County Council for Change of Use for the Keele Municipal Golf Course over 1970-72, paving the way for the Fred Hawtree design for the 18-holes measured at 6390 yards about 3.6 miles (see Golf Course Plan 1975-2013).

3.4 New detached houses in Hulme Close and other cul de sacs off Ashbourne Road were built prior to the golf course development. Other new housing adjoining Keele Golf Course at Daleview Drive was planned but not completed until later. Overall, considerable development took place north of the golf course with the population of Silverdale Parish expanding to about 5,000 in 2011 (Census 2011 Nomis).

3.3 Golfers using Keele Municipal Golf Course navigated the site using a Course Plan. The golf course, between 1975 and 2015 had a well-defined boundary. See Plan 1975-2013 Keele Golf Course use by golfers showing the approximate boundary of 18 Hole Course. That plan was published before 2013 on the internet for golf enthusiasts.

3.4 In addition to the main 18 Hole Golf Course, there was a 9 Hole course added to the field east. On the map analysis the land for the 9-hole course is adjacent to Job's Wood.

3.5 The additional footpath circumnavigation of the golf courses now makes perfect sense. Earlier records showed a footpath through the area. Residents could have used historic footpaths but these were not well known or the Public Footpath or walk round the perimeter to avoid coming across projectile golf balls.

3.5 A consistency applies across the statements with some showing variant routes, but converge on the circumnavigation footpath at the boundary over a large tract of land. **Analysis of Named Persons and Map Characteristics from Appendix D Table** is included in documentation annotating maps to a particular plan type in order to better understand the claims being made for the nature of the footpaths.

3.6 Of the 16 main map types, 5 can be described as Circumnavigation 100% (18 Hole Golf Course), 8 have at least 90% of the circumference marked on the appropriate map and one has 85% of the circumference. The dominant type of route submitted by the plucky group of independent walkers is Circumnavigation.

4.1 Evidence for a Historic Public Footpath from Hulme Close land across the field to Spring Pool and continuing through the Golf Course to Keele Road

There is consistent Ordinance Survey Map evidence of a footpath from 1900, when the area was agricultural through to the use as a golf course in 1975 following the planning application by the Borough Council.

That footpath with Spring Pool at the centre, crossed the land from north to south prior to the new development, following field divisions visible in the blank application map. This would explain an additional footpath, including Thomas Mellon's inner diversion showing a northern and western route to the Spring Pool.

4.2 Evidence for a Public Footpath from Hulme Close Across the field to the outer perimeter of Keele Golf Course

There is evidence from a re-appraisal of maps submitted in the application that an additional circumnavigation footpath was created by walkers from 1975 on completion of the golfing estate. That the main Fred Hawtree 18 hole design from 1975 and the Junior 9 hole course would explain the additional triangle included in some circular routes but not in others. The two courses was a confusing situation to non-golfers and muddled the definition of Keele Golf Course.

5 The Test for a Footpath Circumnavigation of the Golf Course

5.1.1 Test A: Does a right of way subsist on the balance of probabilities? This requires the decision-maker to be satisfied that there is clear evidence in favour of public rights and no credible evidence to the contrary.

5.1.2 Test B: Is it reasonable to allege that on the balance of probabilities a right of way subsists? If the evidence in support of the claimed path is finely balanced but there is no incontrovertible evidence that a right of way cannot be reasonably alleged to subsist, then the decision maker should find that a public right of way has been reasonably alleged.

5.2 The evidence of an alleged footpath in the County report was summarised in Table Appendix D and was declined for both Test A and B. The evidence in the County report at paragraph 14 page 2 stated 8 out of 16 testified to using the route as of right but at paragraph 17 the statement was that 8 non-relevant users none overlapped and was finely balanced. This report accepts the case was finely balanced and it fails Test A but the additional material presented would suggest Test B was reasonably alleged.

5.3 Nothing was heard from the owners of the site so the doubts that were cast were made in the applicant statements alone. There was no evidence of signage to deter users of the alleged footpath but this seemed unjust when the County report had very little information on the context to the Application compounded by administrative problems in completing and collating documentation such as the shortcomings in map used for such a large terrain as 157 acres.

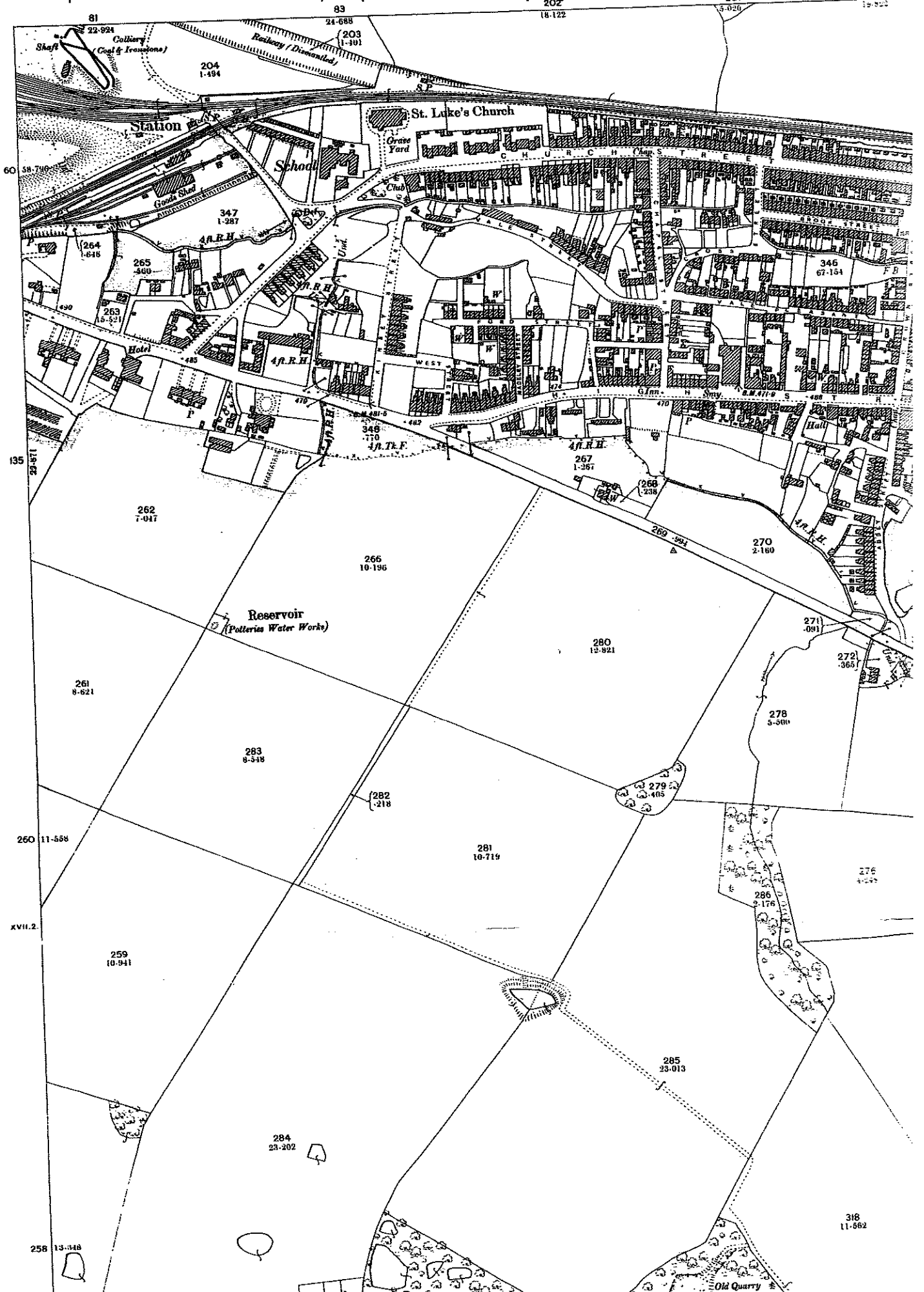
5.4 This report has filled in some of the many gaps that were not addressed in the original Application such as the importance of previous map information showing earlier footpaths and included suggestions why there appeared to be inconsistencies in the evidence statements. In addition this report has re-appraised the mapping to identify a much greater measure of consensus among the 16 cases than in the County report.

5.5 This report claims that Test A does not hold but Test B on the balance of probabilities APPENDIX E is the circular Footpath which aligns with the Public Footpath to the eastern boundary and bridleway to the west and was a consistent route which followed the boundary of the golf course as indicated in Keele Golf Course Plan for the 18 Hole Fred Hawtree Design.

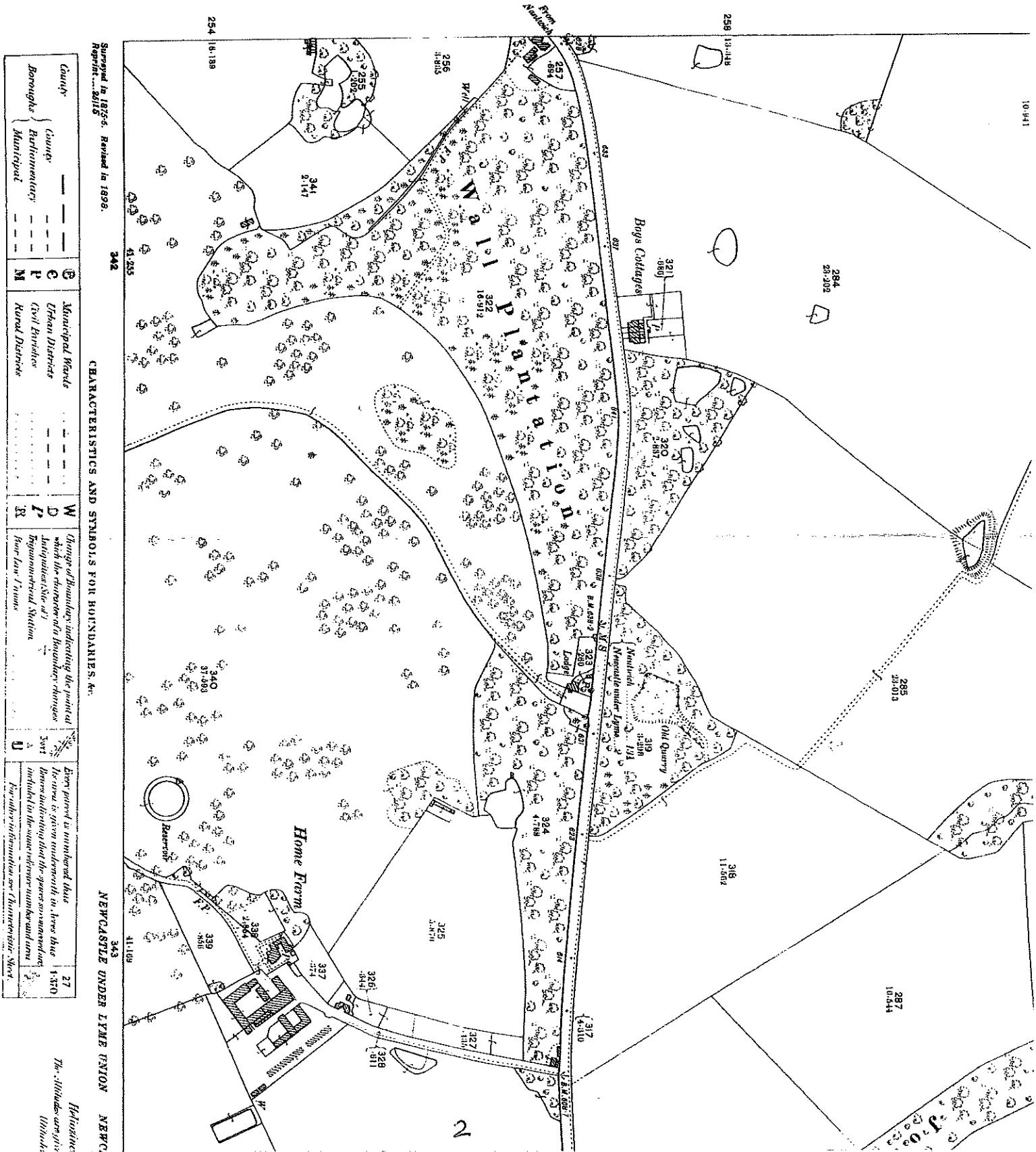
Henryk Adameczuk
Chair Silverdale PC
09.09.2022

Map 1900 Staffordshire Sheet 17.03; Footpaths from north to Spring Pool and from south, Keele Road

NORTH WESTERN
205
19-502



ery, 1870—thanks to the Mr. William Steele—the . be derived from having a provided. The hall is a very tential brick building, con- of August, 1872, the corner church, for that portion of district which is furthest Silverdale church, was laid wife of the Rev. W. Sneyd. The new church will ac- 23 persons, and cost about 25 which and the endowment theyd gave £2,000 and the 20th, also the use of Knutton idence for the incumbent. 258 contributed £2,500. The 258 of the church is near Knutton 258 office was built by Mr. 258 from the designs of 258 and Son, architects, 258 the design, which is of the 258 of Gothic architec- 258 of a nave, with north aisle, 258 chamber, and vestry. The 258 chancel, aisles, &c., have 258 roofs. The seats are open 258 h pine, the walling of red 258 of the roofs of tiles in orn- 258. Although at present only 258 has been built, provision is 258 south aisle may be added 258 time, should the require- 258 district necessitate the en- 258 church. The church was 258 of the Bishop of Lichfield 258 that, 1874. The clergyman 258 of the new district is the 258 alone, the patron being Mr 258 and Mr F. Standler. There 258 new schools in connection 258 b, which were originally 258 17 to accommodate 181, and were en- 258 17 to accommodate 280, 258 Shive and United Methodist 258 name locality. 258 One Methodist at Knutton 258 such an extent that in 1880 258 Tiger and more pretentious 258 they had hitherto possessed. 258 258 date about 400. Adjoining 258 reserved for building a 258 soon as funds will permit. 258 On the Romanesque style, of 258 258 from the plans of Mr. A. 258 258. The contractors 258 258 and Roberts, of Hanley, 258 258, but the trustees 258 with bricks and tiles, which 258 cost to about £1,200.



Surveyed in 1875-6. Revised in 1892.
 Report... 2016

CHARACTERISTICS AND SYMBOLS FOR BOUNDARIES, &c.

County	—	③	W	⊕	⊙
Boroughs	—	Ⓞ	D	Ⓛ	Ⓛ
Parliamentary	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ
Municipal	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ
Municipal Wards	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ
Urban Districts	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ
Civil Parishes	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ
Rural Districts	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ
Change of Boundary, indicating the point at which the character of the boundary changes	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ
Indicates Site of 1	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ
Regimental Station	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ
From Law Trees	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ
Every parcel is numbered thus	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ
The row is given underneath in cases that	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ
It is necessary to give the square containing	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ
Indicated in the same column number and area	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ
For other information see "Charter of the Union"	—	Ⓞ	Ⓛ	Ⓛ	Ⓛ

NEWCASTLE UNDER LYME UNION, WARWICKSHIRE

Home Farm

Barracks

Boys Cottages

Manorial under Lyme

Manorial under Lyme

Manorial under Lyme

Manorial under Lyme

Manorial under Lyme

Manorial under Lyme

Manorial under Lyme

Manorial under Lyme

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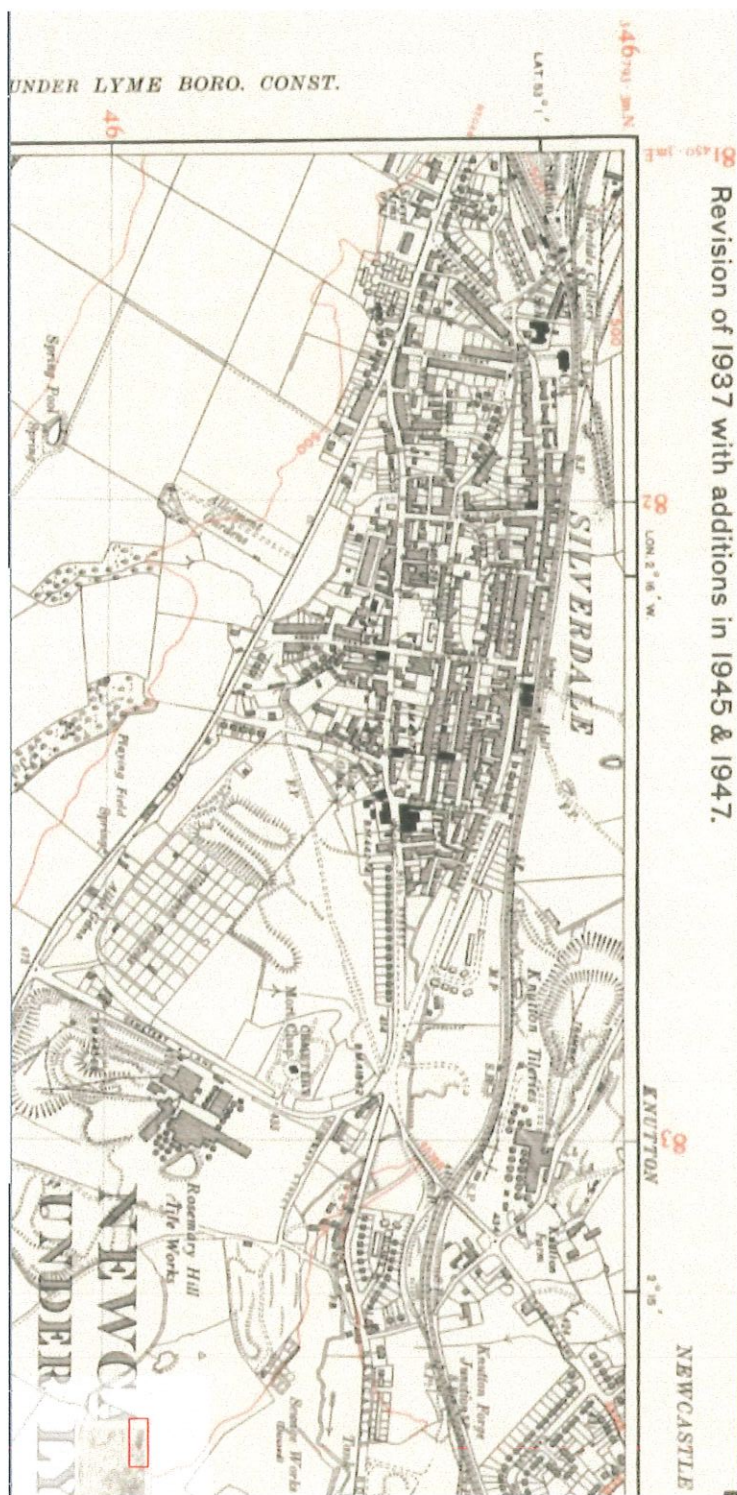
Manorial under Lyme

Manorial under Lyme

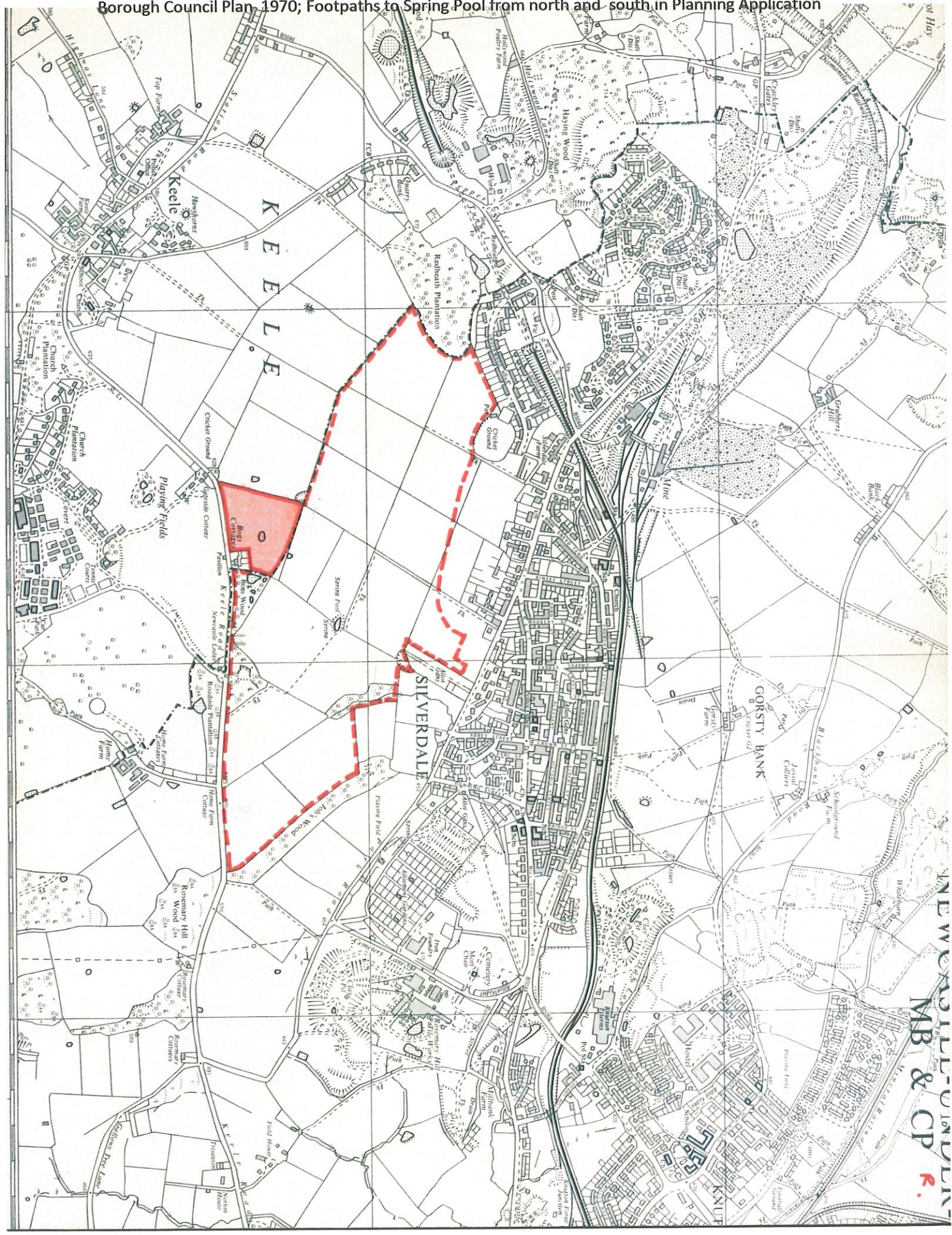
Map 1926 Staffordshire Sheet 17.03; Footpath to Spring Pool from south, from Keele Road

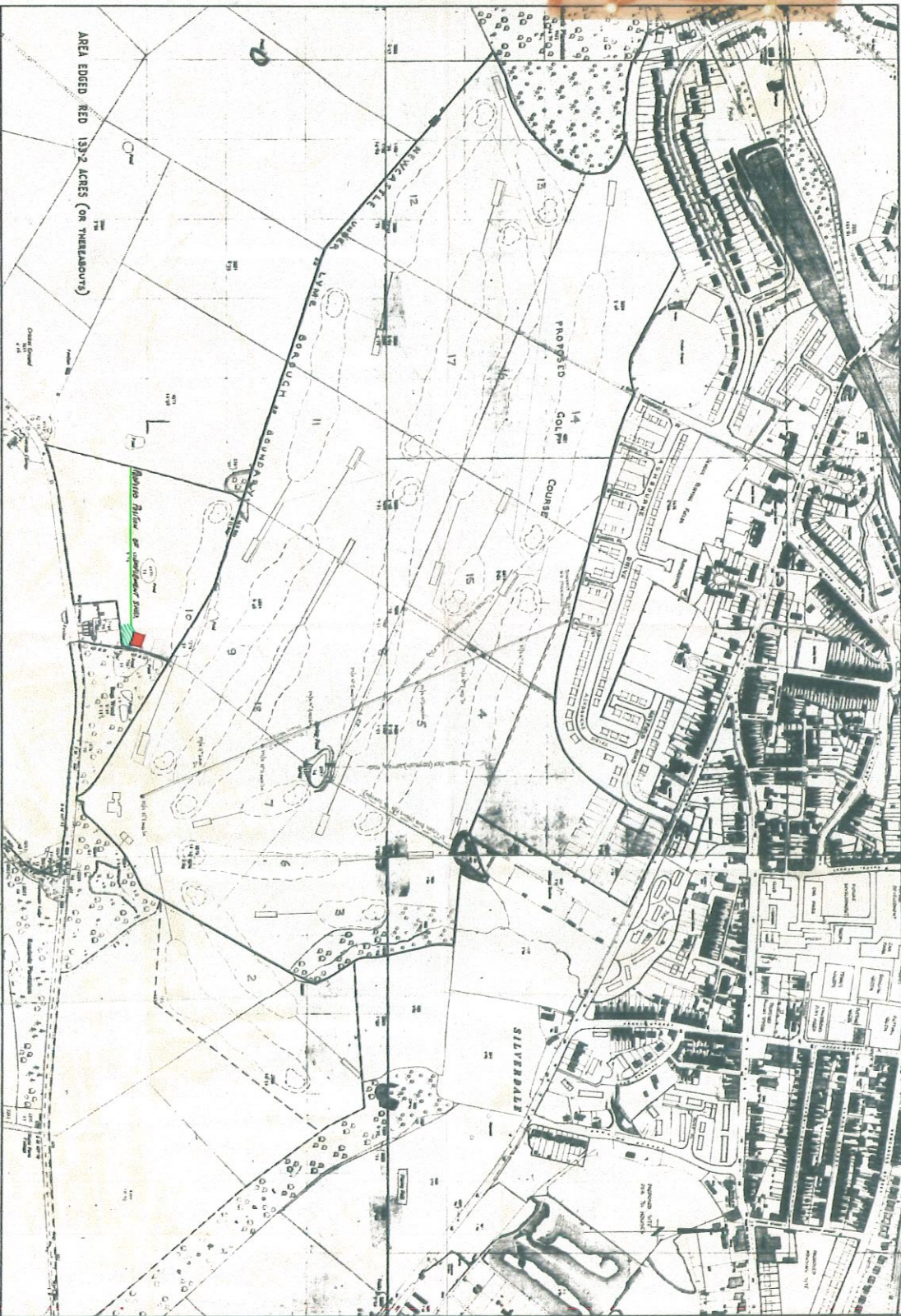


Map 1947 Staffordshire Sheet; Footpath to Spring Pool from Park Road



Borough Council Plan, 1970; Footpaths to Spring Pool from north and south in Planning Application





SILVERDALE FARM.
GOLF COURSE (sewers)
date: 14th. 6. 71. drawn: [signature]
scale: 1"=100ft. checked: [signature]
PARKS DEPARTMENT
Drawing n° 3/4F

Plan 1971 Borough Parks Golf Course (sewers) showing new housing including Hulme Close

Source: <https://www.golfsmissinglinks.co.uk/index.php/england/central-west/staffordshire/1778-staffs-keele-golf-club>



Plan 1975-2013 Keele Municipal Golf Course Course used by Golf Club showing approximate boundary of 18 Hole Course

ANALYSIS OF NAMED PERSONS AND MAP CHARACTERISTICS IN APPENDIX D

Footpath Modification W&CA 1981

No	Name	Circular Only	%	Not Circular	Other Comment
1	Anne Barnes	Yes	100%		Circumnavigation
2	Bryan Clowes A	Yes	90%		Added part triangle to Job's Wood
3	Callum Mellon	Yes	100%		Circumnavigation
4	Mrs Hoskins	Yes	95%		Added triangle path and via Hulme Close diagonally
5	Gary Thompson	Yes	95%		Added access via Daleview Dr and slight deviation to NE
6	John B. Harcus-Heron	Yes	95%		Added small circle
7	James D. Lucas	Yes	100%		Added north path to Spring Pool
8	Mark Heeland	Yes	95%		deviated through Job's Wood
9	Nancy Kilat	Yes	90%		Deviated in a single path through Job's Wood
10	Peter Bagnall	Yes	90%		Deviated through Job's Wood
11	Patrick Carson	Yes	100%		Circumnavigation
12	Rebecca Davies	North arc only	50%	South arc missing	Added full triangle to Job's Wood
13	Steven Barber	Yes	85%		Access via Hulme Cl and Cricket Club
14	Susan Carson	Yes	95%		Access via Hulme Cl & added triangle to Job's Wood
15	Thomas Mellon B	Yes	100%		Circumnavigation
16	Carol Brookes	Yes	100%		Circumnavigation
17	Bryan Clowes B			Yes	Shorter circle over 3 fields
18	Bryan Clowes C			Yes	Pair of Socks' in northern area
19	Thomas Mellon App. E	Yes	100%		Circumnavigation

Notes

- 1 Bryan Clowes submitted 2 additional maps for illustrative purposes about other footpaths. Both B and C should be excluded.
- 2 Thomas Mellon submitted two maps at App B and App E. One of these should have been deleted in County Report.
- 3 The Applicant's list of Documents has been jumbled up in the report and names do not correspond with the map ordering.
- 4 The application ordering of the statements changes in the County report.

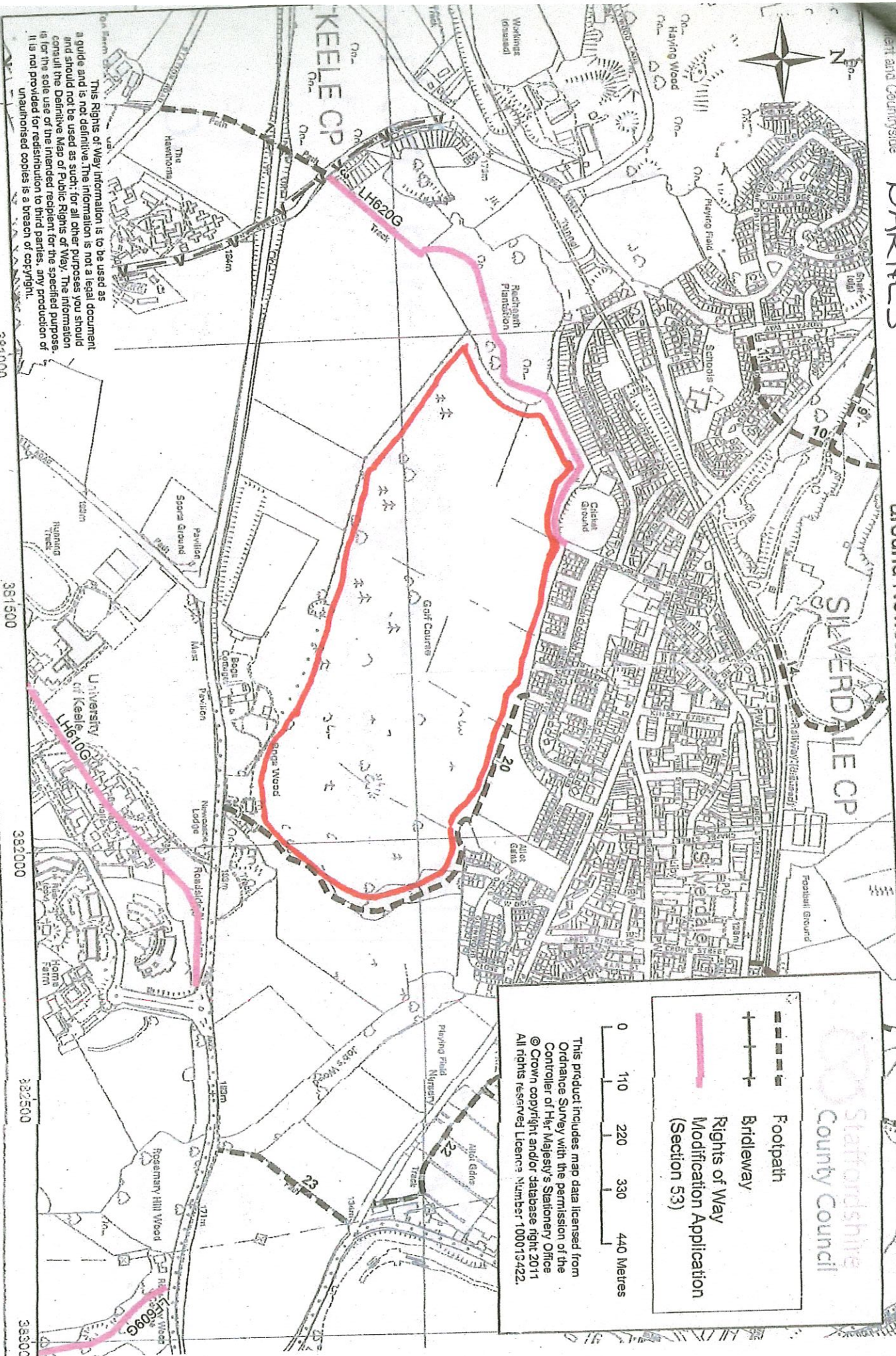
Section
Left and Countryside

ANNE BARNES

Public Rights of Way and Modification Applications around Newcastle Golf course

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Ref: SF/GCNB
Date: 01/03/2011

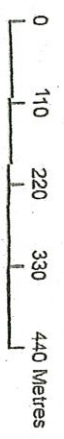


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Staffordshire
County Council

- Footpath
- Bridleway
- Rights of Way Modification Application (Section 53)

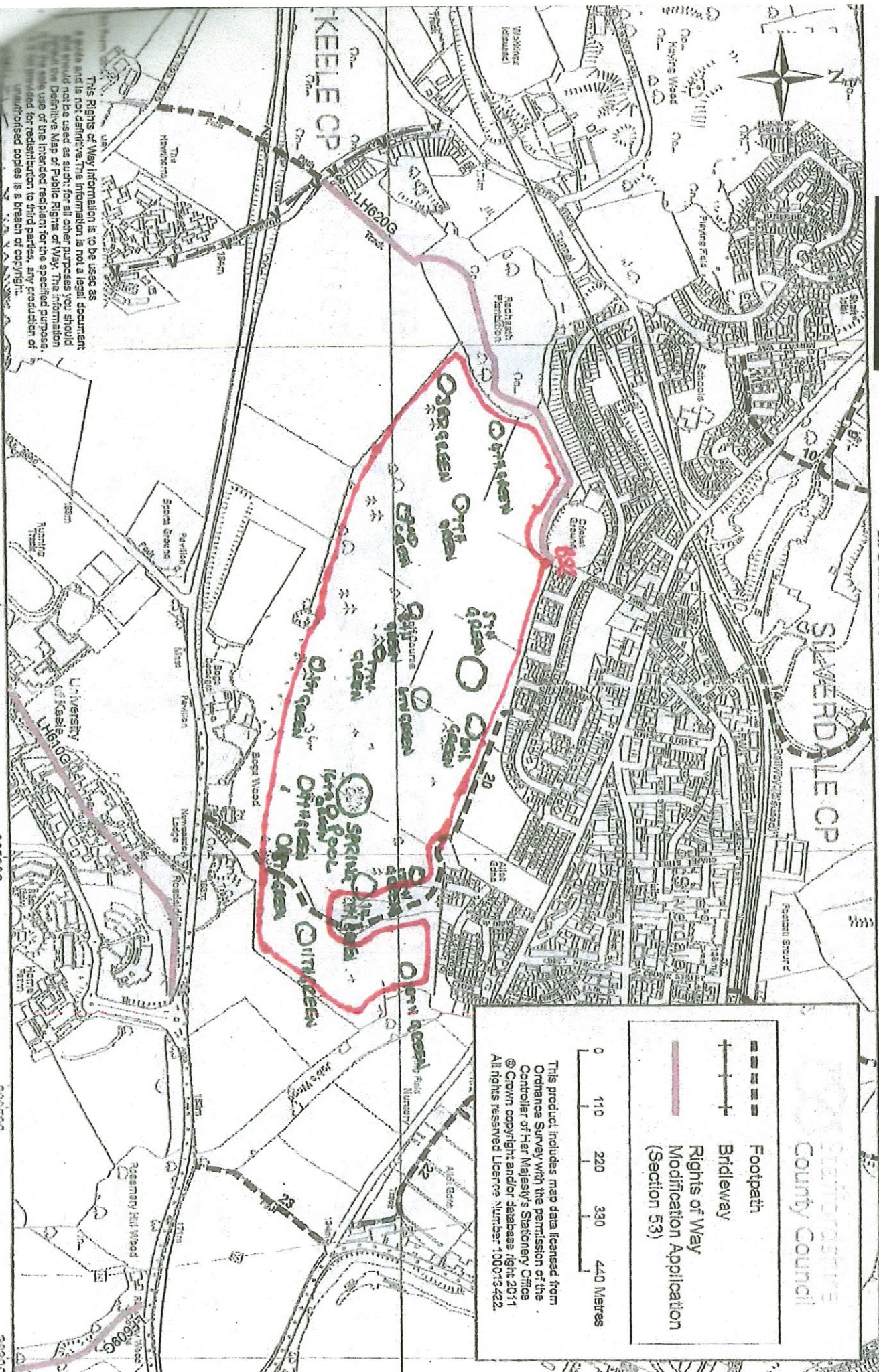


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BRYAN CLOWES & SONS

Public Rights of Way and Modification App around Newcastle Golf course

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Date: 21/08/2011



Footpath
 Bridleway
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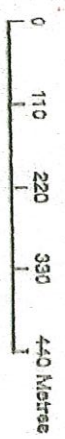
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Public Rights of Way and Modification Applications
 around Newcastle Golf course

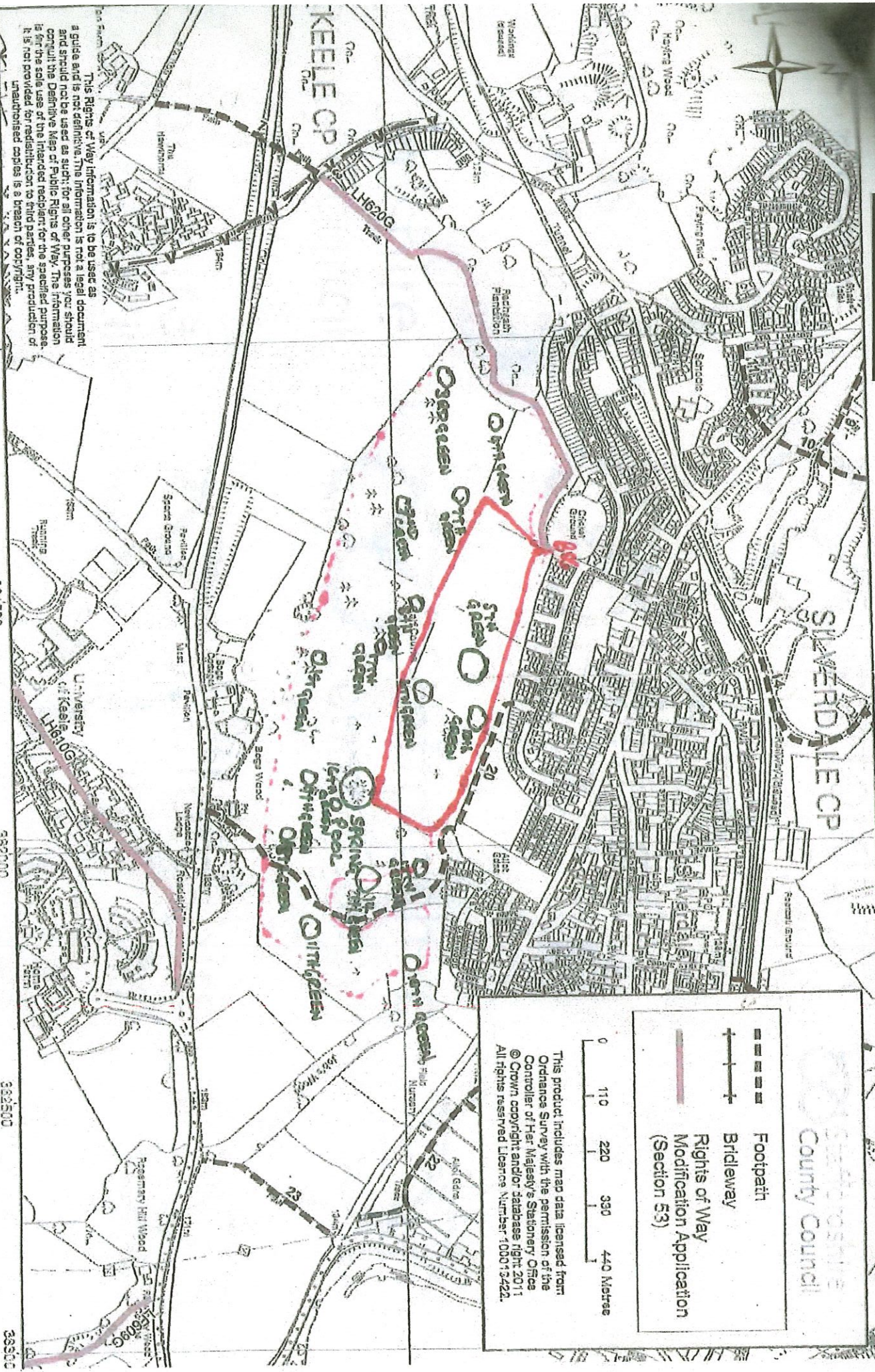
PL 58065
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County Council

- Footpath
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Ordinance Survey Map Sheet ST 84/94 dated 1974



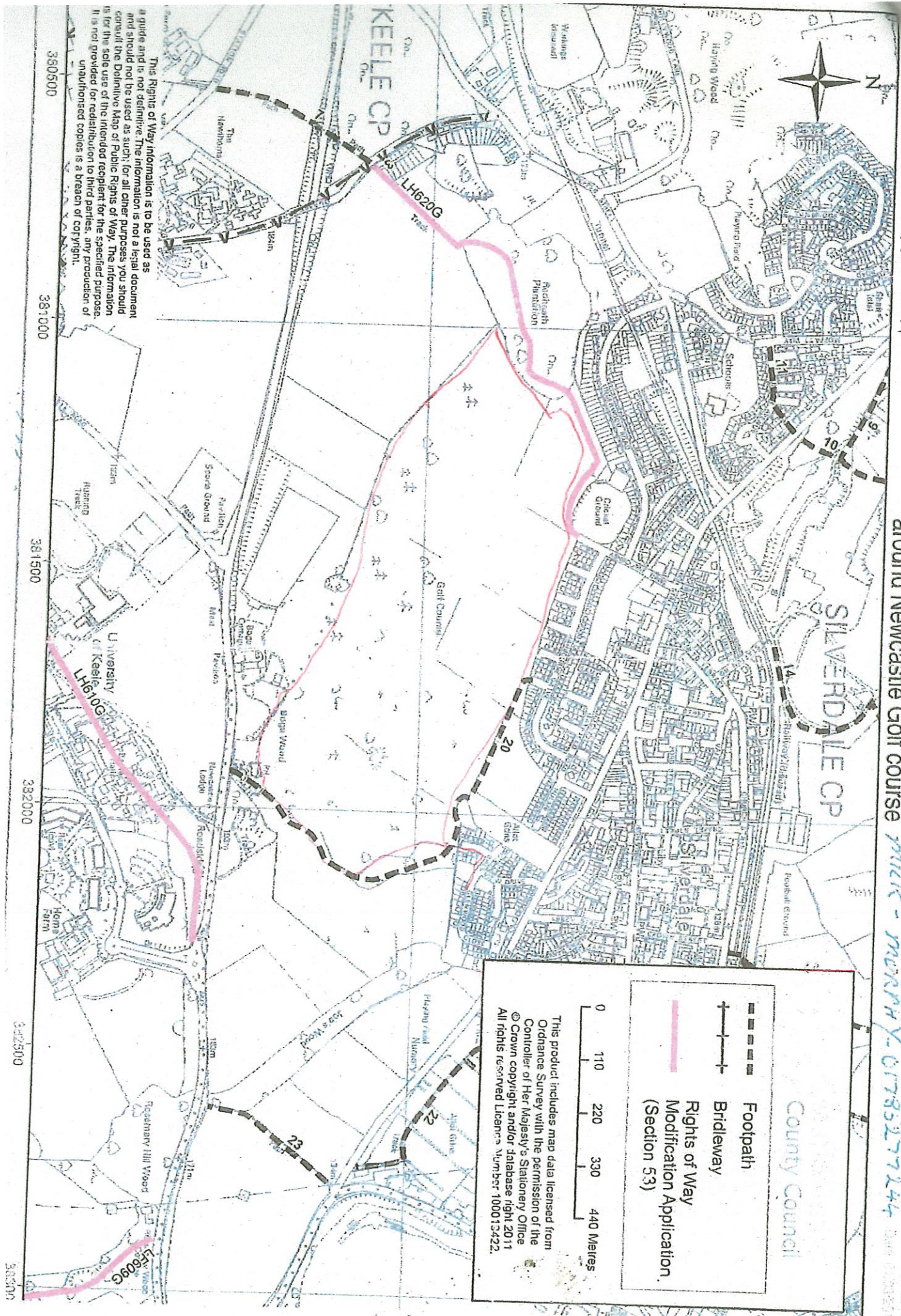
PRIVATE CLOWES (84/94 MAP)

**CALLUM
MELLON**




**Public Rights of Way and Modification Applications
around Newcastle Golf course**

pink - MURPHY-01785277244

Ref: SP/00/000000



County Council

-  Footpath
-  Bridleway
-  Rights of Way Modification Application (Section 53)

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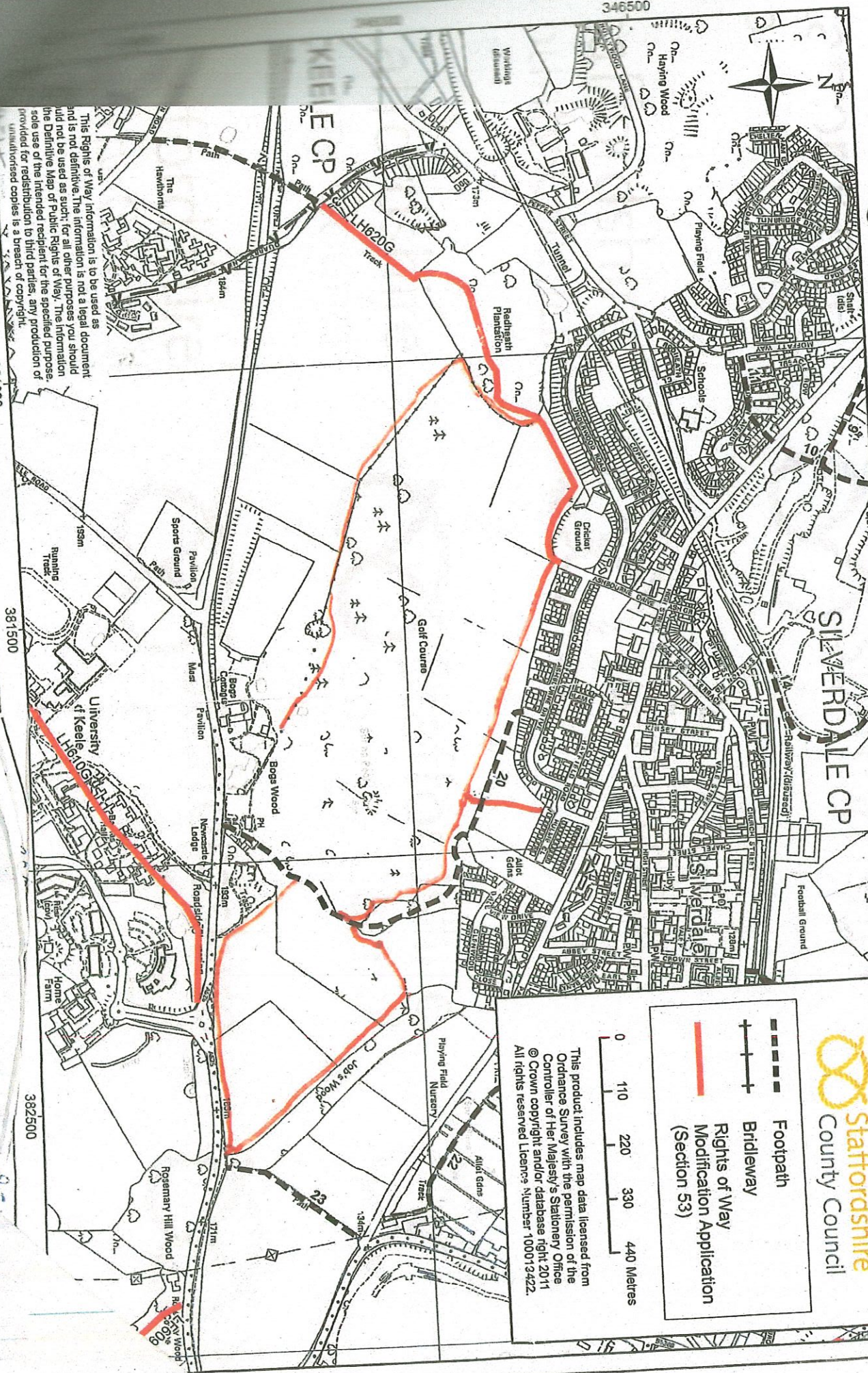


MRS
HOSKINS

Public Rights of Way and Modification Applications
around Newcastle Golf course

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Date: 01/03/2011



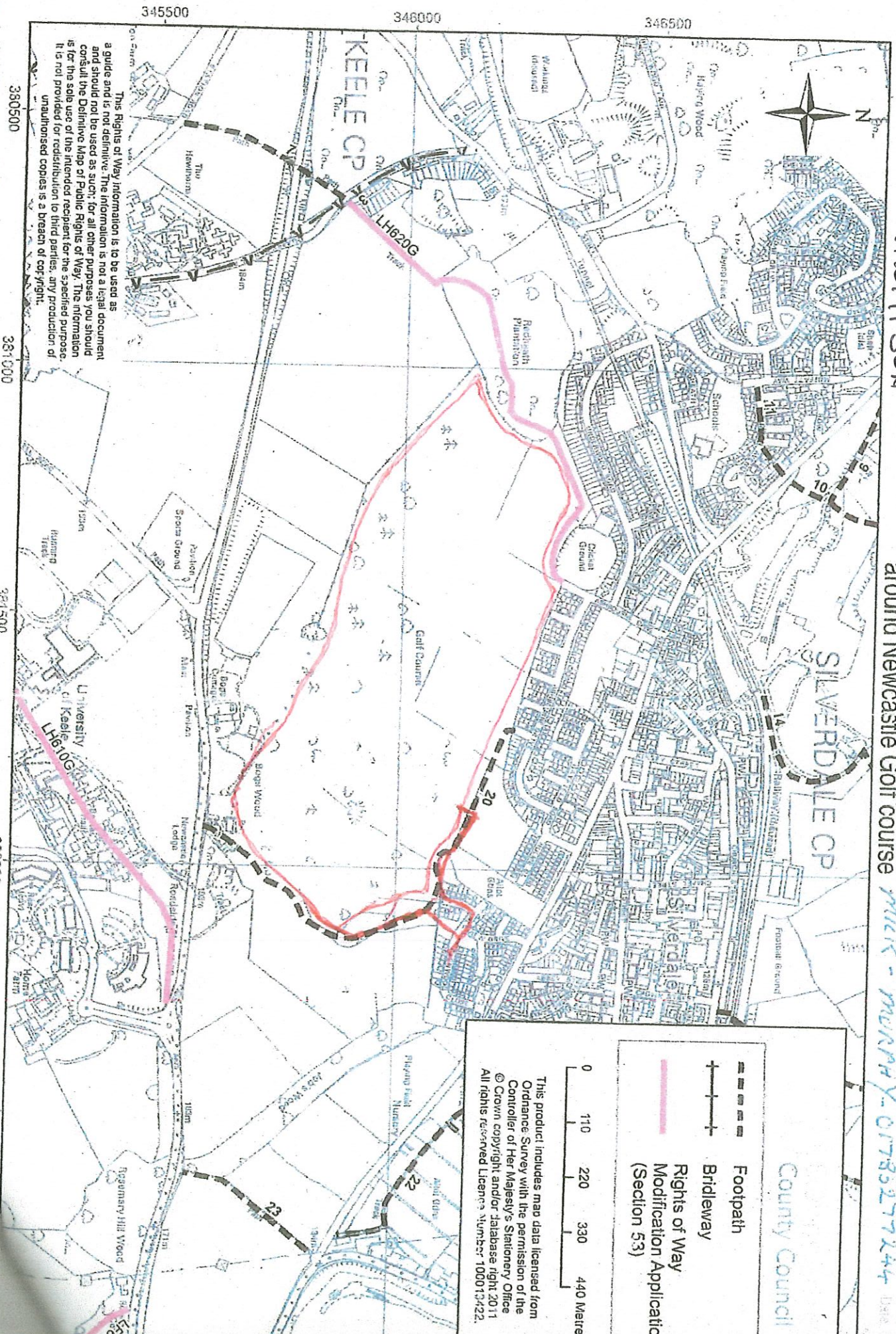
STAFF - C / Council

Rights of Way Section
 Environment and Heritage

642Y
 THOMPSON

Public Rights of Way and Modification Applications
 around Newcastle Golf course

MURPHY - 017835277244



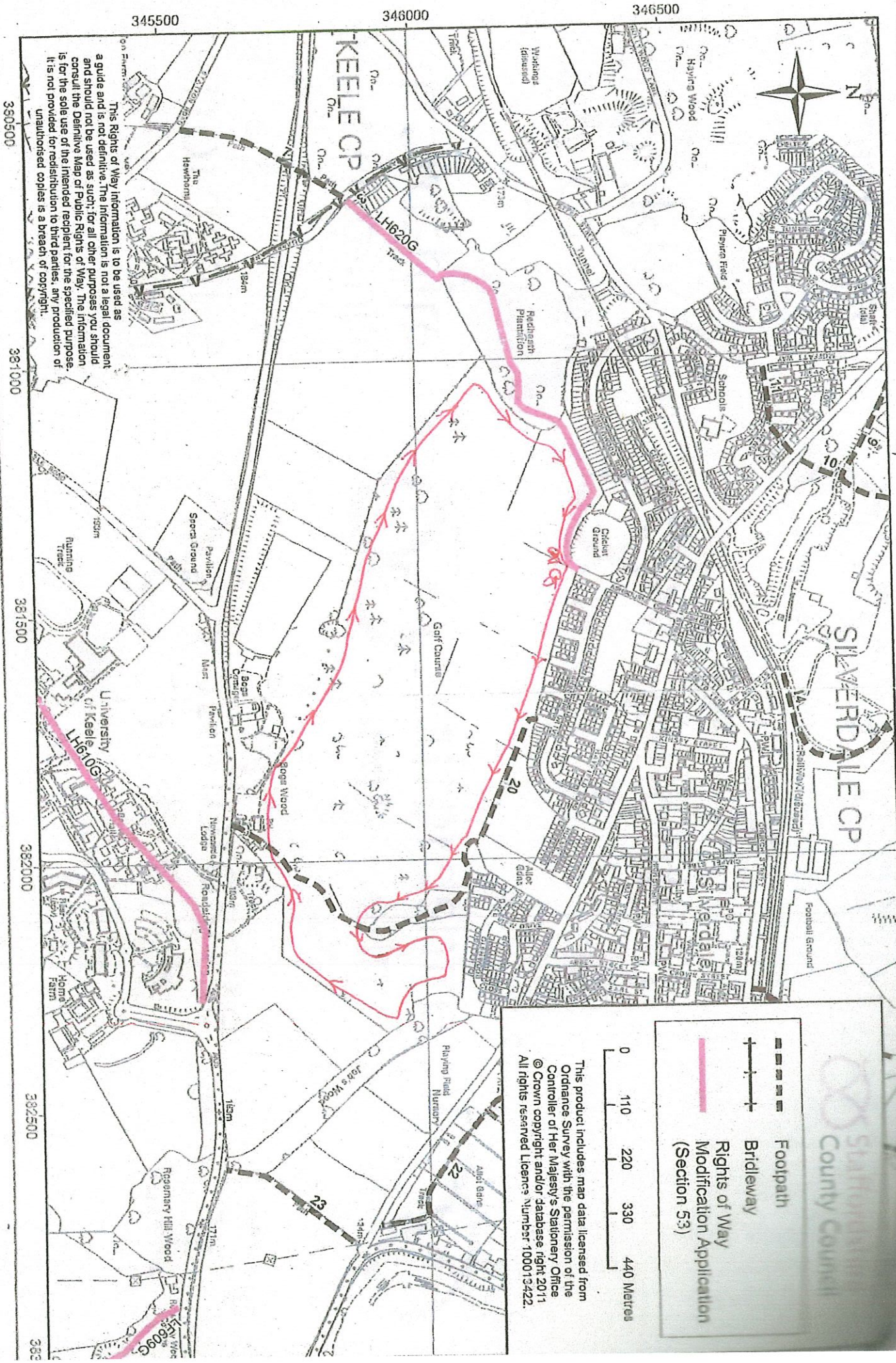
County Council

- Footpath
- Bridleway
- Rights of Way Modification Application (Section 53)

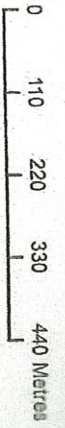
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JOHN BRIAN
 Public Rights of Way and Modification Applications
 Environment and Countryside
HARCOS - HEROLF
 around Newcastle Golf course
nick - MURPHY 01743



Footpath
 Bridleway
 Rights of Way Modification Application (Section 53)



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Silverdale
 Newcastle
 County Council

JAMES BEREK LUCAS

Rights of Way Section
Environment and Countryside

J.D. Lucas

Public Rights of Way and Modification Applications
around Newcastle Golf course

MURPHY - 01785277244 Date: 01/09/2011

Ref: SFR/CON

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- Footpath
- Bridleway
- Rights of Way Modification Application (Section 53)

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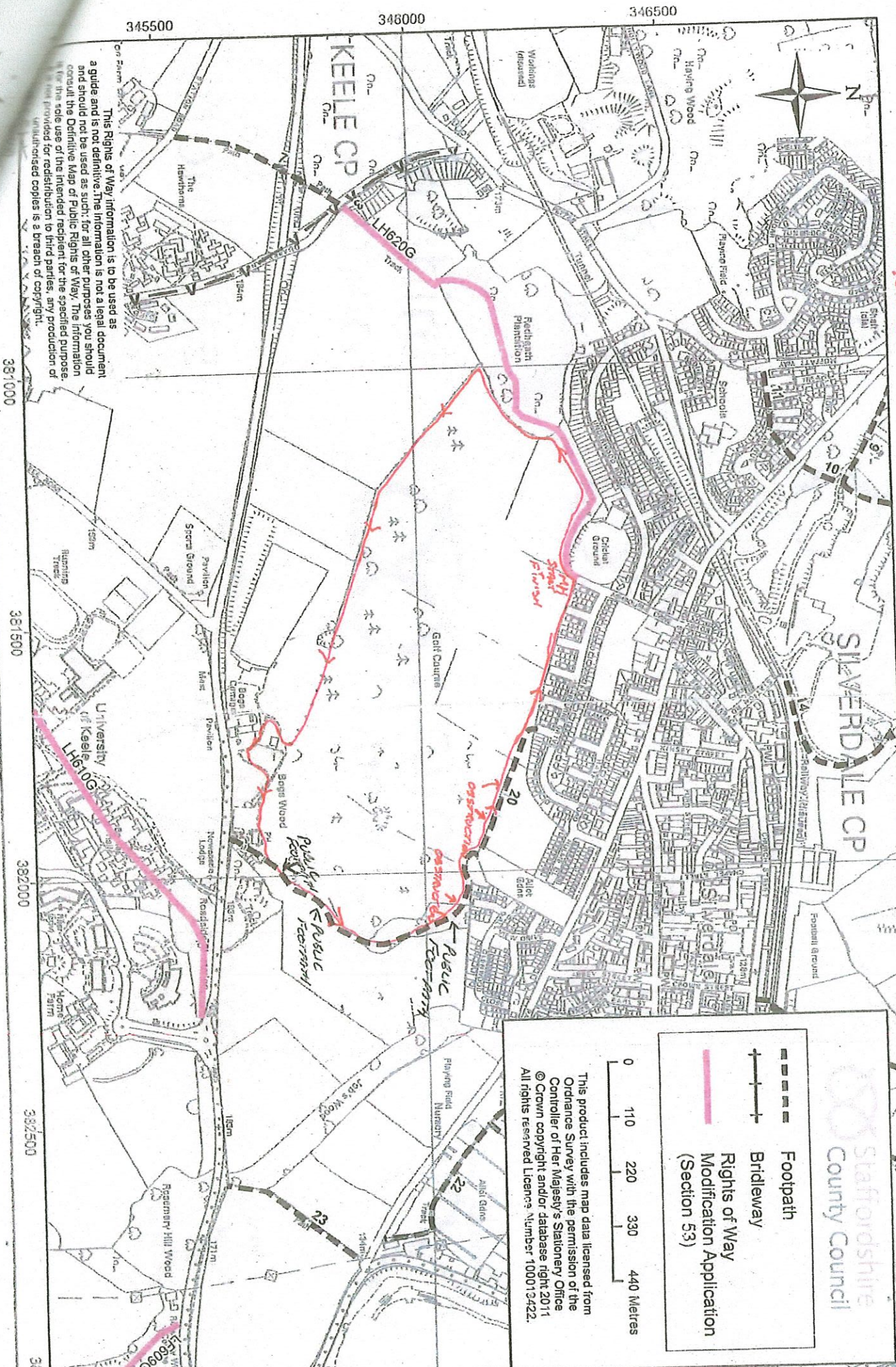
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Staffordshire
County Council

MARK
HEELAND
M. Heel

Public Rights of Way and Modification Applications
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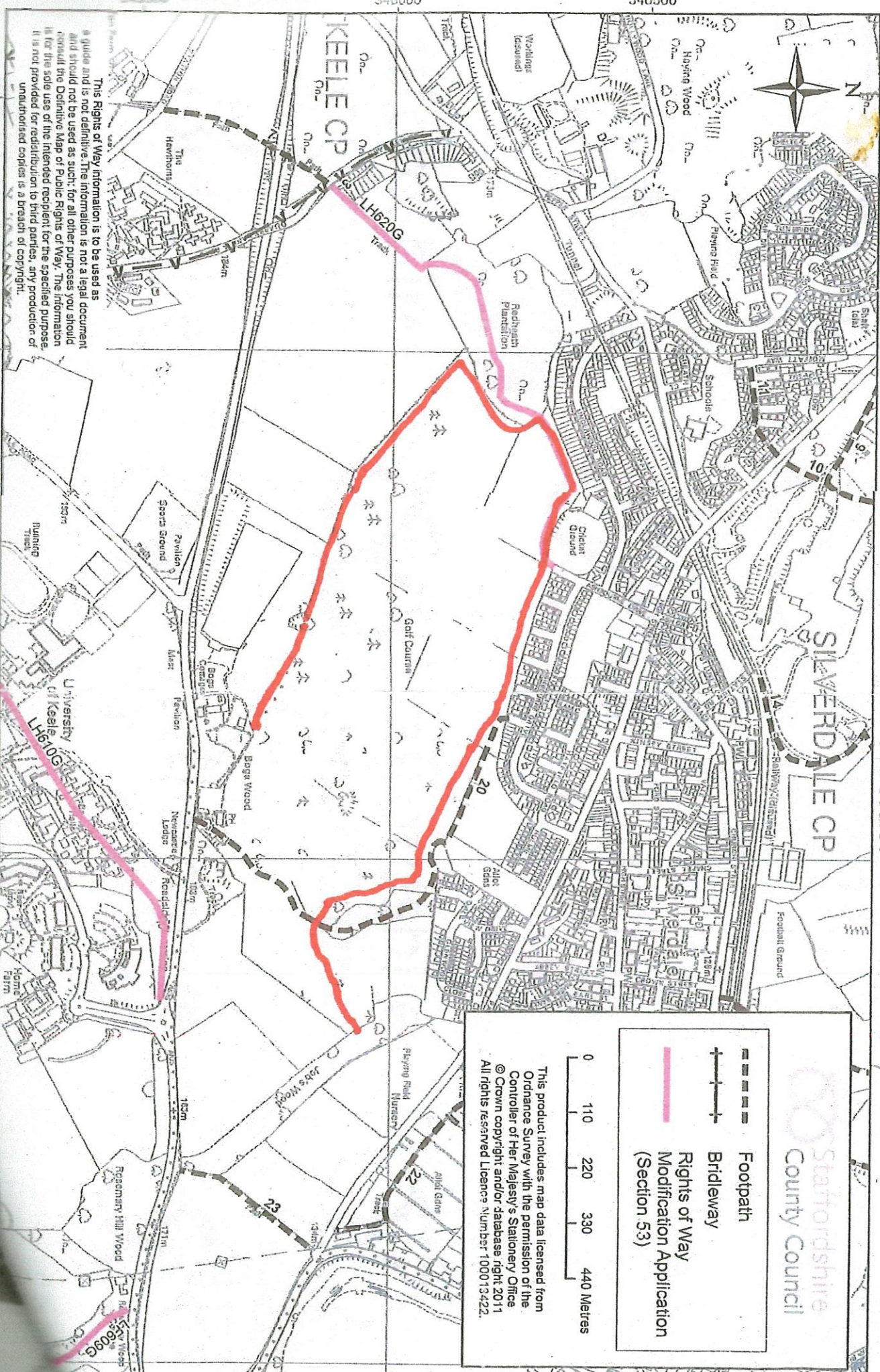
Staffordshire
County Council

Rights of Way Section
Environment and Countryside
KILLAT

NANCY

**Public Rights of Way and Modification Applications
around Newcastle Golf course**

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Date: 01/09/20

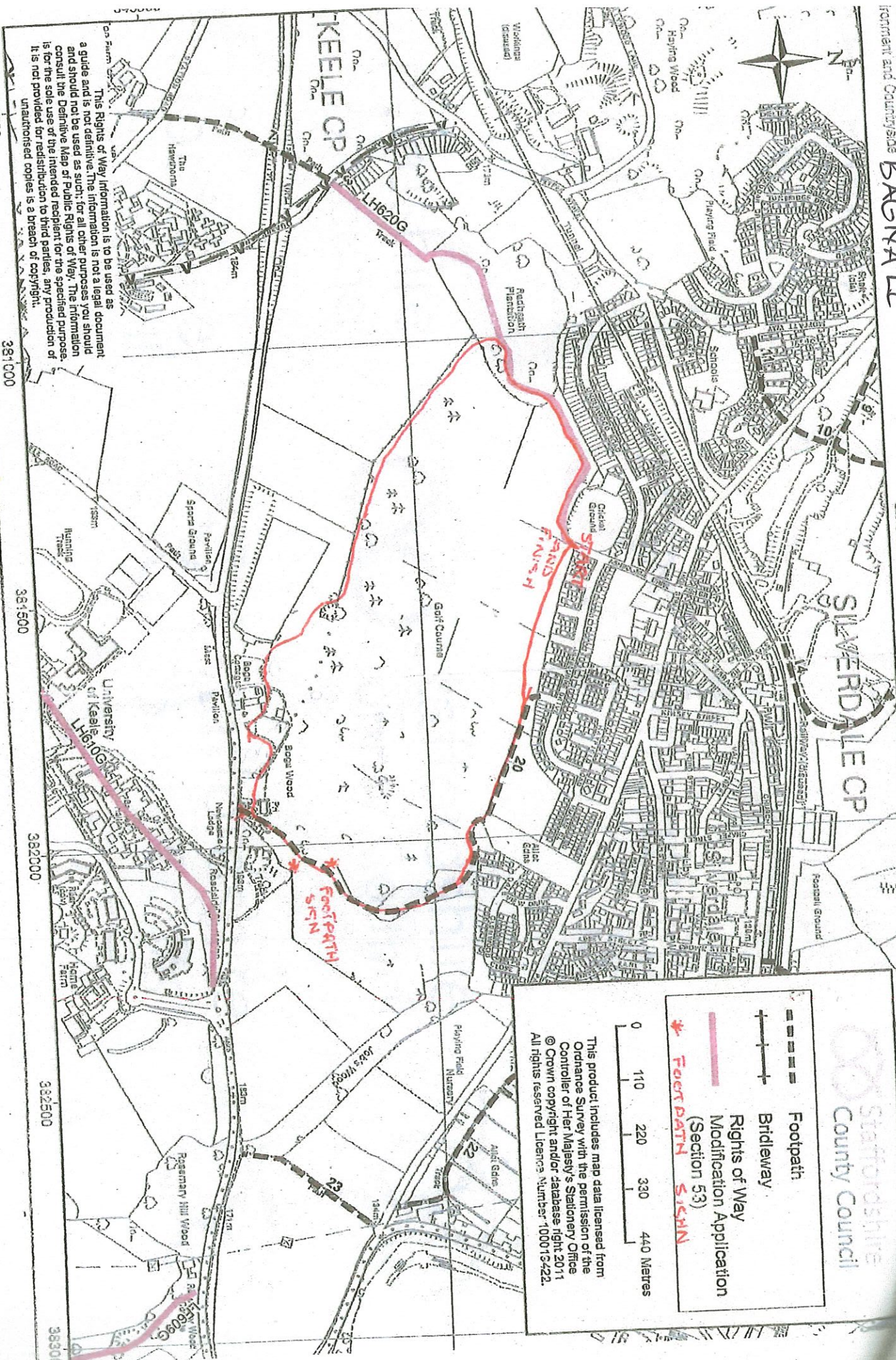


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PETER

**Public Rights of Way and Modification Applications
 around Newcastle Golf course**

MILK - MURPHY 0178322711



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Staffordshire
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- - - - - Footpath
 + + + + + Bridleway
 ———— Rights of Way
 ———— Modification Application (Section 53)
 * * * * * FOOTPATH 5.5 KM

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390500

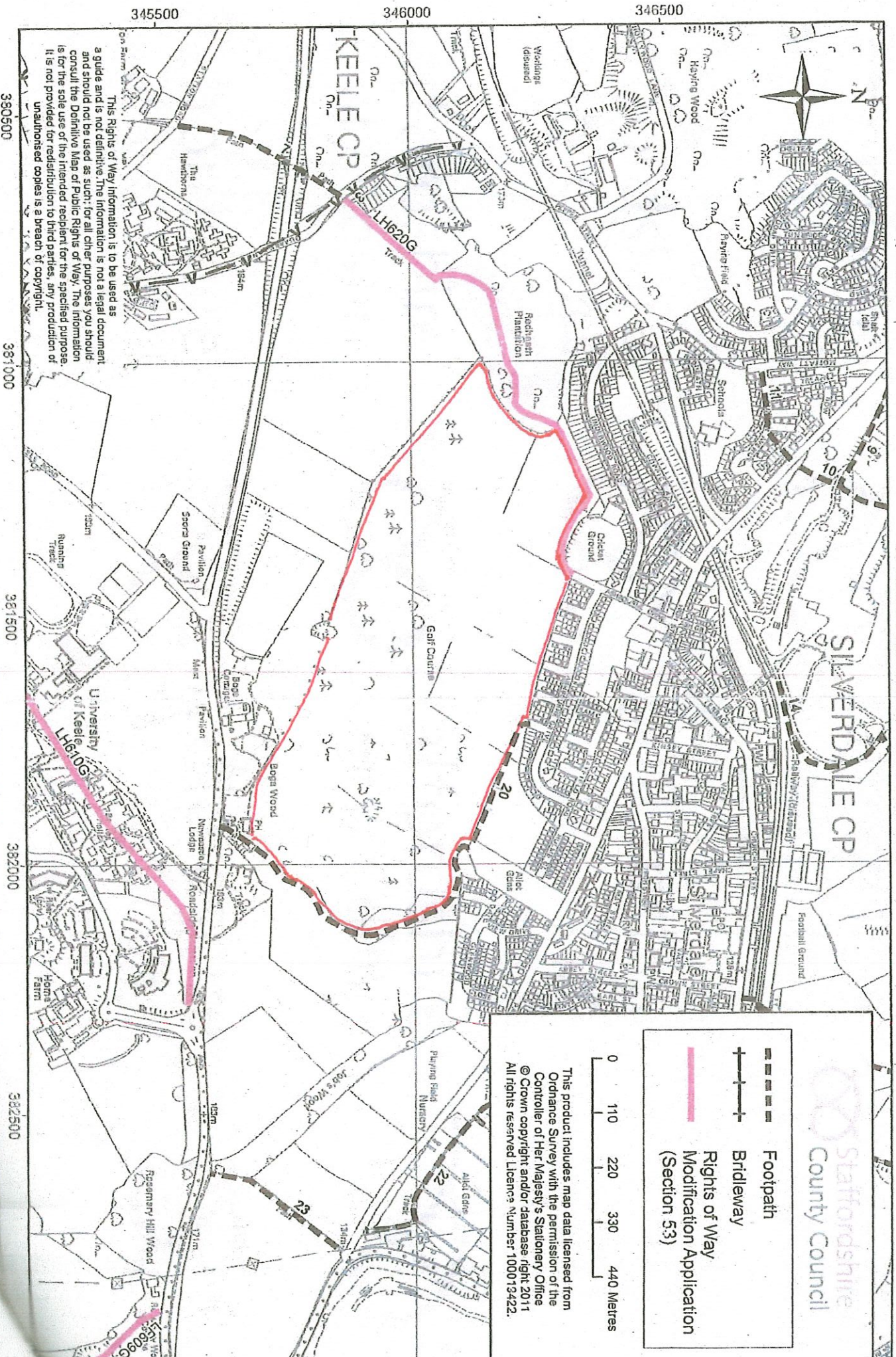
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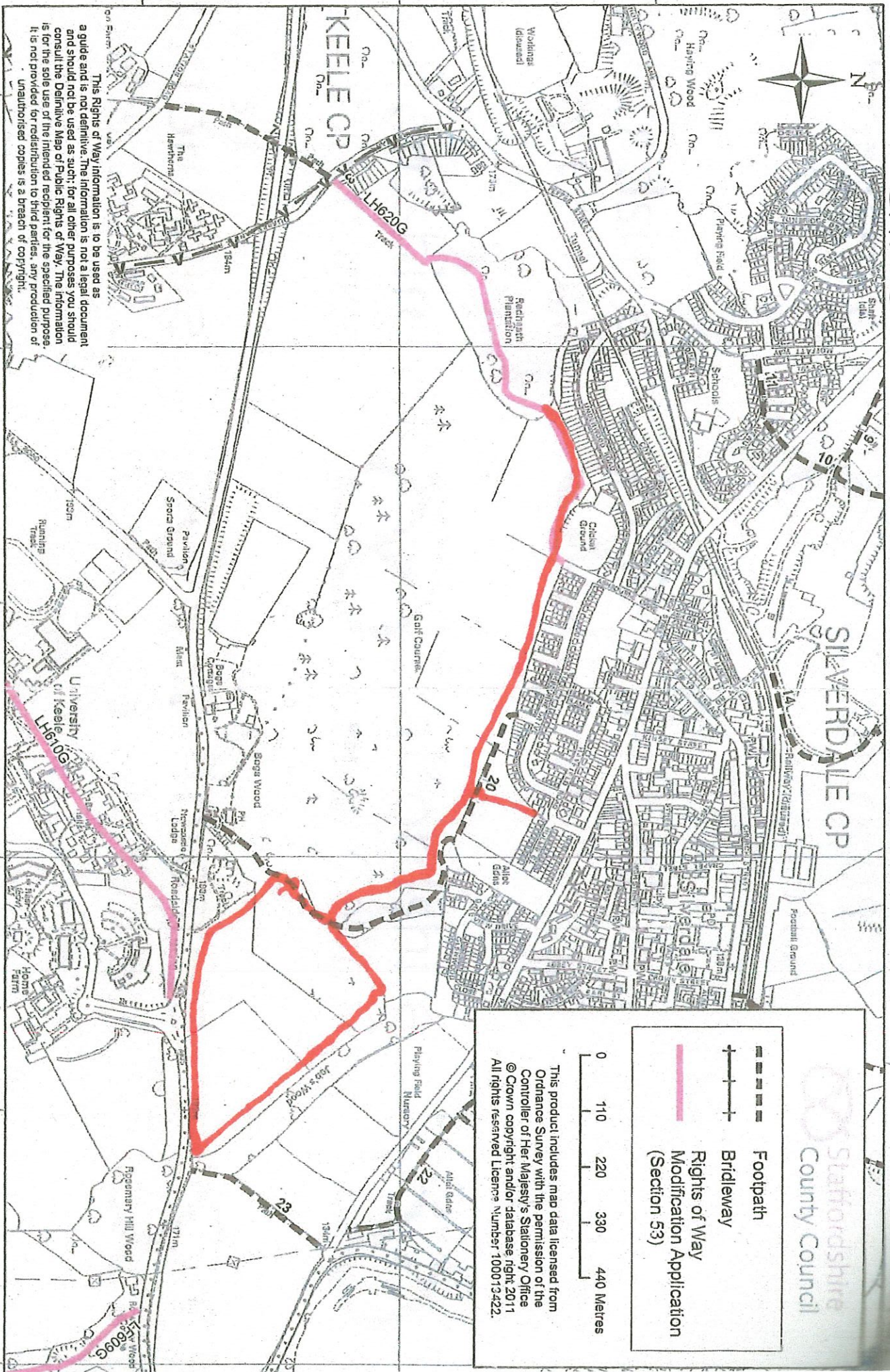
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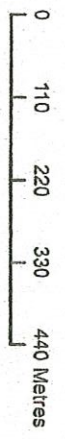
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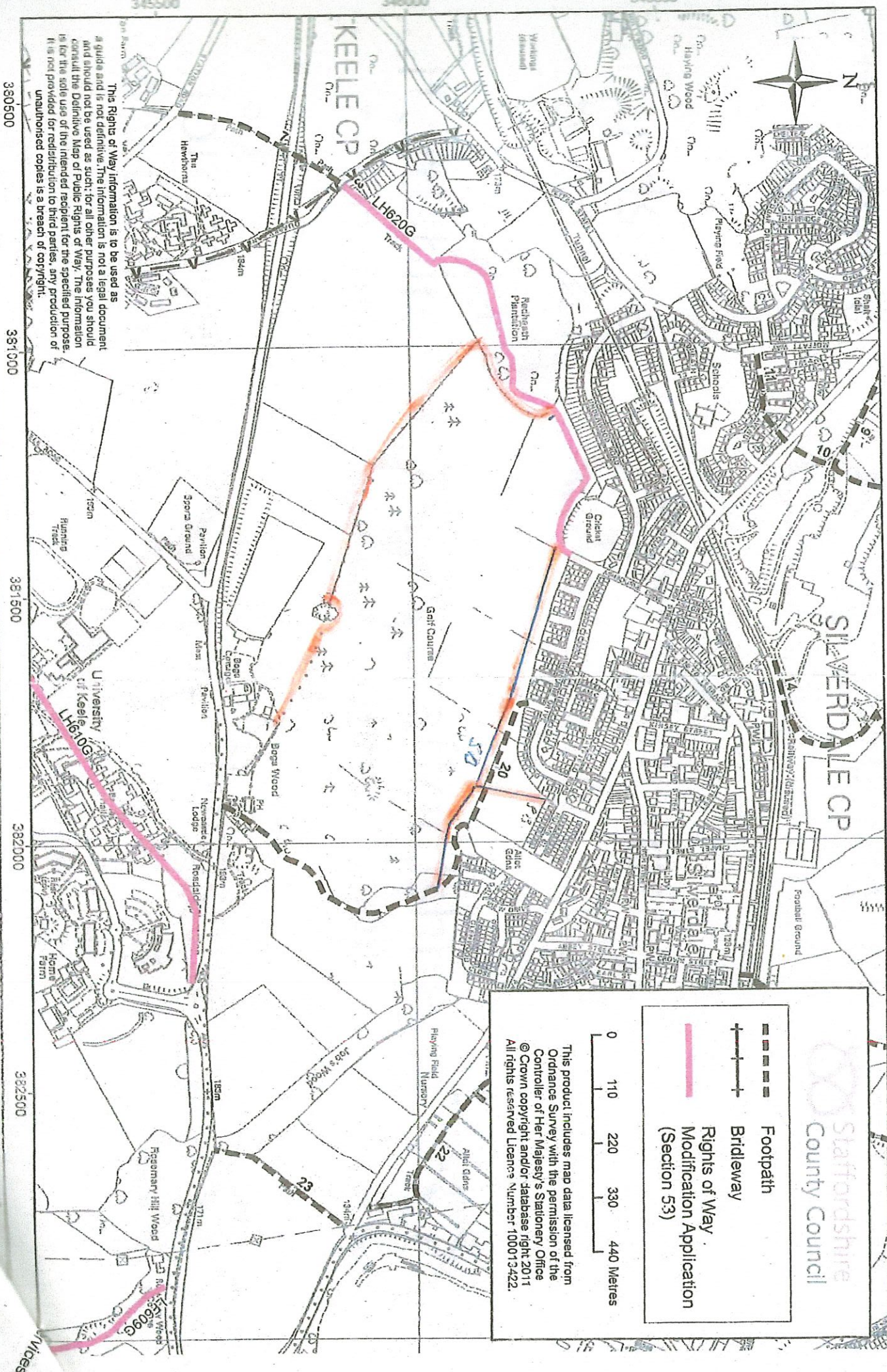


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STEVEN
BARBER

Public Rights of Way and Modification Applications
around Newcastle Golf course *MICK - MURPHY*

01785277244



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0 110 220 330 440 Metres

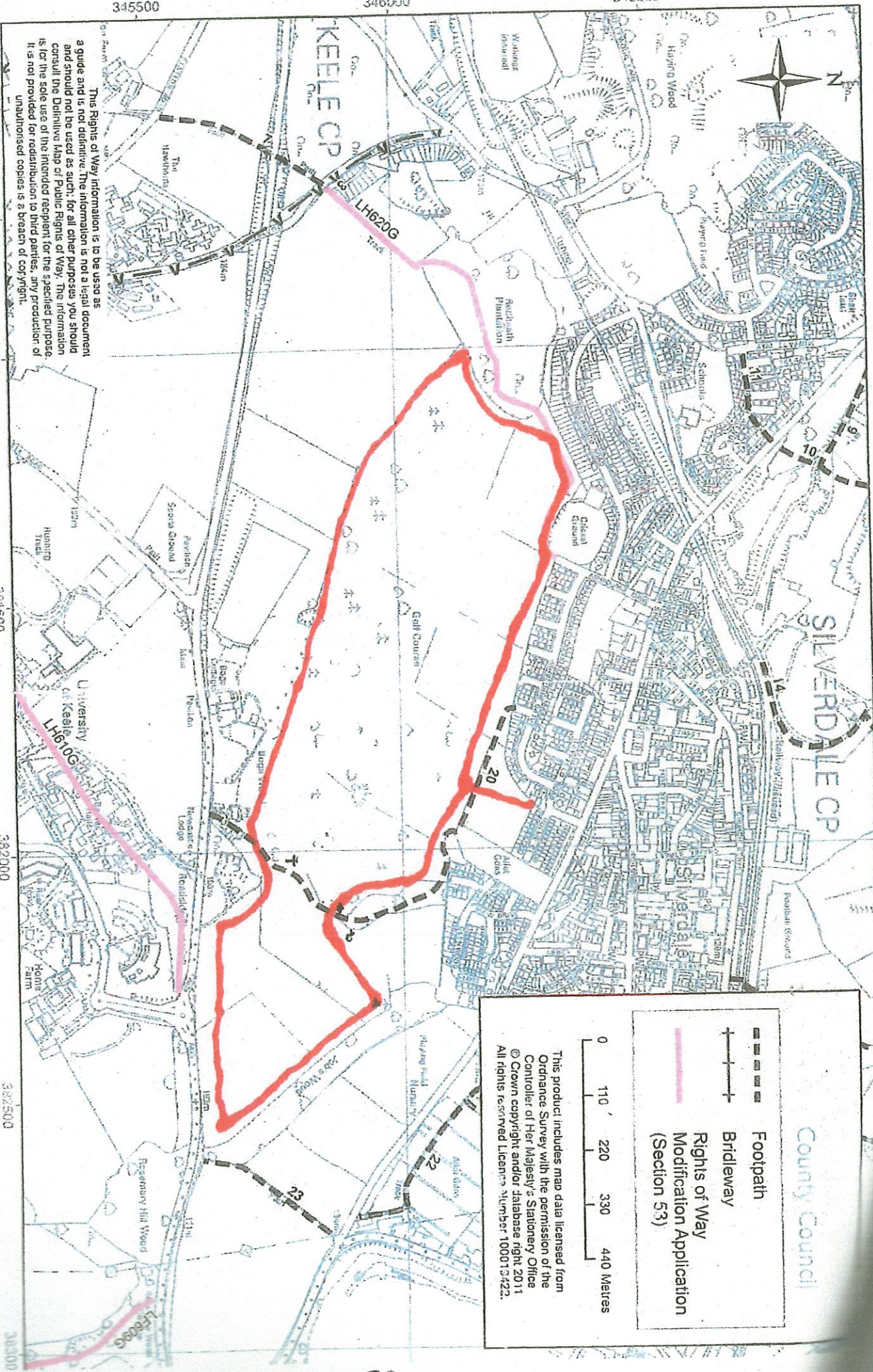
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SUSAN

CARSON

Public Rights of Way and Modification Applications
around Newcastle Golf course *pink - MURPHY - 01/11/11*



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(5)

THOMAS

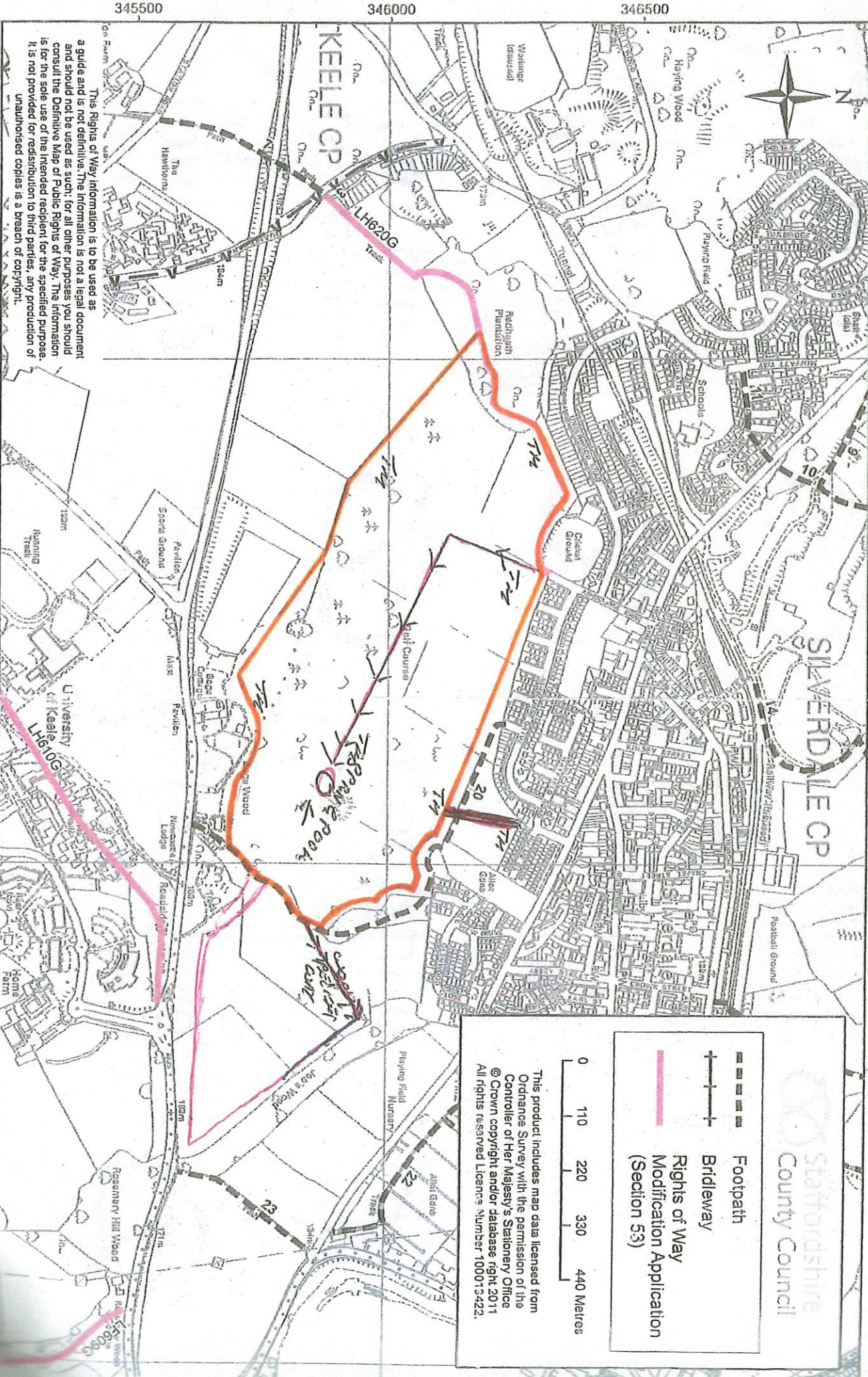
Rights of Way Section
MELLOW

APP. B

Public Rights of Way and Modification Applications

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Ref: SP/0291
Date: 01/09/2011



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