

ADDENDUM

The below comments were received following the circulation of the draft report:

Email from John O'Connor – Fishers Solicitors for Landowner (i) 05/06/23

Dear David

Thank you for your email of 2nd June. I confirm clients have no further comments to make.

Regards

John O' Connor

Email from David Adkins, Legal Officer to John O'Connor – Fishers Solicitors for Landowner (i) 02/06/23

Dear John

Thank you once again for your communication of the 19th April.

Just a very quick line to say that the application is scheduled for the June 16th Panel meeting, and it would be very much appreciated if you could send any further comments or details to me as soon as possible.

It is important to point out that the Panel decision is by no means the end of the process and that if members *were* minded to accept it and make an Order, then this itself would be subject to a standard 42 day consultation period during which time your client – or any other party – could object. If any objections were received during this said period, then the whole matter would be referred to the Secretary of State for fresh consideration.

I hope these details are reassuring to your client and thank you once again for your communications to date.

Kind regards

David

**Email From John O'Connor – Fishers Solicitors for Landowner (i)
19/04/23**

Dear David thank you for call and confirmation that the application will be removed from the April meeting and re listed for the June meeting. I will report back to my client in respect of a possible inspection of the original Inclosure award at the county records office and get back to you. In the meantime, I attach copies of two further OS maps dated 1876-1899 and 1881 -1882 both of which do **not** show the presence of the Bridleway through my client's land but do show the Green Lane and a Bridleway to the North.

Regards

John O' Connor

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- Attached as seen
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**Email From John O'Connor – Fishers Solicitors for Landowner (i)
18/04/23**

David, thank you for the response. I confirm my client wishes to continue the objection. I am struggling at the moment to clearly identify the Inclosure award referred to. Whilst I see that in annex C there is what appears to be a handwritten note and freehand drawing (presumably written by the applicant as it is endorsed "I am claiming the red section" etc and referring to an Inclosure Award; that does not appear to be a copy of the Award itself. Is that the case in which event do you have a copy of the actual Award.

As to the plan marked "1834 OS" (paragraph 39 of the report) I do not accept that the "route can be clearly be seen". On the contrary I am struggling to see the route were it not for the colouring again, presumably, added by the applicant. Do you have a further copy of that edition without the colouring so that a clearer picture of what the plan depicts can be seen. Finally in respect of the landowners submissions (paragraphs 46 and 47 of the report) we do not believe that a more modern and presumably more accurate edition of the OS map which does not show the alleged bridleway should be dismissed. If that were the case, then both of the Applicant's OS plans should similarly be dismissed.

In that event we are left with the Inclosure Award and Plan of which we have not seen an original copy and, in contradiction of that ,the applicants

own plan (Part A paragraph 3 (ii) of the report), which whilst it purports to show the Bridleway does not actually do so but does clearly show a bridleway in the same enclosure but much further to the North. Given that the council's officers conclude (paragraph 64 of the report) that the application is **not** sufficient to meet the required "balance of probabilities test" this leaves only the test that it can "reasonably be alleged to subsist". In that case I suggest that the application must fail. The hand drawn copy of the description of the Inclosure Award and the hand drawn Inclosure plan are simply not sufficient to establish the existence of the bridleway.

Finally, whilst I appreciate this may not be material to the validity or otherwise of the application, it was first submitted to the council on the 11th January 1999 (almost a quarter of a century ago), was first brought to the attention of the landowner in November 2006 when an objection was made by us (then being Dewes Sketchley) on their behalf and again by us in June 2008 after which nothing was heard until 21st March this year. The Bridleway is not used at all and in practise goes nowhere. Whilst it abuts the "Green Lane" to the West that lane is completely overgrown and physically impassable.

Please confirm a copy of this e-mail will be produced to the Panel at the hearing.

Regards

John O'Connor

Email from David Adkins, Legal Officer, SCC to John O'Connor – Fishers Solicitors for Landowner (i) 18/04/23

Dear John

Further to your telephone communication today - it relates to one of my current matters.

I can confirm that this is indeed the same application as received in 1999 - and that the applicant is indeed still alive.

We have a significant backlog of applications, and this timeframe is not therefore unusual.

I have sent attachments of the requested documents – although these are the only copies we have.

We can however allay your clients' immediate concerns, although we are hoping to take it to Panel on the 21st inst. this is by no means the end of the process. If the members decided to accept the application and make

an Order on the 21st , then it would have to be advertised in the press in the usual way – and indeed on site – giving a set 42 days’ notice for any objections to be made. If any objections were received, then the whole matter is referred to the Secretary of State to be considered afresh.

Needless to say, I now have sight of your client’s objection and will of course highlight this to the Panel on the 21st.

If your clients wish to add any further details, I would be grateful if they could be received before the 19th inst. and I will bring them very fully to the attention of the Panel.

Please do not hesitate to contact me if you need any further details or clarification - you can reach me by any of the below means.

Kind regards

David

**Telephone Conversation Between John O’Connor Fishers Solicitors
– For Landowner (i) and David Adkins, Legal Officer, SCC
18/04/23**

The application was outlined to the landowner’s solicitor and followed up with a more detailed communication by email.

**Email from David Adkins to John O’Connor – Fishers Solicitors for
Landowner (i) 19/04/23**

Dear John

Many thanks for the sending the below details and for the additional evidence.

The email address for the records office is
staffordshire.county.records@staffordshire.gov.uk

Kind regards

David

Email from David Adkins, Legal Officer, SCC to Landowner (i)
Direct 20/04/23

Dear [REDACTED]

Thank you once again for contacting me regarding the above.

I can confirm that the matter has now been deferred from the April meeting and will be re-scheduled for a future Panel - the earliest possible date being the 16th June as we do not hold a meeting in May.

In relation to the Inclosure Award we would not typically provide a copy of the original document unless it had been supplied by the Applicant themselves. The Inclosure documents are large and fragile and in light of this we would refer any interested party to the records office direct if they wanted to view them first hand. That said officers will have checked the details with the original when the application was received.

The contact email address for the Records Office is
staffordshire.record.office@staffordshire.gov.uk

I will contact you well in advance of the next Panel meeting in relation to the points raised, although if you have any comments or queries in the meantime please do not hesitate to contact me.

Kind regards

David

Email from David Adkins, Legal Officer, SCC to Landowner (i)
Direct 18/04/23

Dear [REDACTED]

Thank you for your message which I received a few minutes ago.

I have attached a copy of the Inclosure Award plan - and apologise if you did not receive this for some reason in the original submission.

I have also noted your objection and will of course present this very fully to the Panel meeting although I should stress that this meeting is only the beginning of the process and if the members did decide to accept the application and make an Order, then it would need to be advertised in the usual way. This means there would be a 42-day statutory consultation period (from the date of the press advert and site notices being erected) during which anyone could lodge an objection – and if any objections

were received. then the whole matter would be referred to the Secretary of State who would consider the matter afresh.

Needless to say, I am more than happy to present your objections very fully to the Panel – although I would also be grateful if you could let me know if you have any further objections in relation to the attached Inclosure Award plan and evidence.

Again, I would be grateful if you could let me know, in light of the above, if you would still require an extension.

Kind regards

David

Email from Landowner (i) Direct to David Adkins, Legal Officer, SCC 18/04/23

Good Afternoon,

Re : S53 Application for the addition of an alleged public bridleway

From Birdsley Farm to Portway Lane, Wigginton

I write in connection to the above application, to which I strongly object.

In the "Report of the Director for Corporate Services" – "Evidence Submitted by the Applicant" on page 2, point number 1, you refer to "Inclosure Award dated 1771 (Q/RDC2)".

I cannot see a copy of this document, in the correspondence you have sent?

The evidence in Appendix D, letter and map dated 1880 from Dewes Sketchley states, there has never been a Bridleway.

Another point to consider, in Appendix B, at point A on the map, this is Green Lane and is so overgrown and rutted from "off-roaders", it is completely impassable. So in effect, a Bridleway would be a dead end anyway.

As the evidence is incomplete for this application, I propose you extend the deadline from 19th April 2023 to a later date.

Can you please email me a copy of the actual Inclosure Award by return.

Kind Regards

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Email from David Adkins, Legal Officer, SCC to Landowner (ii)
02/06/23

Dear [REDACTED]

Further to my email of the 20th April I am able to confirm that the matter which we deferred in April is now scheduled for the Panel meeting on the 16th June.

Needless to say, I have noted the points raised in the previous email but if you do have any further details or comments, I would be grateful if you could let me know as soon as possible.

It is important to note that the Panel decision is by no means the end of the process and that if the Panel decided to accept the application and make an Order to add the route it would be subject to a standard 42-day consultation period. This means that if an Order were made and you or any other party objected to it then the whole matter would be referred to the Secretary of State for fresh consideration.

I have of course noted your previous objection to the application and will present this very fully to the Panel on the 16th.

If you have any further questions or comments, you can contact me by any of the below means.

Kind regards

David

Email From David Adkins, Legal Officer SCC, to Landowner (ii) -
20/04/23

Dear [REDACTED]

Thank you for your email and the details contained therein.

I can confirm that the meeting has been deferred from the April Panel which will allow more time for the evidence to be considered.

The application is based on the Inclosure Award although we would not typically include a copy of the original document unless the Applicant had provided it - officers will of course have checked it against the original on receipt of the application.

Our normal practice in relation to Inclosure Awards (which are large and fragile documents) is to refer any party to Staffordshire County Records Office where the original documents are held, and the contact email address for them is staffordshire.record.office@staffordshire.gov.uk

Needless to say, I will respond more fully to the points you have raised well in advance of the next Panel meeting, although the earliest possible date for this will be the 16th June as we do not have a Panel meeting in May.

In the meantime, thank you once again for sending in the details and please do not hesitate to contact me if you have any further queries or comments at this stage.

Kind regards , David

**Email from Landowner (ii) to David Adkins, Legal Officer, SCC
18/04/23**

Good Afternoon,

Re : S53 Application for the addition of an alleged public bridleway

From : Birdsley Farm to Portway Lane, Wigginton.

I write in connection to the above application, to which I strongly object.

We [REDACTED] own and Farm land adjacent to the existing Byway and Bridleway from Birdsley Farm to Green Lane Portway. The Byway ,which is excessively abused by off roaders with 4 x 4 vehicles ,which has extended sometimes into our land and water issues form the flooding created has let to annual crop loss. The Bridleway is not being used because its unkept, overgrown and inaccessible.

I strongly disagree with this proposal to open a new Access to the old bridleway and that it has no reason to be even considered here, this would eventually lead to yet more 'Off roaders' using and abusing this bridleway. There is currently the existing Byway and the extended Bridleway from Elford following along Willow Bottom Lane to Comberford ,which itself is not being maintained and is just left overgrown and the Byway is open to abuse.

As the evidence is incomplete for this application, I propose you extend the deadline from 19th April 2023 to a later date until all evidence is collated.

Would you please email me a copy of receipt of this email by return.

Kind Regards

Email from David Adkins, Legal Officer, SCC to Landowner (iii)
02/06/23

Dear [REDACTED]

I hope this finds you safe and well.

Further to my email of the 20th April I can confirm that the matter has now been scheduled to go before the Panel on the 16th June.

Needless to say, I have noted all of your previous comments and will of course present these very fully to the Panel on the day.

If you have any further comments or details, I would be very grateful if you could let me know as soon as possible.

Thank you once again for your previous communication and please feel free to contact me on any of the below means if needed.

Kind regards

David

Email from David Adkins, Legal Officer, SCC to Landowner (iii)
20/04/23

Dear [REDACTED]

Thank you for your email and comments – which are very much appreciated.

In the first instance I should say that we have deferred the matter from the April Panel meeting to enable all parties to have more time to consider all the evidence before them.

In relation to the Inclosure Award the original document is housed at Staffordshire County Records Office - we would not normally provide a direct copy of this (unless the Applicant had provided it) although officers will have checked it against the original when the application was received. Where queries do arise, we refer parties to the Records Office direct where they can arrange to view the document/s. The email address for the Records Office is staffordshire.record.office@staffordshire.gov.uk

I will send you a fuller response to the points you have raised well in advance of the next Panel meeting once the date has been decided.

Our next scheduled meeting will be held on the 16th June and this therefore is the *earliest* possible date the matter could be considered.

This is just to let you know that we have deferred the meeting and to hopefully allay any immediate concerns you may have.

Kind regards

David

**Email and Attached Letter from Landowner (iii) to David Adkins,
Legal Officer, SCC 18/04/23**

Good afternoon,

I hope you are keeping well.

Please find attached a letter from myself and [REDACTED] [REDACTED]
regarding the above subject.

Would you please be kind enough to acknowledge receipt?

Kind Regards

(Attached Letter Below)

Without Prejudice

Re : S53 Application for the addition of an alleged public bridleway
From Birdsley Farm to Portway Lane, Wigginton

18th April 2023

Dear Sirs,

I am writing in relation to a Proposed Planning Notification that I received through the post only a few days ago.

I am concerned about the proposal for reasons that I have stated below and am incredibly surprised that we have been given such a short period of time to consider the proposal and raise any objections.

Please bear in mind that we only received the documents a few days ago and then we had the Easter Break and two Bank Holidays and therefore have not been given a reasonable period of time to seek legal advice.

Having briefly reviewed the documents I am a little confused as it states that the Director for Corporate Services" has Submitted an "Inclosure Award" which was dated 1771 (Q/RDC2)2.

I cannot see this document anywhere within the "Bundle".

Also, I am further confused that a previous map dated 1880 from Dewes Sketchley states that there has never been a Bridleway. Is this correct or is there further documentation discrediting this Map?

My main concerns relating to the proposal relates to unruly behaviour by members of the Public. This includes people coming from as far as Cannock to drive 4 x 4 Vehicles and Motorcycles through this land.

In fact, if you check your records, you will see that I contacted Lichfield Council over this issue and was directed to the Highways Department following a number of incidents due to this behaviour.

Throughout the summer months, it is frequent practice for groups of people to go "Off Roding" in 4 x 4 vehicles.

The drivers show absolutely no thought for the environment or residents, and I have (As Instructed by yourselves) confronted them and taken photographs of their licence plates.

The thing that you need to take into consideration is that, when they arrive at the end of my Driveway, they accelerate across a blind bend to shake all of the mud from their tyres.

My [REDACTED] [REDACTED] was almost hit head on by one of these vehicles last year when driving her vehicle.

The ground is now impassable either by foot or any other means as there are ruts that are about 4' deep and as such the local wildlife including Munt Jack Deer can now be seen on a regular basis.

As the area is now impassable it now also means that groups of young adults can now no longer access it in vehicles. Three years ago, when the foliage was cut back, it became a "Hot Spot" for young adult males to

gather together in cars, playing loud music and using "Recreational Drugs"

I reported this to Staffordshire Police who visited my property and collected the evidence.

I really cannot see what benefit would be brought from creating a road in this area. Not alone will it spoil the natural surroundings and environment, but it will also create Criminal Activity on my doorstep.

Kind Regards



**Email from Cllr Alan White to David Adkins, Legal Officer, SCC,
14/04/23**

Hi David

I have no comments or objections. No member of the local community has been in touch with me to express any concerns either.

Regards

**Email from David Adkins, Legal Officer, SCC to Cllr Alan White
14/04/23**

Dear Cllr White

We are hoping to take the above matter to Panel next week (Friday 21st) and as such if you have any comments, I would be grateful if you could let us have them before the 19th if possible.

Kind regards
