

Titchener, Hannah (Corporate)

From: [REDACTED]
Sent: 12 June 2023 12:44
To: Titchener, Hannah (Corporate); Winnington, Mark (County Cllr)
Subject: RE: DMMO application for the addition of a public footpath at Deep Haye and Crownpoint Cheddleton. Our Reference: LA647G/008169
Attachments: Crown Point Application - Direction By The Secretary Of State.pdf; Appendix - SCC Did Not Start Operating The 1981 Act Until April 1989.pdf

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Dear Ms Titchener

Definitive Map Modification Application LA647G – Submitted on 18th April 1989


Regarding the above referenced definitive map modification application, due to be determined on June 16th, please ensure that Panel Members who decide this matter are furnished with a copy of this email and attachments before deciding whether an Order should be made or not.

1. Firstly, the Panel will appreciate that to expect Cheddleton Parish Council to constructively comment on or add to evidence of use, submitted more than 33 years ago, is challenging, unreasonable and impossible. This is further frustrated by so many of the evidence providers having sadly passed away or becoming uncontactable during the abhorrent and totally unacceptable delay by Staffordshire County Council to deal with this application. Attached is a copy of the decision served by the Secretary of State, directing Staffordshire County Council to determine the claim by no later than 6th May 2020. Staffordshire County Council has ever failed to comply and acted in contempt of the direction. You will see that, even going back nearly four years now, how critical the Secretary of State was of the Council – also emphasising how delays of this nature disable proper investigation of applications and evidence provided for them. I have highlighted relevant text on the attached copy of the direction for ease of reference.
2. In respect of the evidence of use period quoted in the report, of between 1970 and 1990, we regard this to be probably questionable as well. As the attached appendix to the report confirms, Staffordshire County Council states that it was not operating in compliance with the terms of the 1981 Wildlife and Countryside Act until 1989. It has, however, provided no explanation for not commencing operating in accord with the Act earlier than this. This is a material omission given that the initial evidence in support of this application was submitted in November 1987 but not responded to until 18th April 1989 (sixteen months after its submission). If November 1987 was interpreted as the date that the status of the route came into question this would make the 20-year user evidence period to be assessed as between November 1967 and November 1987. In this period:
 - There are 10 user statements that cover **the** full 20-year period retrospectively to November 1987.
 - One additional user covers a period of 19 years prior to November 1987.
 - Adding the balance of users, including user evidence submitted in 1989, the aggregate user evidence, in our opinion, meets the threshold of user to create assumed dedication as a public path.
3. The task of commenting on the draft report has also been hindered and obstructed by:
 - Officers unnecessarily redacting user details from all the statements of use forms thereby making it impossible to identify and contact them for elaboration - assuming users have survived the abhorrent delay.

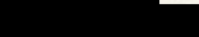
- Masking information such as date of birth, thereby "avoiding" Panel Members observing the improbability of users having survived the abhorrent and inexcusable 33 year delay so far to determine this application.

These issues and criticism arise from the Councils inaction for over three decades rather than criticism of Officers who are now dealing with applications. Being faced with an impossible task of validating, clarifying, expanding on or adding extra user evidence 33 years after the application was submitted is ridiculous. The Panel will, therefore, understand why we will be appealing any decision not to make an Order for this claim. Although it cannot be legally considered, we also know full well that public use of the application route has continued for decades after this claim was submitted.

Kind Regards,


Louise Eyre
Parish Clerk
Cheddleton Parish Council

Tel: 

Mobile: 

Email: 

Address: 