

From: David Portch, Information Asset Officer

To: Landowner 1

Dated: 20th March 2023

Ref: F0009937

Dear XXXXXX

Thank you for your request for information about Packington Lane contained within your letter dated 24 February 2023 which was sent to Staffordshire County Council's Legal Services department.

I am advised that a copy of an Inclosure Award which relates to the matter has already been provided to you. Inclosure Awards are considered to be strong evidence to prove or disprove claimed routes because the Awards are drafted as a direct result of an Act passed by Parliament.

I understand that the evidence considered by Staffordshire County Council used in their determination of this rights of way matter, including the Inclosure Award mentioned, is held by the County Records Office. Any information held by the county council is therefore available to you by other means and therefore exempt from release under section 21 of the Freedom of Information Act.

Information about the Archive Service, the records that they hold, and accessing records is available on our website - [Heritage and archives - Staffordshire County Council](#)

In so far as the Environmental Information Regulations (EIR) apply, there is a statutory process under which public rights of way are determined and therefore any information available to the council and used in determining a public right of way will be made available, if/as required under this process and is considered to be exempt from release under regulation 12(5)(b).

I am advised that it is for objectors to any proposed creation or modification of public rights of way to provide their own evidence to support their case.

In summary, this matter needs to be dealt with through the relevant legal process.

If you have any comments relating to how your request for 'recorded information' has been handled by our authority you should contact us in the first instance. Send your comment or complaint to:

Access to Information Team Manager, Access to Information Team,
Staffordshire County Council, 1 Staffordshire Place, Stafford ST16 2DH or
email accessinformation@staffordshire.gov.uk

If you then have any further comments relating to how your request has
been handled by our authority, please contact the Information
Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF,
or [Make a complaint | ICO](#)

Yours sincerely

David Portch

Information Asset Officer

From: Landowner 1

To: Access to Information Team Manager

Dated: 6th April 2023

Access to Information Team Manager
Access to Information Team
Staffordshire County Council
1 Staffordshire Place, Stafford ST16 2DH

6/4/2023

Dear Sir/Madam

I have received a response to a freedom of information request that does not provide the information requested. Prior to referring this for investigation by the I.C.O. I would be grateful if you would instigate an internal review to resolve the matter to circumvent this please.

I have formally requested documentary evidence that in 1771 Lord Weymouth previously owned Packington Lane at Hopwas which has been in my ownership now for well over 30 years. Staffordshire County Council Corporate Services team appear to intend to accept that an alleged right of way passes over Packington Lane, which was granted by Lord Weymouth despite it never having belonged to him. The basis of the claim being made relies on a plan alleged to be part of a document marked in red as being an "enclosure award narrative" however it is quite obvious that the plan that is claimed to relate to it and marked enclosure award Q/RDC2(Part 1)1771 is a modern free hand sketch, the plan bears no date when it was produced not only is the scale not stated, but the sketch is clearly considerably out of scale. Whilst the sketch plan depicts and names the road to Lichfield and the Lane to Fazeley it also depicts Hints Lane and School Lane, however Packington Lane is neither depicted or named.

Further the sketched plan does not project over Packington Lane which is obviously why it is neither depicted or named. The sketched plan in question bears an inaccurate transcript from the document marked in red as the "enclosure award narrative" which also refers to "tenaments or cottages" however these supposed structures are not depicted on the sketched plan. My concern is that the plan is not contemporary with the "enclosure award narrative" my concern is further fuelled by the text and digits being in modern handwriting particularly a continental "crossed" seven.

I have therefore requested to see the original plan from 1771 that proves the ownership of Lord Weymouth over part of my property which should have been submitted with the 1771 enclosure application, the one being relied on by South Staffordshire County Council Corporate Services is clearly not an original document from 1771 and does not depict any property that is now owned by myself. A court will require the original documents in the event of a legal challenge.

As of yet the request that I have made has not been satisfied which will be the basis of my complaint to the I.C.O. I am saddened to have to burden you with this request, but await your response, which I hope will resolve the matter.

Yours Sincerely



From: Kate Bullivant, Complaints, Access to Info and School Appeals Manager

To: Landowner 1

Dated: 26th April 2023

Dear XXXXXX

Thank you for your email about how Staffordshire County Council have handled your request for information (Request reference: F0009937).

I am sorry that you were dissatisfied with how we have dealt with your request.

I have completed an internal review. The findings of my investigation are as follows:-

- You have been correctly advised that there is a relevant statutory process used to determine public rights of way.
- Please note that providing explanation, opinion or interpretation is not within scope of freedom of information legislation.
- You have been correctly advised that information sources are available to you by other means i.e. the council's Archive Service.
- A copy of the Inclosure Award is now attached. This will be Appendix G in the report to be submitted to Countryside and Rights of Way panel.
- The agenda and report are now published and publicly available on the council's website - [Agenda for Countryside and Rights of Way Panel on Friday 21st April 2023, 10:00am - Staffordshire County Council](#) At the time of responding to your request this information was not available.

I have liaised with colleagues in our Legal Services department regarding the information and advice they provided in the first instance and have been advised as follows:-

"With regard to your formal request for documentary evidence that Lord Weymouth previously owned Packington Lane in Hopwas, I would like to clarify that the Inclosure Award doesn't suggest or state that the alleged Right of Way in question was granted by Lord Weymouth. Paragraph 72 of the Officer's report quotes from the Inclosure Award itself, and it is the Commissioners who were appointed to ascertain, set out and appoint the public rights which are referred to in this Award. The Award does not say that Lord Weymouth has granted rights, Lord Weymouth is only mentioned in the context of owning properties alongside which the route

runs, but it does not state that he owns the route or has granted rights over it.

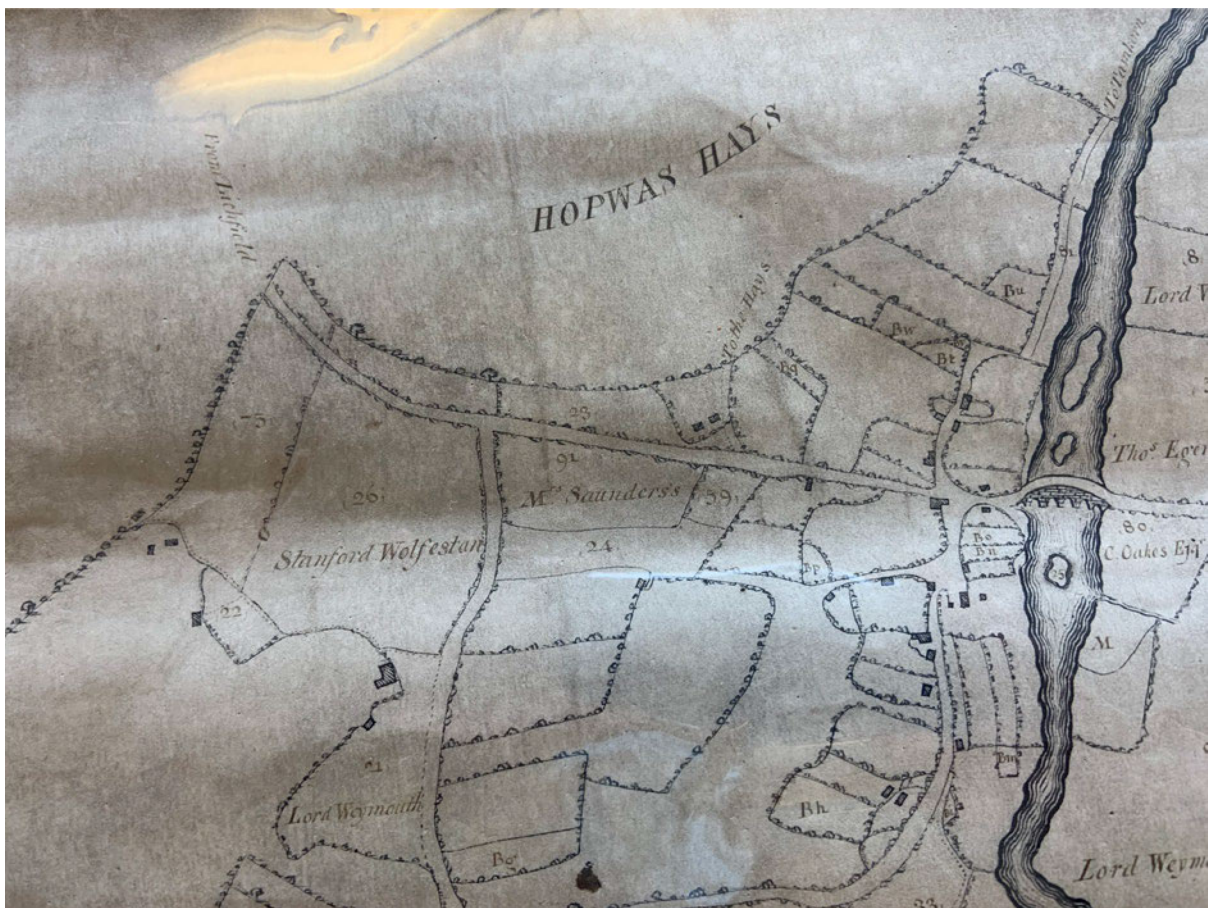
The report which has been sent to you includes a tracing of the Inclosure map which was submitted by the applicant and can be found in Appendix C of the documentation. The report also includes a photograph of the actual Inclosure Map which can be found at Appendix G. I attach another copy of Appendix G for your information.

The original documents are held in Staffordshire Record Office, Eastgate Street, Stafford, Staffordshire ST16 2LZ for any member of the public to view should they wish to do so.

The report will be considered by the Countryside and Rights of Way panel on 21st April 2023. Copies of your letters and the County's responses to those letters will be appended to the report which will be made public."

If you still have further comments relating to how your request has been handled by our authority, please contact the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, or [Make a complaint | ICO](#)

Regards



From: Landowner 1

To: Stephanie Clarkson

Dated: 4th June 2023

Good Morning Stephanie,

As promised please find attached further letter and photograph with regards to alleged footpath A51 to B5404.

Regards






Staffordshire Legal Services
Staffordshire County Council
1 Staffordshire Place
Tipping Street
Stafford
ST16 2DH

5.6.2023

Alleged Public Footpath A5404 to the A51

Dear Stephanie,

Please forgive my delay in responding to you, 


You have my previous responses which I hope that you will also present to the committee. I have liaised with the adjoining land owner  regarding various issues that have arisen as a result of the "alleged public footpath from B5404 to the A51" (and visa versa) "Wigginton Parish" a worrying matter is that there are concerns that the adjudicating committee does not have a fair representation from land owners which prompts my first question which is:

How many members of the committee are members of either the "National Farmers Union or the "Country Land Owners Association?

I have previously expressed concerns as to the safety of the proposition to which I am told by yourselves safety is not a consideration of the committee, however I am advised on good authority that every government body has a "duty of care " at every level in their management and decision making process. A major concern is that anyone using the proposed footpath from the A51 will egress onto the B5404, it is unlikely that they will turn left (northward) as this will take them back onto the A51 close to where they left it. If however they turn right (southward) which they most likely will do, they will have to progress along the B5404 for several hundred yards along what is a very busy trunk road between the A51 and the main A5, along this part of the road it is very narrow and there is neither a footpath or grass verge on either side of the road. I enclose a photograph taken from the entrance to "Hopwas House Farm" where the alleged footpath is proposed to emerge from.



It troubles me to have to point out to you that just beyond from where the photograph depicts, that in June 1999 that a 14 year old boy from the village was killed in a road traffic accident in what was already reported as a jinxed accident black spot. The county council who are responsible for maintaining the roads in a safe condition have never constructed a footpath along the B5404 in this location. If you care to search 14 year old Dale Lomas killed on Plantation Lane, the pertinent facts will present themselves.

██████████ of Hopwas House Farm had written to Staffordshire County Council several times prior to this accident raising concerns over safety yet the County Council ignored his requests. He did not present copies of his letters at the inquest of Dale Lomas due to the anguish that it would cause to his family. This matter bodes another question, in the interests of safety and for Staffordshire County Council to comply with its duty of care to the safety of the public:

Will a pedestrian roadside footpath be created southwards of Hopwas House Farm along the B5404 where the proposed footpath egresses on to it?

My contention with the proposed, alleged footpath over Packington Lane is that if it was ever used that it is shown by the dotted line depicted on the award map ref Q/RDC2(Part1)1771 to fall within the boundary of allotment no 75. I must repeat that Packington Lane did not fall within the boundary of this allotment and as such is not subject to the claim being alleged. This therefore bodes yet another question:

What is the formal procedure by the county council for relocating an alleged footpath over land where it had never previously been, if indeed it ever existed?

I also formally request a copy of the formal written legal advice given to the committee, for them to base their decision on.

In addition to my points raised here and in previous correspondence, I dispute with the county council that this alleged footpath was ever used and irrespective of any circumstances that may be alleged by any third parties that in the least any ambiguous statute from 1771 is now unenforceable as a result of desuetude, due to none use.

In the event of the county council granting this disputed application I wish to register pro forma that an appeal be lodged with the secretary of state for him or her to review the county councils decision.

In closing I would like to thank you for your consideration in this matter and hope to received answers to the three questions which I have asked, along with the document copy requested.

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From: Stephanie Clarkson

To: Landowner 1

Dated: 6th June 2023

Dear XXXXX,

Many thanks for your letter and I note your apologies concerning the delay in your response. I do hope that you are now fully recovered.

In response to your query regarding the Countryside and Rights of Way Panel, I would advise that the Panel comprises of seven elected County Councillors. Information about the individual members of this Panel can be found on the Council's website. The question on which the Panel has to make a decision is whether or not the alleged route already exists in law as a public footpath. Consequently, the Panel can only consider the evidence relating to this question. It is not entitled to consider matters which are not relevant to this question, such as safety concerns. Unfortunately, I am not able to answer the question regarding roadside footpaths should the Order be confirmed, as it is outside the remit of the Countryside and Rights of Way Panel.

Should the Panel determine that the evidence is, on a balance of probabilities, sufficient to add the route to the Definitive Map of Public Rights of Way, then the County will make a Definitive Map Modification Order. Any person can object to the Order, and the matter would then be referred to the Secretary of State for Environment, Food and Rural Affairs who will hear arguments from all parties, and will then decide, based on the evidence, whether or not to confirm the order.

In relation to the line of the claimed footpath, it may be possible to apply for a diversion if there is a suitable alternative available. If you wish to do so, please let me know. As explained above, the decision to be made is whether or not the route exists in law already. There is a legal maxim "once a highway always a highway" which means that if public rights are established over a particular route, those rights can only be extinguished by way of a Legal Order such as a Stopping up Order or a Diversion Order, irrespective of whether or not the route has fallen into disuse. No evidence of any such Order was discovered during the investigation and therefore it is determined that these public rights exist historically, then, in the absence of any such Stopping up or Diversion Order, the rights will remain in existence.

The Panel will receive a copy of the final report one week prior to the Panel meeting, which will also include an addendum regarding your further correspondence and the Council's responses. There will also be a verbal presentation made to the Panel at the Panel meeting which will summarise the report, and Members will be able to ask questions if they wish before making their decision.

Kind regards

Stephanie