

Appendix 4

1929 Handover Schedule for Leek Rural District Council area
 Source: Staffordshire Record Office
 Reference C/RD/19/1/34

Extract of Mileage of Public Highways

TABLE III.

MILEAGE OF PUBLIC HIGHWAYS—*continued.*

RURAL DISTRICT ROADS (not Main Roads).

Scheduled Roads No. of Road on Plan.	Route No.	Name of Road. PARISH	1st Class	2nd Class	Scheduled Roads.		Other Roads.				Total Mileage.
			Miles.	Miles.	Tarmacadam	Waterbound	Tar or Bituminous Macadam	Granite	Gravel or Flint etc.	Unmetalled.	
1		BAGNALL									
2		BRADNOF				2.82				11	
3		BUTERTON				.18				7	
4		BURTON				.70				4	
5		ENDON & STANLEY				.50					
6		FAYFIELDHEAD				4.43				14	
7		GRINDON				2.00				8	
8		HEATH LEE				2.32				12	
9		HEATON				4.41				13	
10		HOLLINGCLOUGH				.11				14	
11		HORTON & HORTON HAY				4.27				24	
12		LEEKWIRTH				1.20				14	
13		LONGNOR				2.41				3	
14		LONGSDON				.66				6	
15		LOVE				2.29				7	
16		MORTON IN THE MOORS				4.05				21	
17		OSWALD				.40				15	
18		QUARFORD				5.40				45	
19		RODNEY				4.10				7	
20		RUSTON JAMES				2.50				5	
21		RUSTON SPENCER				2.20				5	
22		SHEEN				4.30				10	
23		TITTSWORTH				2.20				6	

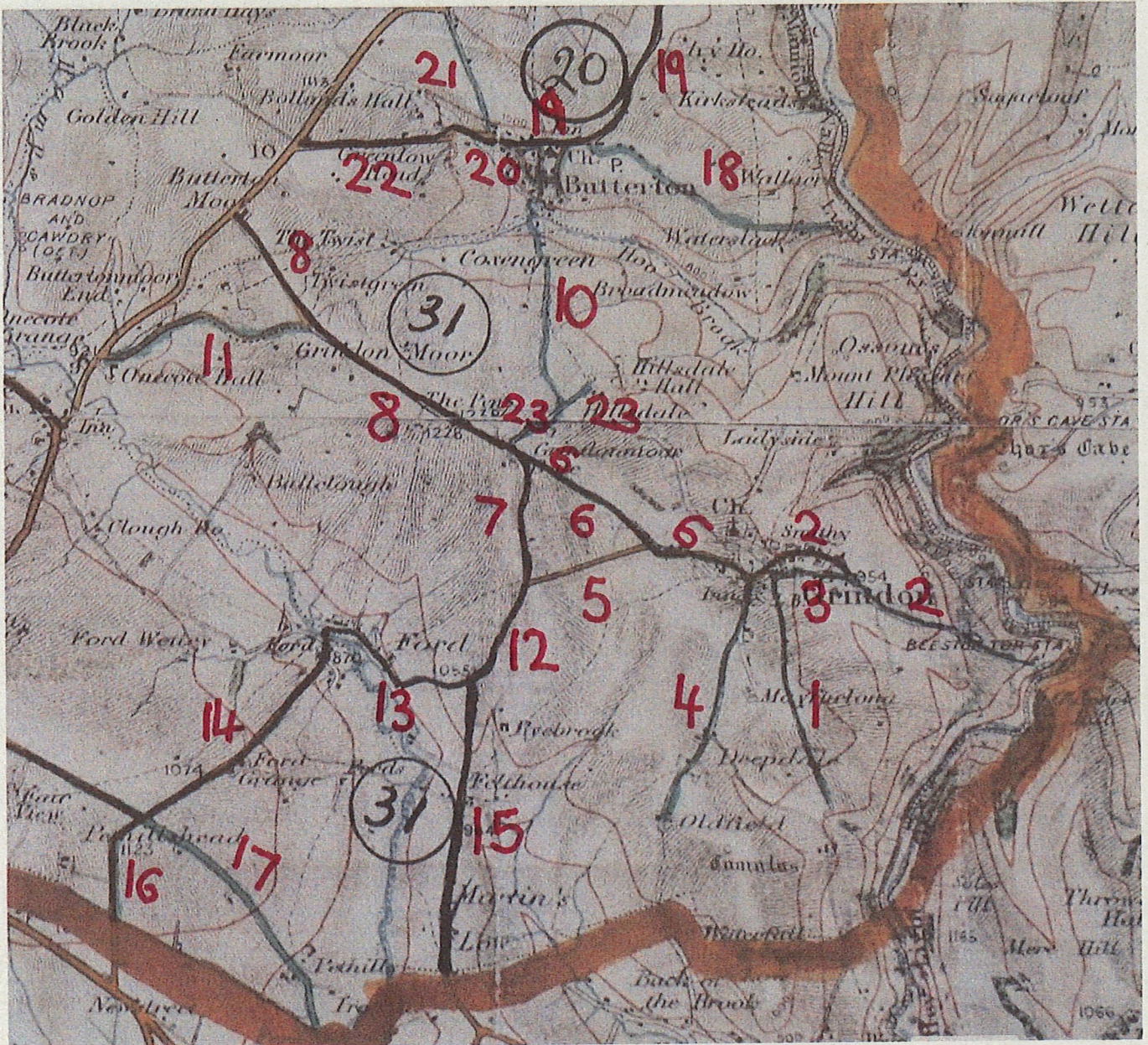
Appendix 5

Extract of 1929 Handover Map for Leek Rural District Council area

Source: Staffordshire Record Office

Reference C/RD/19/1/34

Routes have been numbered in red ink by Staffordshire Moorlands Bridleways Group



Appendix 6

Routes shown on extract of Grindon area of 1929 Handover Map for Leek Rural District Council and numbered in red by Staffordshire Moorlands Bridleways Group

ROUTE NUMBER	HMPE	NAME	STATUS	ROUTE COLOUR ON HANDOVER MAP	COMMENTS
1	PART	FLEETS LANE, GRINDON	Part G1114 Part Undesignated Part Grindon FP 12 (part)	Green	North section is a HMPE G1114.. Next section of Fleets Lane is a walled track not a HMPE and is undesignated on Definitive Map. SMBG to submit an application to have this section upgraded to a restricted byway. The Southern section is part of Grindon Footpath 12 - the route the subject of this application. To upgrade to a restricted byway.
2	Yes	Weags Bridge Road, Grindon	D1115	West section black East section green	
3	Yes	Back Lane, Grindon	G1114	Green	
4	Yes	Oldfields Farm Lane, Grindon	D1114 & G1114	Green	Majority of this HMPE is a D road. A small section at the southern end which runs through the farm yard of Oldfields Farm is a G road.
5	Yes	Ford Lane, Grindon	D1114	Brown	
6	Yes	Grindon Moor Lane, Grindon	D1134	Black	
7	Yes	Woodisse Lane, Grindon	C0095	Black	
8	Yes	Parsons Lane, Grindon Moor	C0095	Black	
9	Yes	Hillsdale Lane, Butterton	D1113	Green	
10	Yes	Pothooks Lane, Butterton	D1113	Green	
11	Yes	Titterton Lane, Onecote	D1116	Green	
12	Yes	Woodisse Lane, Ford	C0095	Black	

ROUTE NUMBER	HMPE	NAME	STATUS	ROUTE COLOUR ON HANDOVER MAP	COMMENTS
13	Yes	Dairy House Lane, Ford	D1102	Black	
14	Yes	Ford Wetley Lane, Ford	D1102	Black	
15	Yes	Martinslow Lane, Ford	C0096	Black	
16	Yes	Pethillshead Lane, Pethillshead	D1102	Black	
17	Yes	Pethills Lane, Pethillshead	D1101	Green	
18	Yes	Wetton Road, Wettonmill	D1112	Green	
19	Yes	Waste Lane, Butterton	C0159	Black	
20	Yes	Lime Kiln Road, Butterton	C0159	Black	
21	Yes	Dog Lane, Butterton	D1111	Green	
22	Yes	Butterton Moor Bank	C0159	Black	
23	Yes	Hillsdale Lane, Butterton	D1113	Green	

Grindon Parish comprises Grindon and Ford villages

Sources of information:

1. www.findmystreet.co.uk. This Website shows every street in England and Wales that is held in the National Street Gazetteer. This website is used by Staffordshire County Council to keep an up to date list of streets that are maintainable at public expense under s.36 of the Highways Act 1980. This website replaces the List of Streets previously held by the County Council. It provides evidence of the street name and whether it is maintained by the County Council.
2. Staffordshire County Council List of Streets dated 16/04/2018. This List provides Road Numbers which are not held by the Find My Street website.

Conclusions from information:

1. All routes apart from Route No, 1 (the majority of Fleets Lane and the application route - the southern section of Grindon Footpath 12 shown on the Handover map for Grindon Parish and adjoining areas are still Highways Maintained at Public Expense, and are mainly C and D class public vehicular highways.
2. No footpaths or bridleways in the area (apart from the application route) are shown on the Handover map.
3. This is evidence that all the routes shown on the 1929 Handover map were considered by the County Surveyor to be public vehicular highways at that time.

Appendix 7

Report of the County Clerk and Chief Executive to the Staffordshire Moorlands Area Highways Committee November 1993 & to the Highways Committee 7 January 1994
Source: Staffordshire Record Office

Item No. 5 on Agenda

Staffordshire Moorlands Area Highways Advisory Committee - 19 November 1993

Application for the Upgrading of Public Footpath Nos. 95 and 96, Waterhouses Parish to Public Bridleway Status

Report of the County Clerk and Chief Executive

1. Purpose of Report

1.1 To consider evidence submitted by the Staffordshire Moorlands Bridleways Preservation Group in relation to the possible existence of public vehicular rights along Public Footpath Nos. 95 and 96 Waterhouses Parish.

1.2 On 19 February 1993 Mrs. C. Povey of the Staffordshire Moorlands Bridleways Preservation Group submitted an Application (Appendix A) for a Modification Order to upgrade Public Footpath Nos. 95 and 96, Waterhouses Parish to public bridleway status on the Definitive Map of Public Rights of Way under the provisions of Section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981. The alleged public bridlepath (shown marked A-B-C on the plan attached as Appendix "B" to this report) runs from the River Hamps at Soles Coppice, through Soles Hollow to terminate at Slade House.

1.3 The determination of Section 53 applications is a matter which is delegated to the Modification Order Applications (Minor) Sub-Committee of the County Planning Committee. The Highways Committee at its meeting on 2 September 1991 decided that the determination of all claims of ancient highway status should be dealt with by the Modification Order Applications (Minor) Sub-Committee under the provisions of Section 53 of the Wildlife and Countryside Act 1981, subject to the requirement for prior consultation with the Highways Committee where potential public vehicular rights were involved. This would allow the Highways Committee, in any particular case, to decide whether the historical evidence identified warranted admission as an all purpose highway maintainable at the public expense rather than as a byway open to all traffic.

2. Summary

2.1 Prior to 1929, the responsibility for maintenance of unclassified roads in rural areas rested with District Councils. The Local Government Act 1929 provided for the transfer of this function to County Councils and, accordingly, Rural District Councils were required to compile schedules detailing the minor roads which were maintainable at the public expense. Evidence has been submitted which shows that the lines of Public Footpath Nos 95 and 96, Waterhouses Parish were included on the Rural District Roads Schedule for the former Mayfield Rural District as being highways maintainable at the public expense.

3. Recommendation - That it be recommended to the Highways Committee:-

(a) That the evidence submitted by Mrs. Povey, along with the evidence discovered by the County Council, is sufficient to show that public vehicular rights exist along the entire length of Public Footpath Nos 95 and 96, Waterhouses Parish.

(b) That the lengths of Public Footpath shown marked A-B and B-C on the plan attached as Appendix B to this report be admitted as unclassified publicly maintainable highways.

(c) That a Traffic Regulation Order be made to prohibit the use of all vehicles on the lengths of unclassified publicly maintainable highway with exemptions for access.

Appendix 7

(d) That the Modification Order Applications (Minor) Sub-Committee, the owners/occupiers of the affected land and the Staffordshire Moorlands Bridleways Preservation Group be informed of the Committee's decision.

4 Background

4.1 In support of her application, Mrs. Povey has submitted the following evidence.

(i) An extract from the Schedule of Rural District Roads compiled under the Local Government Act 1929.

(ii) A copy letter from the County Surveyor stating that the County Council have no record of the road from Weags Barn to Slade House being extinguished.

(iii) A copy of the Yates Map of 1775.

(iv) A copy of the Second edition Yates Map of 1799.

4.2 The two editions of the Yates Map dated 1775 and 1799 show that a road/track linking Slade House with Weags Barn (to the north of Soles Coppice) has existed since at least 1775. It should be noted however that owing to the small scale of the Yates Map it is not possible to establish whether the route shown coincides with the route claimed by Mrs. Povey. It should also be noted that, even though the maps can show that a route physically existed at the date of the maps, the maps are not, in themselves, evidence that the routes shown are public rights of way.

4.3 The extract from the Schedule of Rural District Roads compiled under the Local Government Act 1929 makes reference to a public road running from the River Hamps at Soles Hollow to Slade House for a distance of 1.56 miles. The route is also shown on the plan which accompanies the Schedule to 1929, the responsibility for maintenance of unclassified roads in the County in rural areas rested on Rural District Councils. The Local Government Act 1929 provided for the transfer of this function to the County Council and, accordingly, Rural District Councils were required to prepare schedules listing the unclassified roads which were maintainable at the public expense. From the schedule and accompanying plans submitted by Mrs. Povey, it is clear that the line of public footpath nos. 25 and 26 was regarded by the former Mayfield Rural District Council as being an unclassified road maintainable at the public expense. The County Surveyor in a letter to County Councillor Mrs. C. Jebb dated 23rd July 1992 stated that "There is a considerable shortage of information about extinguishment orders prior to 1974 and I am not able to confirm, or otherwise, that an extinguishment order has ever been made in relation to this road as a public highway". (Copies of the evidence submitted by Mrs. Povey are attached as Appendix "C" to this report).

5 Evidence submitted by the landowners/occupiers

5.1 The alleged public bridle path passes over land in the ownership of the National Trust, Mr. J. Richardson of Throwley Hall, Ilam and Mr. A. T. Philp of The Barn, Briergrove, Birch Vale, Staffs. All of the above mentioned landowners have indicated that they are opposed to Mrs. Povey's application and have, in recent years, taken steps to prevent the use of the public footpath by horse riders and vehicles. They have not however produced any evidence to show that the public vehicular rights shown to in the Rural District Roads Schedule have been stopped-up. (The comments/evidence submitted by the landowners is attached as Appendix "D" to this report).

6 The comments of the Staffordshire Moorlands District Council, Peak Park Joint Planning Board, Waterhouses Parish Council and the User Groups

6.1 The Peak Park Joint Planning Board and the Staffordshire Moorlands District Council have indicated that they have no evidence to submit in this matter.

6.2 The Waterhouses Parish Council has indicated that it has no evidence to submit in this matter.

6.3 The Peak Park Joint Planning Board has indicated that it has no evidence to submit in this matter.

6.4 The Peak Park Joint Planning Board has indicated that it has no evidence to submit in this matter.

7 Other evidence

7.1 Despite a search of the County Council records, no evidence was found to confirm the existence of a public footpath along the route.

7.2 There do not appear to be any records of the route in the Soles Hollow to Slade House area.

7.3 The route shown on the Survey Map of 1929, paragraph 3.1, is a route physically shown on the map.

7.4 The departmental records of Public Footpaths (18 of Public Footpaths) show that the route shown on the map is a public footpath. As stated at paragraph 3.1, the route is a public footpath.

8 Comments

8.1 A copy of the evidence submitted by the landowners is attached as Appendix "D" to this report.

8.2 The National Trust has indicated that, if the application is successful, it will consider the use of the route for its own purposes.

8.3 Mr. A. T. Philp of The Barn, Briergrove, Birch Vale, Staffs. has indicated that he has no evidence to submit in this matter.

Appendix 7

6.2 The Waterhouses Parish Council have stated that they have no objection to the upgrading of the two public footpaths to bridleway status but have not submitted any evidence in support of the claim.

6.3 The Auto Cycle Union have stated that they support Mrs. Povey's claim for the upgrading of the paths to public bridleway status as members of the Trail Riders Federation "have been riding this route for many years".

6.4 The Peak and District Footpaths and Preservation Society have stated that they have no objection to the application and have offered no evidence in this matter.

7. Other evidence discovered by the County Council

7.1 Despite an extensive search, no evidence has been found to show that the length of minor public road referred to in the Rural District Roads Schedule for Mayfield Rural District has been stopped-up. In the absence of evidence to the contrary, it must therefore be assumed that public vehicular rights still exist along the route claimed by Mrs. Povey.

7.2 There does not appear to be an enclosure award for the area but the Ilam Tithe Award of 1938 shows the route in two parts. The first section of the route from the ford at the River Hamps through Soles Hollow to a point just north of Throwley Moor Farm is shown as being untithed. The remainder of the path from a point just north of Throwley Moor Farm to Slade House is shown running through tithed land.

7.3 The route claimed by Mrs. Povey is also shown on the first edition of the 1" to 1 mile Ordnance Survey Map circa 1836 as being a through route (copy attached as Appendix "E"). As pointed out in paragraph 3.2 above however, it should be noted that although Ordnance Survey maps etc can show that a route physically existed at a certain point in time, these maps are not, in themselves, evidence that the routes they show were public rights of way at those dates.

7.4 The deposited plans and the book of references for the Leek Caldon Low and Hartington Light Railways (1897) (copy attached as Appendix "F") shows the land over which the northernmost section of Public Footpath No. 96 passes. The Plans show two routes over this land, one coinciding with the route of Public Footpath No. 96 and one running from the line of Public Footpath No. 96 in a north easterly direction to a footbridge over the river Hamps. This land is shown on the deposited plans as being plot no. 23, and described in the Book of References as a "field, road and footpath" owned by "Earl Cathcart, Ilam Parish Meeting, Mayfield Rural District Council" and occupied by "James Howson". As stated above, prior to the Local Government Act 1929, responsibility for the maintenance of unclassified roads in the area rested with the former Mayfield Rural District Council (with Parish Councils being responsible for Public Footpaths). The above mentioned evidence would appear to support the evidence submitted by Mrs. Povey in that a public vehicular right of way exists along Public Footpath No. 96, Waterhouses Parish.

8. Comments on the Draft Report

8.1 A copy of the draft report was forwarded to the applicant and to the owners/occupiers of the affected land for their comments.

8.2 The National Trust, who own land over which part of Public Footpath No. 96 passes, have requested that, if the County Council is of the opinion that public vehicular rights do exist along the paths, consideration be given to the making of a Traffic Regulation Order prohibiting use of the path by vehicles.

8.3 Mr. A.T. Philp, the owner of Slade House, has made similar comments to those expressed by the National Trust. (A copy of the comments submitted by the National Trust and Mr. Philp is attached as Appendix G to this report).

Appendix 7

8.4 As the two lengths of path are effectively cul-de-sacs for vehicular traffic the landowners requests are reasonable.

8.5 The applicant and the other landowner affected by the application, Mr. G.W. Richardson, have not submitted any comments on the draft report.

9. Summary

9.1 From the evidence contained in the Rural District Roads Schedule for the Rural District of Macclesfield compiled under the Local Government Act 1929 and supported by the evidence contained in the deposited plans and book of references for the Leek Cauldon Low and Hartington Light Railway, it would appear that public vehicular rights exist along the entire length of Public Footpath Nos. 95 and 96, Waterhouses Parish. Despite an extensive search, no evidence has been found to show that the above mentioned public vehicular rights have been extinguished.

9.2 It should be noted that the claimed route joins with a public footpath at its southern end (Stade Road) and with the D203 unclassified county road at its northern end over which there is an order prohibiting its use by vehicles (other than pedal cycles). This does not however materially affect Mrs. Povey's claim.

10. Conclusion

10.1 The evidence submitted by Mrs. Povey, along with the evidence discovered by the County Council, would appear to show that public vehicular rights exist along the entire length of Public Footpaths Nos. 95 and 96, Waterhouses Parish.

11. Background Documents

- (1) Application for a Definitive Map Modification Order by Mrs. C. Povey
- (2) Plan showing route of claimed public bridlepath
- (3) Evidence submitted in support of the application
- (4) Evidence/comments submitted by the owners of the land affected by the application
- (5) Extract from the 1st edition 1" to 1 mile Ordnance Survey Map (Circa 1836)
- (6) Extracts from the deposited plans and book of references for the Leek, Cauldon Low and Hartington Light Railways
- (7) Copy letters from the National Trust and Mr. A.T. Philp.

Contact: M.W. Bradbury
Telephone: (0785) 276172
File Reference 19/11/91

To: Stafford
Martin
Stafford

1. Carol Povey
Tatton Close
the Wildlif
the Stafford
and 96 in
the attached

1. attach
application

1. Schedu
and S
Schedu

2. A copy
have r

3. A copy

4. Mr. Y

Both

Date

Appendix 7

Item No. 13 on Agenda

HIGHWAYS COMMITTEE - 7 JANUARY 1994

Minutes of a Meeting of the Staffordshire Moorlands Area Highways Advisory Committee held at Leek on 19 November 1993

Present : Mole D O (Chairman)

Beech J J	Ivers Mrs V
Hanchard A R	Jebb, Mrs C R
Harris M J	Lythgoe, Mrs D
Harrison, P D	Sanderson, J
Holland C E	

Representatives of the Staffordshire Moorlands District Council

Broome J C	Simpson A E
Harrison H	Williamson A R

Representatives of Peak Park Joint Planning Board

Smith, P

Representative of the Parish Councils Association

Jebb, H W

Minutes

1. RESOLVED:- That the minutes of the meeting held on 21 September 1993 be confirmed and signed by the Chairman.

Apologies

2. Nil.

APPLICATION FOR THE UPGRADING OF PUBLIC FOOTPATH NOS 95 AND 96 WATERHOUSES PARISH TO PUBLIC BRIDLEWAY STATUS

Members were asked to consider evidence submitted by the Staffordshire Moorlands Bridleways Preservation Group in relation to the possible existence of public vehicular rights along Public Footpath Nos 95 and 96 Waterhouses Parish.

Mrs C Povey of the Staffordshire Moorlands Bridleways Preservation Group submitted an application for a Modification Order to upgrade Public Footpath Nos 95 and 96 Waterhouses Parish to public bridleway status on the Definitive Map of Public Rights of Way under the provisions of Section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981. The alleged public bridlepath runs from the River Hamps at Soles Coppice, through Soles Hollow to terminate at Slade House.

Appendix 7

Prior to 1929, the responsibility for maintenance of unclassified roads in rural areas rested with District Councils. The Local Government Act 1924 provided for the transfer of this function to County Councils, and accordingly, Rural District Councils were required to compile schedules detailing the minor roads which were maintainable at the public expense. Evidence has been submitted which shows that the lines of Public Footpath Nos 95 and 96 Waterhouses Parish were included on the Rural District Roads Schedule for the former Mayfield Rural District as being highways maintainable at the public expense.

3. RESOLVED:- That it be recommended to the Highways Committee:-
- a) that the evidence submitted by Mrs Povey, along with the evidence discovered by the County Council, is sufficient to show that public vehicular rights exist along the entire length of Public Footpath Nos 95 and 96 Waterhouses Parish;
 - b) that the lengths of Public Footpath be admitted as unclassified publicly maintainable highways;
 - c) that a Traffic Regulation Order be made to prohibit the use of all vehicles on the lengths of unclassified publicly maintainable highway with exemptions for access;
 - d) that the Modification Order Applications, (Minor), Sub-Committee, the owners/occupiers of the affected land and the Staffordshire Moorlands Bridleways Preservation Group be informed of the Committee's decision.

CC/MWB

ANCIENT HIGHWAY CLAIMS - ALSTONEFIELD PARISH

Members were asked to consider the comments of the Modification Order Applications (Minor) Sub-Committee as requested by the Advisory Committee on 20 July 1993.

The Advisory committee on 20 July 1993 considered evidence submitted by the Staffordshire Moorlands Bridleways Preservation Group concerning the possible existence of public vehicular rights along Public Footpath No. 58 and part of Bridleway No. 58 Alstonefield Parish.

The Advisory Committee drew to the attention of the Modification Order Applications (Minor) Sub-Committee the problems associated with admitting public footpaths and bridleways as unclassified roads maintainable at the public expense and asked the Sub-Committee to look at their wider responsibilities under the Wildlife and Countryside Act 1981.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

Staffordshire County Council: Survey of Rights of Way

Note—The survey should be carried out as described in the pamphlet "Survey of Rights of Way."

Path starts at:
Grindon Post Office

Path finishes at:

Boundary of Waterfall Laid
South of Sausage fields

Names and addresses of persons making the survey:

John Inycock

Survey started on

Oct 18th 1951

Survey finished on

Oct

LOCAL AUTHORITY:

Leek Rural District Council

PARISH:

Grindon

PATH No., as

12

PATH SYMBOL

Footha

6" quarter On

No.:

1 X S 1
XIV

Grounds for believing path to be public: please mention Enclosure Award Maps, Tithe Maps, and any other relevant documentary evidence

aid by Public without dispute for 40 years or over