

DEFINITIVE MAP MODIFICATION ORDER APPLICATION TO UPGRADE QUARNFORD PARISH FOOTPATH 18 TO A RESTRICTED BYWAY

STAFFORDSHIRE MOORLANDS BRIDLEWAYS GROUP STATEMENT IN RESPONSE TO DRAFT CROW PANEL REPORT VERSION 2 AND LETTER RECEIVED 24 MARCH 2023

STAFFORDSHIRE COUNTY COUNCIL REFERENCE 016104DW

PLANNING INSPECTORATE DIRECTION DECISION REFERENCE FPS/D3450/14D/129

COMMENTS ON THE DRAFT REPORT

Evidence Submitted by the Landowner

Para 3 - The landowners comments are not relevant to the application to determine the correct status of the route. If these comments are to remain in the report it should be made clear that these should be disregarded.

The landowners comment about signs being erected by the Peak Park Authority stating "No cyclists - walkers only" merely confirms the current status of the route as a public footpath.

Comments received from statutory consultees

Para 5 - Quarnford Parish Council - The comments received from the Parish Council are not relevant to the application to determine the correct status of the route. If these comments are to remain in the report it should be made clear that these should be disregarded.

The only comment relating to the status of the route is a vague one from a volunteer ranger which is not supported by any evidence.

Para 8 - email from a member of the public - The comments received are not relevant to the application to determine the correct status of the route. If these comments are to remain in the report it should be made clear that these should be disregarded.

Comments on Evidence

Paras 14 to 16 - 1929 Handover Map and Schedule

SMBG does not agree with your interpretation of the 1929 Handover Map and Schedule evidence submitted.

The Schedule for Rural District Roads shows that Quarnford Parish has 5.4 miles of "Scheduled Roads, Waterbound" and 13.5 miles of "Other Roads, Waterbound, Gravel or Flint etc". and this description is evidence that Quarnford FP 18 was in one of these two categories. The Schedule makes **no** mention of footpaths or bridleways. There are many footpaths within Quarnford Parish and none of these are listed (apart from the current Quarnford FP 18).

The 1929 Handover Map for Leek Rural District Council, shows the route of Quarnford FP 18 as a blue line. Other routes in the vicinity are shown either as blue or black lines. There is no map key.

The evidence submitted by SMBG shows that all routes within Quarnford Parish and adjoining areas that are marked by blue or black lines on the map are **all** (with the exception of Quarnford FP 18) Highways Maintained at Public Expense and are C, D or G classified roads used by motor vehicles.

As the county surveyor would be unlikely to take on additional maintenance responsibility unnecessarily, the showing of a route on a handover map is good evidence that at that time a route was considered to have public vehicular rights i.e. having at least the status that of a restricted byway today, if not a BOAT.

Comments on Report

Paras 20 to 23 - Alstonefield Enclosure Award and map dated 1839

SMBG does not agree with your interpretation of the Enclosure Award evidence submitted.

Your letter of 24 March only partly quotes the wording of the Award stating that the route is "for the use of all persons whose Lands adjoin the same ...". The crucial wording that you have omitted from your letter is that the Award continues "**or who may require or think proper or have occasion to use the same**"

This wording is evidence that any member of the public had the right to use the route. The route is described as a carriage and drift road 18 feet wide, leading out of the Turnpike Road on Goldsitch Moss.

The use of and description of the route is evidence that this was a public route used by horses and carriages in 1839 i.e. having the status of a restricted byway today.

The Enclosure Award also states that the route "**shall be made and for ever hereafter supported and kept in repair by and at the expense of the several owners and occupiers for the time being of the lands and hereditaments within the said Township of Quarnford by a General Rate or Assessment according to the value thereof respectively** "

This evidence shows that the maintenance of the route was by members of the public as it was borne by landowners in Quarnford Township and not only by landowners adjoining the route, and that this was paid by way of a General Rate.

SMBG is therefore of the view that the Enclosure Award evidence supports the status of the eastern section of Quarnford FP 18 being a restricted byway.

SMBG agrees with the statement in your letter of 24 March that from later evidence it appear that the route has become an extended route to link with the County Road north of Gradbach House Farm.

The inclusion of the whole length of Quarnford FP 18 within the 1929 Handover of Rural District Roads to the County Council is evidence that the route became extended so that it linked with "ordinary" roads now used by motor vehicles at either end.

This is further supported by the depiction of the whole of the route on the Ordnance Survey map dated 1953 as an unmetalled, unfenced road.

Para 25 of the report states "There is no evidence as to why FP18 is the only route that is currently shown as a footpath in comparison to other routes marked in a similar way to FP 18 on the Handover Map"

SMBG contends that the evidence submitted i.e. - the Enclosure Award, that all other routes included in the Handover Map are for C, D or G class roads, and that the route is shown on a later OS map as being an unmetalled, unfenced road all support SMBG's view that the route has the status of a restricted byway.

SMBG contends that the most likely reason why FP 18 is the only route shown on the Handover map as currently being a footpath is that this was an old road that has fallen into disuse. The evidence submitted supports the route being of a higher status than footpath, and SMBG has discovered no evidence that this route was ever stopped up.

SMBG also does not agree with the comment in your letter of 24 March that the Committee report and decision in respect of Waterhouses FP's 95 and 96 submitted as evidence is not relevant in this case. The main evidence in that case was that the route was included within the 1929 Handover Map and Schedule for Mayfield Rural District Council area - the same evidence has been submitted for Quarnford FP 18.

The report from the County Clerk and Chief Executive states "*Rural District Councils were required to complete 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.*"

From the schedule and accompanying plans submitted by Mrs Povey it is clear that the line of public footpath nos 95 and 96 was regarded as being a unclassified road maintained at public expense.

*Despite an extensive search, no evidence has been found to show that the length of minor public road referred to has been stopped-up. **On the absence of evidence to the contrary it must therefore be assumed that public vehicular rights still exist along the route***"

The same facts apply to Quarnford FP 18:

- this route was included in the 1929 Handover Map and Schedule for Leek Rural District Council as a unclassified road maintained at public expense
- No evidence has been found to show that this length of minor road has been stopped-up.
- On the absence of evidence to the contrary it must therefore be assumed that public vehicular rights still exist along the route.

SMBG has not applied for the route to be upgraded to have public vehicular rights, but the evidence is clear that the route has the status of a restricted byway.

COMMENTS ON YOUR LETTER OF 24 MARCH 2023

- SMBG does not agree with the third paragraph of your letter stating that the Enclosure Award is “suggestive” that the route is private for the reasons set out above.
- The fourth paragraph of your letter is selective in that it goes into detail about drift roads but not the fact that the way is described as a **Carriage** and Drift Road. As you are aware this is not described as a private carriage road and the Award supports the status of the route as a public carriage road, supported by the fact that funding for its maintenance was from the General Rate.
- SMBG does not agree with the paragraphs relating to 1929 Handover Map and Schedule evidence for the reasons set out above.
- SMBG does not agree with the statement in your paragraphs regarding Ordnance Survey maps. If a route is shown on an OS map as a minor road there is a presumption that this is a public route - supported by the other evidence submitted. I attach an additional OS map of the route which shows the entirety of it being “Minor roads in towns, Drives and unmetalled roads (Unfenced roads shown by pecked lines)” - the depiction in this case being an unfenced unmetalled road.
- SMBG does not agree with your comments on the Committee report submitted for Waterhouses FP’s 95 and 96 for the reasons set out above.
- SMBG does not agree with your opinions that the totality of the evidence is not sufficient on the balance of probabilities to show that Quarnford FP 18 is a restricted byway. If this application is refused by the CROW Panel, SMBG will submit an appeal to the Secretary of State.

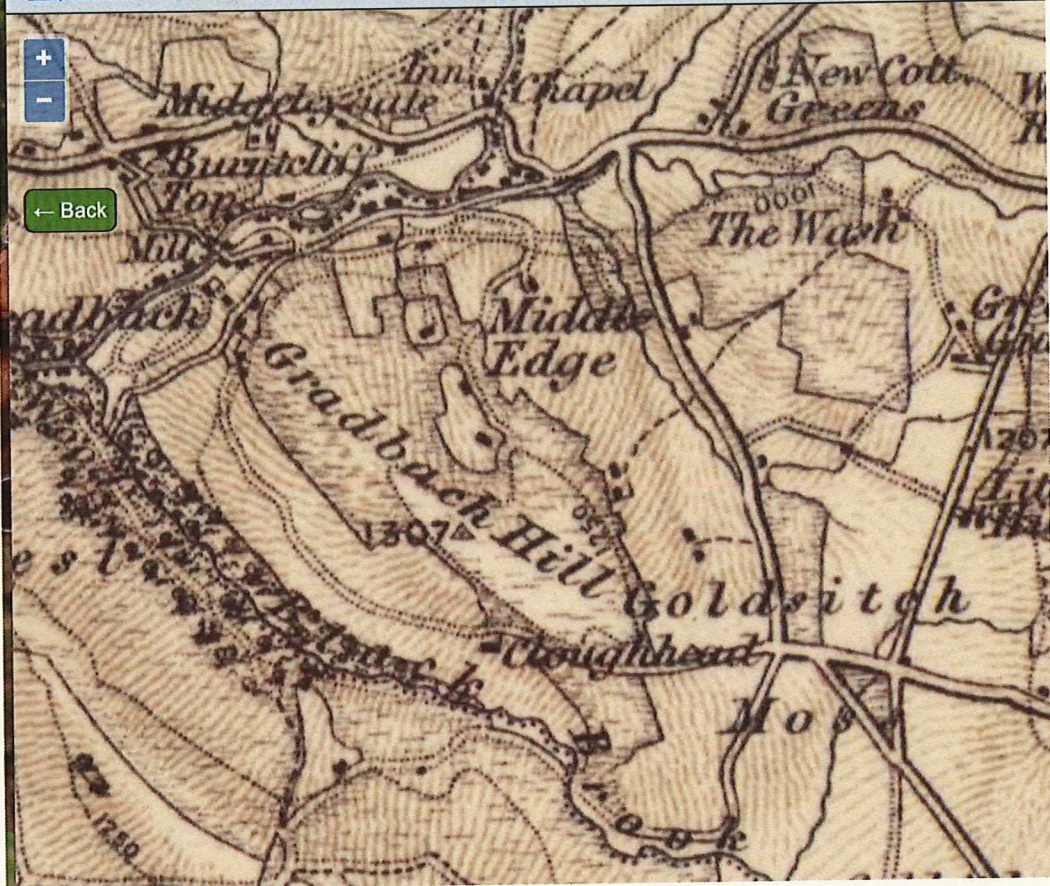
ADDITIONAL EVIDENCE

I attach below enlarged extracts of 1 inch to 1 mile scale Ordnance Survey maps dated 1887, 1895, 1907, 1909 1923 and 1941 which shows the claimed route in its entirety. All these maps show the route marked with double pecked lines - the map key refers to this as “minor road. Footpaths are marked by a single line. This is additional evidence that the route was considered to be a public vehicular road over this period and not a footpath.

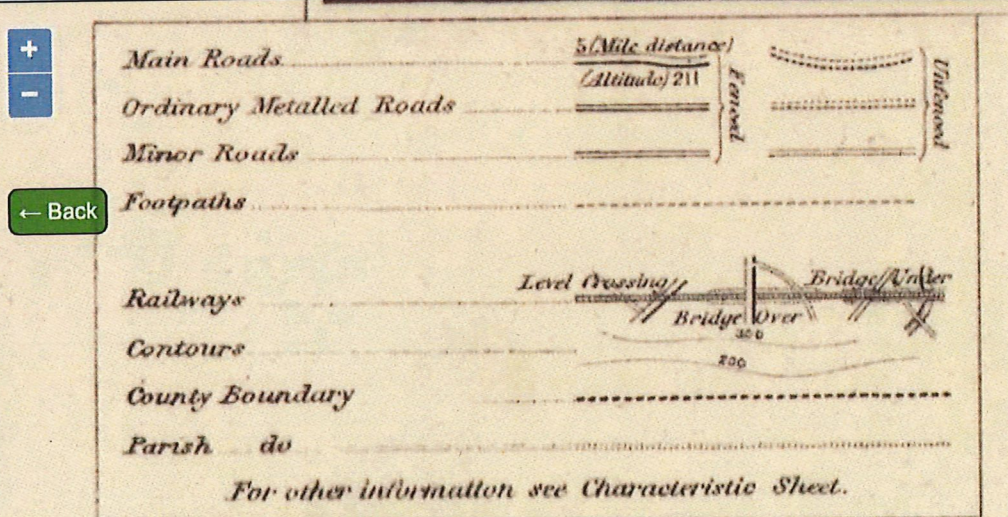
Julie Turner
Rights of Way Officer
Staffordshire Moorlands Bridleways Group

23 July 2023

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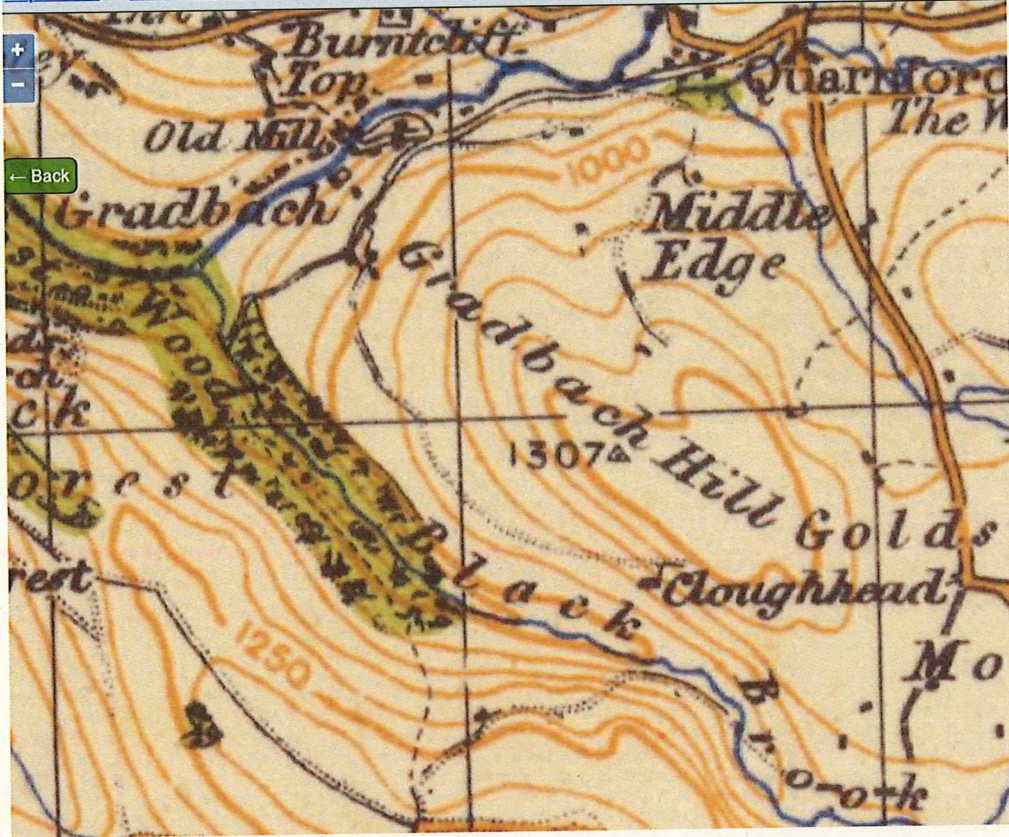
+	Metalled Roads: First Class	5 Mile distance Altitude 20	Church or Chapel with Tower	⊕
	Second Class	Footroad	Spire	⊙
Third Class	without Tower or Spire		+	
-	Unmetalled Roads		Windmill	⊗
← Back	Footpaths		Letter Box	L.B.
	Railways: Single Line	Level Crossing	Contours	100 102
	Two or more Lines	Cutting Embankment Bridges Over Bridges Under	Boundaries, County	
	Mineral Lines and Tramways		Purish	
	Rivers and Streams when exceeding 15 feet in width are shown with two lines.		At Villages	Post Office P Post & Telegraph Office T
	For other information see Characteristic sheet.			



<p>+</p> <p>-</p> <p>← Back</p>	<p><i>Metalled Roads; First Class</i></p>	<p>5 (Mile distance) (Altitude) 211</p>	<p>Fenced</p>
	<p> " " <i>Second Class</i></p>		
	<p> " " <i>Third Class</i></p>		
	<p><i>Unmetalled Roads</i></p>		
	<p><i>Footpaths</i></p>		

10.10. 5.13.

Maps home > Ordnance Survey > War Office, England and Wales One-Inch Popular, GSGS 3907 - 1933-43



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