

H. Addendum 2

## James, Laura (Corporate)

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**From:** James, Laura (Corporate)  
**Sent:** 23 January 2024 09:18  
**To:** Atkins, Philip (County Cllr)  
**Cc:** Winnington, Mark (County Cllr)  
**Subject:** RE: S53 Application for the Addition of a Public Footpath from Mill Lane to Public Footpath 12 Kingstone Parish

Dear Cllr. Atkins,

Thank you for your email and comments in connection with the above report.

I confirm that I will arrange for this application to be considered at the next Countryside Rights of Way Panel meeting in February.

I can confirm that Land Registry searches have been carried out to identify the current owners the landowners they have been consulted on the matter and provided a copy of the report and appendices. There have been no comments received from the landowners in connection with the report following consultation. Any potential purchasers would be required to carry out their own due diligence in respect of the land in question.

The historical evidence in this matter, being the Deposited Railway plan is a legal document and the legal maxim 'once a highway always a highway' means that a public right of way does not cease to exist, even if no one uses it.

In terms of the Ordnance Survey Map, this evidence confirms the physical existence of the application route on the ground, and therefore provides probity and is supportive of the existence of the route. Whilst the Ordnance Survey Map cannot clarify the status of the route; the status is ratified by the evidence and description of the application route in the Deposited Railway Plan which had been through a parliamentary legal process.

Again, thank you for your comments, which are noted and will be circulated to Members prior to the panel meeting in February. If in the meantime you have any queries, please do not hesitate to contact me.

Kind Regards  
Laura



**Laura James** | Legal Officer (Rights of Way)  
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**From:** Atkins, Philip (County Cllr) <philip.atkins@staffordshire.gov.uk>  
**Sent:** Sunday, January 14, 2024 11:15 AM  
**To:** James, Laura (Corporate) <laura.james1@staffordshire.gov.uk>  
**Cc:** Winnington, Mark (County Cllr) <mark.winnington@staffordshire.gov.uk>  
**Subject:** RE: S53 Application for the Addition of a Public Footpath from Mill Lane to Public Footpath 12 Kingstone Parish

Dear Laura

Apologies for the last minute comment.

Is the landowner aware of this process as I believe the property is for sale.

I am worried about the strength of a map drawn up in 1845 and 1846 as a reference as the footpath would serve no useful purpose as far as I can see in 1845 let alone 1881 or today.

I believe it should go to CROW to test the validity of the claim on two points:

“How can we validate a map almost 200 years old on a footpath that would serve no useful purpose as far as I can see in 1845 let alone today”

Also as to the OS maps in your report it states:

“From the early 1880’s the maps included a disclaimer to the effect that the depiction of any path, track or way was not evidence of the existence of any public rights of way”

Regards

Philip



**Philip Atkins OBE**

County Councillor for Uttoxeter Rural

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