



**BOWCOCK  
& PURSAILL**  
SOLICITORS

HANLEY OFFICE  
2 Ridge House, Ridgehouse Drive,  
Festival Park, Stoke on Trent, ST1 5SJ  
T 01782 200000  
F 01782 207018  
E info@bowcockpursail.co.uk  
www.bowcockpursail.co.uk

**LANDOWNER 1 - LETTER FROM LEGAL REPRESENTATIVE**

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

Your Ref: 008636DW  
Our Ref: 72608/TW/LAJ/TW

05 December 2023

By email to  
Stephanie.clarkson@staffordshire.gov.uk

Dear Sirs,

**Wildlife and Countryside Act 1981 – Definitive Map and Statements  
Section 53 Application for the upgrade of public footpath 82 - Mellow Lane, Ipstones Parish and  
upgrade of public byway 85 Ipstones Parish to that of a Restricted Byway**

As you are aware, we act for [REDACTED] of Mellow Lane Farm, Mellow Lane, Winkle, Leek, ST13 7QS. She has asked us to reply to your letter of 12<sup>th</sup> September 2023.

Having considered the position further, we would like to respond to your request for information by letter in the first instance, rather than completion of your form. If you require a statement of truth from our client, we will consider a request that a written statement be provided in due course.

We confirm that our client would be willing to give evidence either in court or at a public enquiry.

In this letter, we refer to the footpath subject to the proposed upgrading (82) as "the Footpath" and the Bridleway (85) as "the Bridleway".

We confirm that the Footpath and Bridleway pass over land belonging to our client.

We enclose official copies of the Land Registry entries and title plan for title number SF313717 (Mellow Lane Farm). The registered proprietors are our client and her deceased husband, [REDACTED]. Our client is the surviving owner of the land and is entitled to be registered as the sole proprietor of the land. We also enclose the land registry entry and title plan for land in title number SF279746 (Land lying to the North West of Mellow Lane) is registered in our client's sole name. The Bridleway passes over this land. We refer to both parcels of land as "the Land".

We also enclose a copy of the plan that you sent to our client showing the positions of gates on the Footpath and Bridleway on the Land. It is of great importance that our client be permitted to retain the gates in the positions to protect her livestock.

LEEK OFFICE: 54 St. Edward Street, Leek, Staffordshire, ST13 5DJ T 01538 399199 F 01538 399362  
UTTOXETER OFFICE: 9-11 Carter Street, Uttoxeter, Staffordshire, ST14 8HB T 01889 598888 F 01889 565004  
ECCLESHALL OFFICE: 8 Stafford Street, Eccleshall, Staffordshire, ST21 6BH T 01785 339514 F 01785 850691

Partners: Ian Naylor / Catherine Whittles / Timothy Wolley / Emma Amat / Robert Feornley / Joy Hancock  
Associates: Katie Nixon / Heather Reynolds / Clore Thomas / Danielle Newbon  
Bowcock & Pursaill LLP is a limited liability partnership which is registered in England and Wales with number OC342155. We use the term Partner to refer to a Member of the LLP. Registered office 54 St. Edward Street Leek Staffordshire ST13 5DJ. Regulated by the Solicitors Regulation Authority.

Accredited by The Law Society Conveyancing Quality Scheme  
Members of Resolution



**BOWCOCK  
& PURSAILL**  
SOLICITORS

HANLEY OFFICE  
2 Ridge House, Ridgehouse Drive,  
Festival Park, Stoke on Trent, ST1 5SJ  
T 01782 200000  
F 01782 207018  
E [info@bowcockpursail.co.uk](mailto:info@bowcockpursail.co.uk)  
[www.bowcockpursail.co.uk](http://www.bowcockpursail.co.uk)

We confirm that our client has received notice of application for the Modification Order. We also confirm that she would be willing to allow council officers to make a site inspection. You can contact her directly. Her contact numbers are [REDACTED] mobile number [REDACTED]. We should be grateful if you would inform us if you do intend to carry out an inspection so we can, if necessary, be present.

You will see from the Land Registry entries the dates on which she became registered proprietor of the Land. (28.09.2015 for Mellow Lane Farm and 22.12.2020 for Land lying to the North West of Mellow Lane). Our client does not hold any pre-registration deeds or other documents that might be useful in the investigation.

The Land has been used as a residential farm and for the grazing of animals.

She has always been aware that the Footpath is a public footpath and the Bridleway a bridleway and has not prevented the public from using them.

She has only ever observed use of the Footpath by a sole walker and the Bridleway by single and small groups of walkers. The persons are not known to her. She has never seen the Footpath used by riders on horseback and the Footpath as never been used by any kind of vehicle apart from her own. The Bridleway has only ever been used by vehicles by local residents for access to their properties.

In relation to gates, there are gates across the Footpath and Bridleway, but they have never been locked and are passable by users. She does not accept that the Footpath or Bridleway is a Restricted Byway and does not make any admissions in respect of the application to upgrade including admissions in respect of the factual basis of the application. As stated above, in the event that the application is granted she seeks permission to retain the gates. If they are removed her livestock will be placed at risk.

She has concerns about the safety of the junction of the Bridleway with the highway Ellastone Lane if the bridleway was used for vehicles.

If you require any further clarification on the above matters or further information, please write to us rather than our client directly.

Yours faithfully

*Bowcock & Pursaill LLP*  
**Bowcock & Pursaill LLP**

Direct Dial: 01782 200007  
Personal Email: [tw@bowcockpursail.co.uk](mailto:tw@bowcockpursail.co.uk)

LEEK OFFICE: 54 St. Edward Street, Leek, Staffordshire, ST13 5DJ T 01538 399199 F 01538 399362  
UTTOXETER OFFICE: 9-11 Carter Street, Uttoxeter, Staffordshire, ST14 8HB T 01889 598888 F 01889 565004  
ECCLESHALL OFFICE: 8 Stafford Street, Eccleshall, Staffordshire, ST21 6BH T 01785 339514 F 01785 850691

Partners: Ian Naylor / Catherine Whittles / Timothy Wolley / Emma Amat / Robert Fearnley / Joy Hancock  
Associates: Katie Nixon / Heather Reynolds / Clare Thomas / Danielle Newbon  
Bowcock & Pursaill LLP is a limited liability partnership which is registered in England and Wales with number OC342155. We use the term Partner to refer to a Member of the LLP. Registered office 54 St. Edward Street Leek Staffordshire ST13 5DJ. Regulated by the Solicitors Regulation Authority.

Accredited by The Law Society Conveyancing Quality Scheme  
Members of Resolution

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy  
of register of  
title

Title number SF313717

Edition date 24.09.2020

- This official copy shows the entries on the register of title on 02 NOV 2023 at 16:24:11.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 02 Nov 2023.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Birkenhead Office.

## A: Property Register

This register describes the land and estate comprised in the title.

STAFFORDSHIRE : STAFFORDSHIRE MOORLANDS

1 (21.07.1992) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Mellow Lane Farm, Mellow Lane, Winkhill, Leek (ST13 7QS).

2 The land tinted yellow on the filed plan has the benefit of the following rights reserved by the Conveyance dated 9 October 1979 referred to in the Charges Register.

"EXCEPT AND RESERVING to the Vendor and his successors in title the owners or occupiers for the time being of the land adjoining the said property hereby conveyed and now or formerly belonging to the Vendor:-

as to the blue land and any part thereof

(ii) full and free right and liberty in common with all other persons having a like right at all times hereafter by day or by night with or without vehicles of any description and with or without animals for all purposes connected with the use and enjoyment of the blue land to pass and repass along the said roadway shown on the said plan and thereon coloured yellow for the purpose of access to and egress from the blue land to and from the public highway".

NOTE: The land in this title forms part of the blue land referred to and the yellow land is so much of Mellow Lane lying to the North East as is not included in this title.

3 (21.07.1992) The land tinted pink on the filed plan has the benefit of the following rights granted by the Conveyance dated 9 October 1979 referred to in the Charges Register:-

"TOGETHER ALSO WITH full right and liberty for the Purchasers and their successors in title the owners and occupiers for the time being of the said property hereby conveyed or any part thereof and their servants or licensees in common with all other persons having the like right:-

(a) at all times hereafter by day or night and with or without vehicles of any description and with or without animals for all purposes connected with the use and enjoyment of the said property to pass and repass along the road shown on the said plan and thereon coloured brown

## A: Property Register continued

for the purpose of gaining access to and egress from the said property to and from the public highway and

(b) to draw and receive and to convey through the existing tank and pipe from the spring situate on the land shown on the said plan and thereon edged blue (hereinafter called "the blue land") such an amount of water as may be required for the domestic and farm purposes of the said property with liberty from time to time as shall be necessary to cleanse repair or replace the said tank and pipe in so far as the same runs through the blue land in the same position as the present tank and pipe and for these purposes and except as hereinafter mentioned no other to enter upon pass along the break up the land adjoining the said tank and pipe doing as little damage as possible to the said land and

(c) subject to obtaining all necessary consents from and in accordance with the requirements of the Severn-Trent Water Authority to connect to the existing water main at a point before the flow of water there through reaches the Vendors water meter therein within the blue land and to lay a pipe therefrom provided that the same shall be laid within a period of twenty one years from the date hereof across the blue land to the property for all purposes in connection with the use of the said property with liberty from time to time as shall be necessary to cleanse repair or replace the said pipe in so far as the same runs through the blue land in the same position as the proposed pipe and for these purposes and except as aforesaid no other to enter upon pass along and break up the land adjoining the said pipe doing as little damage as possible to the said land and

(d) (i) to lay and forever thereafter maintain on the land shown on the said plan and thereon edged green (hereinafter called "the free land") such pipe or pipes as may be necessary or required by Staffordshire Moorlands District Council to form the outflow of a septic tank to be constructed within a period of Twenty one years from the date hereof on the said property hereby conveyed near to the farmhouse in such position and manner as may be approved by the said Staffordshire Moorlands District Council and

(ii) to drain through the said pipe or pipes into the soil of the green land such residuary substances as shall result from operations of the said septic tank Provided that the said right shall only be exercised if the said Staffordshire Moorlands District Council shall refuse to permit the said residuary substances to be drained into the land hereby conveyed and

(iii) to enter upon the green land so far only as may be necessary for the inspection repair maintenance and renewal of the said pipe or pipes and

(e) to enter upon the green land for the purposes of inspecting repairing maintaining and renewing all walls and fences eaves gutters and downspouts on the said property hereby conveyed as are adjacent to the boundaries thereof"

4 (21.07.1992) The Conveyance dated 9 October 1979 referred to in the Charges Register contains the following provision:-

"IT IS HEREBY AGREED AND DECLARED that:-

(a) the walls and fences between the points marked "A" and "B" and "X" and "Y" on the said plan shall be the property of the Purchasers and their successors in title to the property hereby conveyed

(b) the walls and fences between the points shown marked "B" and "C" and "C" and "D" on the said plan shall be the property of the Vendor and his successors in title to the green land."

NOTE: No points A B X and Y were visible on the plan supplied on First Registration.

5 The land tinted yellow on the filed plan has the benefit of the following rights reserved by a Conveyance of land abutting the southern boundary of the said land dated 29 September 1980 made between (1) Robert Aldridge (Vendor) and (2) Herbert Lloyd and Mary Lloyd

Title number SF313717

## A: Property Register continued

(Purchasers):-

"EXCEPT AND RESERVING

(a) full right and liberty for the Vendor and his successors in title the owners or occupiers for the time being of the adjoining land shown edged blue on the said plan attached hereto within Twenty one years of the date hereof to connect to the existing water main on the property hereby conveyed at a point before the flow of water therethrough reaches the existing water meter and to lay a pipe therefrom to the said adjoining land to use the same for all purposes in connection with the use of the said adjoining land with liberty from time to time as may be necessary to cleanse repair or replace the said pipe in so far as the same runs through the property hereby conveyed in the same position as the proposed pipe and for these purposes and no other to enter upon pass along and break up the land adjoining the said pipes doing as little damage as possible to the property hereby conveyed and

(b) with full right and liberty for the Vendor and his successors in title and the owners and occupiers for the time being of the said adjoining land in common with all other persons having a like right at all times hereafter by day or by night with or without vehicles of any description and with or without animals for all purposes in connection with the use and enjoyment of the said adjoining land to pass and repass along the roadway shown on the said adjoining land to pass and repass along the roadway shown on the said plan annexed hereto and thereon coloured green for the purpose of obtaining access to and egress from the said adjoining land to and from the public highway".

*NOTE: Copy plan filed under SF271937.*

- 6 (20.07.2004) A new title plan showing an amended extent has replaced the original plan.
- 7 (24.09.2020) The land has the benefit of any legal easements reserved by a Conveyance of land adjoining the northern boundary of the land in this title dated 19 October 1979 made between (1) Robert Aldridge and (2) Thomas John Bettany but is subject to any rights that are granted by the said deed and affect the registered land.

*NOTE: Copy filed under SF659757.*

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (28.09.2015) PROPRIETOR: [REDACTED]  
of Mellow Lane Farm, Mellow Lane, Winkhill, Leek ST13 7QS.
- 2 (28.09.2015) The price stated to have been paid on 25 September 2015 was [REDACTED]

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (21.07.1992) The land tinted pink on the filed plan is subject to the following rights granted by a Conveyance of other land dated 10 August 1979 made between (1) Robert Aldridge (the Vendor) and (2) Thomas John Bettany (the Purchaser):-

"TOGETHER WITH full right and liberty for the Purchaser and his successors in title the owners and occupiers for the time being of the said land or any part thereof or his or their respective servants agents or licensees (in common with all other persons having the like right) at all times hereafter by day or night with or without vehicles

## C: Charges Register continued

of any description and with or without animals for all purposes connected with the use and enjoyment of the said land to pass and repass over and along the road shown on the said plan annexed hereto coloured brown for the purpose of gaining access to and egress from the said land from and to the public highway known as Ipstones Edge and the public highway between New Street Winkhill aforesaid and Alton AND TOGETHER ALSO WITH full right and liberty for the Purchaser and his successors in title the owners and occupiers for the time being of the said land and his or their respective servants agents or licensees (subject to obtaining all necessary licences and consents and in accordance with the requirements of the Severn Trent Water Authority) to connect to the existing spring water pipe within the property shown edged blue on the said plan annexed hereto (hereinafter called "the blue land") and to lay a pipe therefrom across the blue land (the said connection to be made and the said pipe to be laid within a period of twenty one years from the date hereof and the same to be so located as a minimise inconvenience to the owners and occupiers for the time being of the blue land) and to draw and receive from the said spring pipe and to convey through the said pipe laid as hereinbefore provided a supply of water for the benefit of the said land hereby conveyed or any part thereof with liberty from time to time as shall be necessary to cleanse repair or replace the said pipe insofar as the same runs through the blue land in the same position as it shall be originally laid and for these purposes and no other to enter upon pass along and break up the blue land doing as little damage as possible thereto"

NOTE 1: The land tinted pink on the filed plan forms part of the blue land referred to

NOTE 2: The roadway coloured brown referred to is Mellow Lane.

- 2 (21.07.1992) The land tinted pink on the filed plan is subject to the following rights reserved by a Conveyance thereof with other land dated 9 October 1979 made between (1) Robert Aldridge (the Vendor) and (2) Terence Keith Stubbs and Kathleen Stubbs (the Purchasers):-

"EXCEPT AND RESERVING to the Vendor and his successors in title the owners or occupiers for the time being of the land adjoining the said property hereby conveyed and now or formerly belonging to the Vendor:-

(a) as to the green land and any part thereof

(i) full right and liberty in common with all persons having a like right at all times hereafter by day or by night with or without vehicles of any description and with or without animals for all purposes connected with the use and enjoyment of the green land to pass and repass along the roadway shown on the said plan and thereon coloured yellow for the purpose of access to and egress from the green land to and from the public highway

(ii) subject to obtaining the necessary license pursuant to the Water Resources Act 1963 and in accordance with the requirements of the Severn-Trent Water Authority to connect to the said spring water pipe within the said property hereby conveyed and to lay a pipe therefrom beneath the said property hereby conveyed to the green land the said connection to be made and the said pipe to be laid within a period of twenty one years from the date hereof and the same to be so located as to minimise inconvenience to the owners and occupiers for the time being of the property hereby conveyed for all purposes in connection with the green land with liberty from time to time as shall be necessary to cleanse repair and replace the same pipe and for these purposes and no other to enter upon pass along and break up the land adjoining the said pipe doing as little damage as possible to the said land

(iii) full right and liberty to construct within Twenty one years from the date hereof and forever thereafter maintain access to Mellor Lane aforesaid from the green land and to use the same for all purposes and for the purpose of exercising the said right to do such works as may be necessary but doing as little damage as possible in the exercise thereof and"

NOTE: Copy plan filed.

Title number SF313717

## C: Charges Register continued

3 (21.07.1992) By the Conveyance dated 9 October 1979 referred to above the land tinted pink on the filed plan was with other land conveyed subject as follows:-

"subject to

all rights of way drainage watercourses light and other easements or reputed easements and rights of adjoining owners if any affecting the same and to any liability to repair or contribute to the repair of roads ways passages bridges ponds dykes sewers drains gutters fences and other like matters."

End of register



**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 02 November 2023 shows the state of this title plan on 02 November 2023 at 16:24:14. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

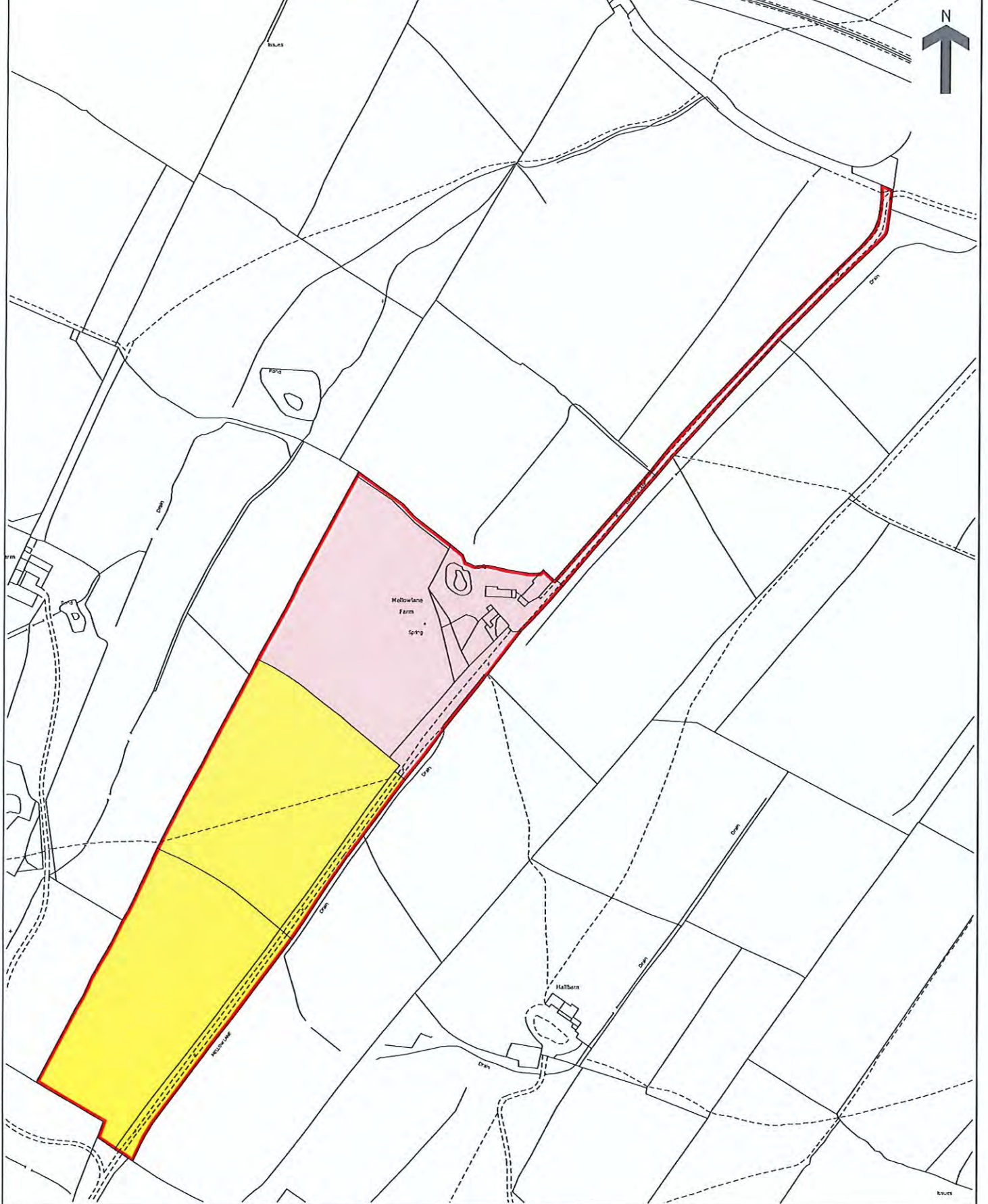
This title is dealt with by the HM Land Registry, Birkenhead Office .

HM Land Registry  
Official copy of  
title plan

Title number **SF313717**  
Ordnance Survey map reference **SK0451SW**  
Scale **1:2500**  
Administrative area **Staffordshire :**  
**Staffordshire Moorlands**



© Crown Copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316



The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



## Official copy of register of title

Title number SF279746

Edition date 22.10.2020

- This official copy shows the entries on the register of title on 02 NOV 2023 at 16:45:05.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 02 Nov 2023.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Birkenhead Office.

### A: Property Register

This register describes the land and estate comprised in the title.

STAFFORDSHIRE : STAFFORDSHIRE MOORLANDS

- 1 (29.03.1990) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land lying to the North West of Mellow Lane, Leek.
- 2 (29.03.1990) The mines and minerals are excepted.
- 3 (29.03.1990) The Conveyance dated 15 March 1990 referred to in the Charges Register contains a provision as to light or air.

### B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (22.10.2020) PROPRIETOR: [REDACTED] of Mellow Lane Farm, Mellow Lane, Winkhill, Leek ST13 7QS,
- 2 (22.10.2020) The price stated to have been paid on 12 June 2020 was [REDACTED]

### C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (29.03.1990) A Conveyance of the land in this title dated 15 March 1990 made between (1) The British Railways Board (the Board) and (2) Thomas John Bettany (Purchaser) contains restrictive covenants.

*NOTE: Original filed.*

- 2 (29.03.1990) The land is subject to the rights reserved by the Conveyance dated 15 March 1990 referred to above.

Title number SF279746

End of register

**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 02 November 2023 shows the state of this title plan on 02 November 2023 at 16:45:06. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by the HM Land Registry, Birkenhead Office .

© Crown copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.



**DECLARATION**

**Data Protection Act 1998**

Under the Data Protection Act the OMA has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person, other than where requested in questions 23 – 27. If you provide responses to those particular questions, the information will be redacted from public view.

This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available and published on Staffordshire County Council's website.

Please print your name here [redacted] .....

Address [redacted] .....

[redacted] .....

(Block Capital please)

Your: Home Telephone Number ... [redacted] .....

Mobile Telephone Number... [redacted] .....

Email Address ... [redacted] .....

**Statement of Truth**

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE AND THE WARNING BELOW**

Your Signature [redacted]

Date: 23/10/23

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

**Information on this page of the Statement will be redacted and not made publically available**



**Important Note**

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name [Redacted] [Redacted] .....  
(Block Capitals please)

**Guidance Notes on the completion of Public Rights of Way Evidence Forms**

1. As far as possible the owner/occupier should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Please answer all questions fully with as much detail as possible.
3. Please indicate on attached map the extent of your ownership/tenancy or other interest in the land affected by the alleged public right of way.
4. Please indicate whether you are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross-examination).
5. If a person would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
6. The information given on this form may become available for public inspection.

**PLEASE TAKE TIME TO ANSWER THE QUESTIONS CAREFULLY AND IN FULL**

1. Do you own or occupy or have any interest in any of the land affected by the proposal or adjacent to it?

**\*YES/NO**

If the answer is YES please answer questions 2 to 25 and indicate on the attached map the extent of your ownership or tenancy, or interest in the land.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers by completing question 22.

2. Have you received a Notice of Application for a Modification Order?

**\*YES/NO**

3. Would you be willing to allow County Council officers to make a site inspection?

**\*YES/NO**

\* Please delete as appropriate

4. (a) Do you consider the route to be public?

\*YES/NO

(b) If YES what description best describes the route? (please delete those inappropriate)

(i) ~~\*Footpath (i.e. for pedestrians only)~~ [REDACTED]

(ii) ~~\*Bridleway (i.e. for horse riders, cyclists and pedestrians)~~ [REDACTED]

(iii) \*Byway open to all traffic (open to all traffic) ✓

5. Please indicate on the enclosed plan the extent of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route.

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed.

Freehold (sole / joint owner) / tenant for life under the Settled Land Act / leasehold / employee / other – please specify)

[If you are a tenant or licensee, please ensure you complete question 21].

7. Please give details and dates of ownership or occupation

I HAVE OWNED THE FIELD INDICATED ON ENC. PLAN SINCE 2005 AND HAVE A RIGHT OF WAY / ACCESS ALONG MELLOW LANE .

8. What is the land used for? (i.e. grazing animals, growing crops etc.)

Has the use varied? And if so please give details of when and how

GRAZING ANIMALS

9. Are you aware of any right of way on the route applied for? If so, please give your reasons as to why you regard the way to be public or private?

I USED TO RIDE THE LENGTH OF MELLOW LANE ON HORSE BACK APPROXIMATELY 45 YRS AGO (FROM PELHAM FARM STABLES) WHEN THE ROUTE WAS OPEN (NOW LOCKED GATE!) AND HAVE ALWAYS CONSIDERED THIS AS AN OLD ROAD .

\* Please delete as appropriate

10. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation? \*YES/NO

If yes, it may be helpful if you are able to provide copies and details

.....  
.....

11. Have you, or any previous owner/tenant of the land, ever erected any signs such as "Private", "Keep Out" or "Trespassers will be prosecuted" or similar signs on or near the alleged public right of way?

\*YES/NO

If YES please state:-

(a) When were these sign erected?.....

(b) What did these signs say?.....

(c) Are these signs still in place?.....

(d) Where are these signs located?.....

(e) How long were these signs in place?.....

(f) Did anyone respond/react to the notices/signs?.....

Please indicate location on attached map.

12. (a) Have you seen people using the way?

\*YES/NO

(b) How were they using the way (ie foot, horse)? ...FOOT + HORSE.....

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)? ...LOCALS ON HORSES.. OCCASIONAL RAMBLERS ..

(d) Were these people known to you? ...NO.....

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc). ...WALKERS MONTHLY.. UNFORTUNATELY LOCAL RIDERS HAVE CEASED TO USE THE ROUTE AS OCCUPANTS OF MELLOW LANE FARM HAVE PLACED A LOCK ON AN ACCESS GATE.

(f) How many other people, approximately, did you see on these occasions? ...3-5...

(g) Please give any further details of other people's use of the way which you feel may be important. ...MY NEIGHBOUR [REDACTED] REQUIRED ACCESS TO WALK A HORSE TO A FARM AT BOTTOM HOUSE - HE HAD TO 'SQUEEZE' IT THROUGH A PEDESTRIAN GATE TO DO SO OWING TO THE ROUTE BEING BLOCKED WITH A PADLOCKED GATE.

14. (a) Have there, to your knowledge, ever been any stiles on the way? \*YES/NO  
 (b) Have there, to your knowledge, ever been any gates on the way? \*YES/NO  
 (c) If YES, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.  
 (d) If any gates on the way were ever locked please state, how often, and known by whom? I BELIEVE THE OCCUPERS OF MELLOW LADE HAVE PERMANENTLY LOCKED AN ACCESS GATE FOR APPROX. 8 YEARS  
 Please mark on the attached plan the locations of the locked gates.

15. (a) Excluding locked gates, have you (or any previous owner or occupier) ever known of any other obstructions to the way? \*YES/NO  
 (b) If YES, state :  
 (i) what type of obstruction was this? .....  
 (ii) When they were erected or removed? .....  
 (c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.  
 .....  
 (d) If you have a private right of way how has this been exercised while the alleged public route has been obstructed.....

16. (a) Have you ever stopped or "turned back" anyone found using the route? \*YES/NO  
 If YES please give details  
 .....  
 .....

17. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way? \*YES/NO  
 If YES please give full details .....  
 .....  
 .....  
 .....

\* Please delete as appropriate

18. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980? \*YES/NO

If YES, can you recall when?

.....  
.....

19. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the application route was not dedicated as a highway?

\*YES/NO

If YES, can you recall when?

.....  
.....

**NOTE** --- Section 31(1) of the Highways Act 1980 states that: --

“Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.”

20. Do you have any documents which show this as a private right of way or giving details of its closure?

\*YES/NO

If YES: --

(a) in what form is this?.....  
(i.e. maps, photos, deeds, etc. please attach a copy if possible)

(b) Would you be willing to make the original document available if necessary?

\*YES/NO


21. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary?

\*YES/NO

22. Can you give any further information about the alleged route?  
(continue on a separate sheet of paper if necessary).

\*YES/NO

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signature ..  .....

Person taking this statement (if applicable)..... *N/A* .....

Date ..... *23/10/23* .....

\* Please delete as appropriate

**If you provide answers to any of the following questions, any personal details you provide will be redacted from public view. However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.**

23. If you are a tenant or licensee of the land, please advise the name and address of your landlord.

N/A

24. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who owns or occupies the land affected by the route? If so please give their contact details.

[Redacted]

25. It may assist your case if we are able to contact any previous owners of the land. Do you know the name / address of any previous owners or occupiers? (If applicable).

26. In respect of question 8, please indicate the number of occurrences you have stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when / what frequency, etc.)

27. Please give details of the identity of anyone you have given permission to and for what purpose, (e.g. for use on foot, horseback, driving a vehicle), together with their address if known.

a) Was the permission given verbally, or in writing?

In writing (please attach a copy)

Verbally (please state what was said)

b) How many people were given permission? (If total unknown, please state approximately)

.....  
.....  
.....  
.....

c) When was permission given?

.....

d) How long was the permission for (i.e. often did it need to be renewed?)

.....

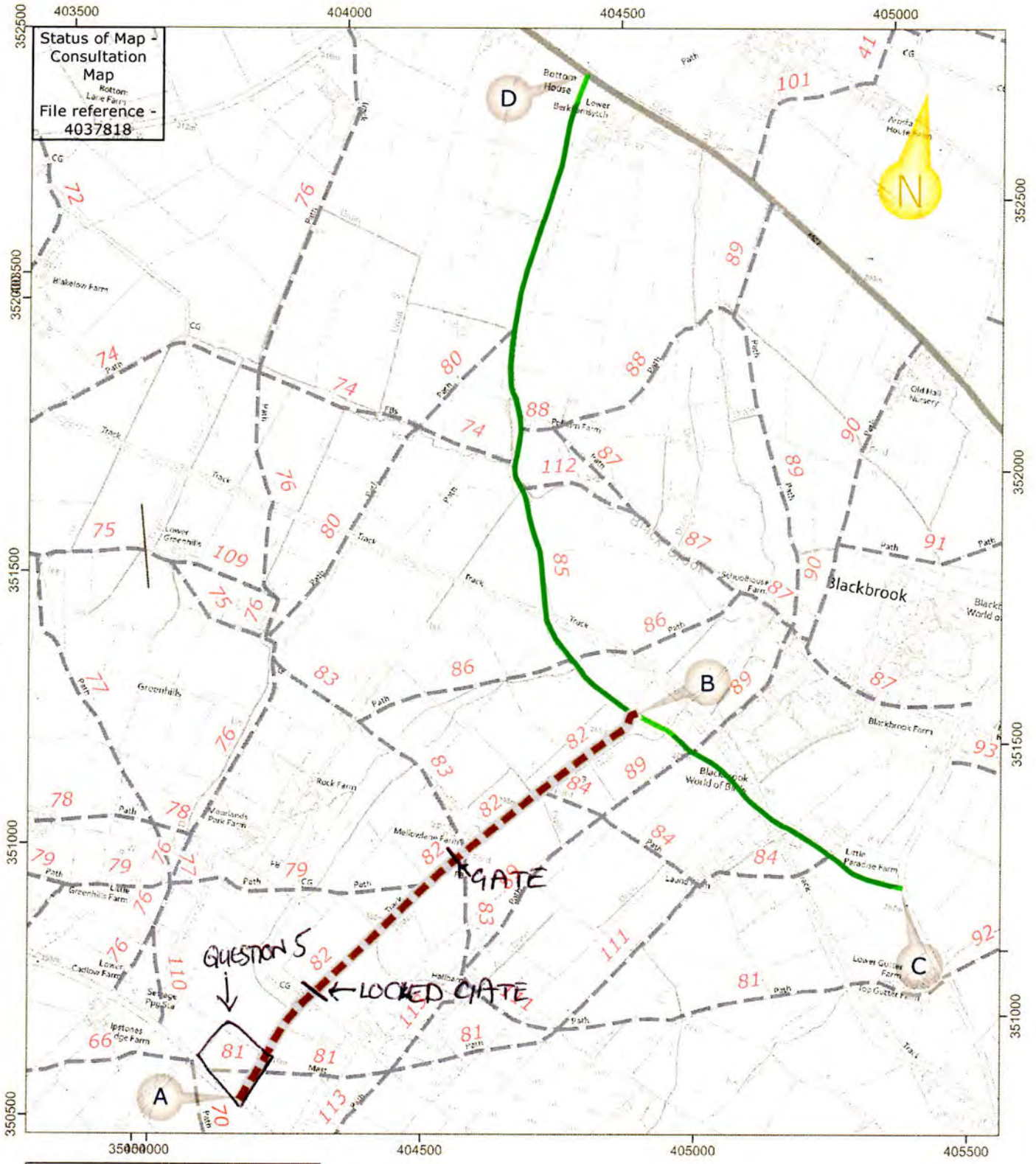
e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you

.....  
.....  
.....  
.....



# Wildlife and Countryside Act 1981, Section 53A(2)(b)

Proposed upgrading of Footpath no.82 Ipstones Parish,  
to Restricted Byway.



Map created at the scale of 1:10,000  
(facsimiles may vary)

- Route of footpath to be regraded to Restricted Byway ( A - B )
- Footpaths unaffected by proposal
- Bridleway no.85 Ipstones Parish ( C - D )

© Crown Copyright and database rights 2023  
Ordnance Survey AC0000849944. You are not  
permitted to copy, sub-license, distribute or  
sell any of this data to third parties in any form.  
Use of this data is subject to the terms and conditions  
shown at [www.staffordshire.gov.uk/maps](http://www.staffordshire.gov.uk/maps).  
Produced by Staffordshire County Council, 05/09/2023.

# **Staffordshire**

## **County Council**

### **PUBLIC RIGHT OF WAY EVIDENCE FORM**

Questionnaire to be completed by the owner/occupier of land over which there is an alleged public right of way.

The information requested in this statement is as a result of an application made to Staffordshire County Council ("OMA") for an Order to modify its Definitive Map and Statement of Public Rights of Way by adding or upgrading a public right of way over land which you may own or occupy, or may have owned or occupied in the past.

This statement is designed to assist the OMA with its investigation to determine whether or not the route applied for in the application is a public right of way. Until the OMA determines the application, its position is impartial. This statement is intended to provide preliminary evidence and, when the OMA commences detailed research, an officer may contact you to seek further information or ask you to be interviewed about it.

You are not compelled to answer every question. Nevertheless you should answer questions as fully as possible and not keep back any information, whether for or against the application. This is important if this information is to be of real value in establishing the status of the application route. The information given may be examined at a public inquiry. If you need more space please continue on a separate sheet which will need to be attached to this statement.

**If completing the statement by hand, please ensure it is written legibly and in black ink.**

#### **Confidentiality – Please Read Carefully**

**The information you give in this statement cannot be treated as confidential.**

- It may be necessary for the OMA to disclose information received from you to others, which may include other local authorities, the Planning Inspectorate and other government departments, public bodies, other organisations, landowners and members of the public. If the application proceeds to a public inquiry your evidence will be made available to the inquiry.
- If the OMA proceeds with the application but it is contested (for example by an affected landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but is of much greater value if you attend in person and are prepared to answer questions about it. Inquiries are kept as informal as possible and the OMA will help you with the procedure.
- The information you give in this statement will be processed in accordance with the Data Protection Act 1998. It is held by the OMA's Rights of Way Service for the sole purpose of processing the application for the route referred to.

**DECLARATION**

**Data Protection Act 1998**

Under the Data Protection Act the OMA has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person, other than where requested in questions 23 – 27. If you provide responses to those particular questions, the information will be redacted from public view.

This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available and published on Staffordshire County Council's website.

Please print your name here : [REDACTED] .....

Address NETWORK RAIL, BASKERVILLE HOUSE, CENTENARY SQUARE, BROAD STREET, BIRMINGHAM, B1 2ND

(Block Capital please)

Your: Home Telephone Number .....

Mobile Telephone Number [REDACTED] .....

Email Address [REDACTED]

**Statement of Truth**

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE AND THE WARNING BELOW**

Your Signature:

Date:

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

**Information on this page of the Statement will be redacted and not made publically available**

**Important Note**

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name (\*Mr/Mrs/Miss/Ms) [REDACTED]  
(Block Capitals please)

**Guidance Notes on the completion of Public Rights of Way Evidence Forms**

1. As far as possible the owner/occupier should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Please answer all questions fully with as much detail as possible.
3. Please indicate on attached map the extent of your ownership/tenancy or other interest in the land affected by the alleged public right of way.
4. Please indicate whether you are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross-examination).
5. If a person would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
6. The information given on this form may become available for public inspection.

**PLEASE TAKE TIME TO ANSWER THE QUESTIONS CAREFULLY AND IN FULL**

1. Do you own or occupy or have any interest in any of the land affected by the proposal or adjacent to it?

\*YES/~~NO~~

If the answer is YES please answer questions 2 to 25 and indicate on the attached map the extent of your ownership or tenancy, or interest in the land.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers by completing question 22.

2. Have you received a Notice of Application for a Modification Order?

\*YES/~~NO~~

3. Would you be willing to allow County Council officers to make a site inspection?

\*YES/~~NO~~

\* Please delete as appropriate

4. (a) Do you consider the route to be public? \*YES/NO  
 (b) If YES what description best describes the route? (please delete those inappropriate)
- (i) ~~\*Footpath (i.e. for pedestrians only).~~
  - (ii) \*Bridleway (i.e. for horse riders, cyclists and pedestrians)
  - (iii) ~~\*Byway open to all traffic (open to all traffic)~~

5. Please indicate on the enclosed plan the extent of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route.

SEE ATTACHED PLAN OF NETWORK RAIL OWNERSHIP

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed.

Freehold (sole / ~~joint~~ owner) / ~~tenant for life under the Settled Land Act~~ / ~~leasehold~~ / ~~employee~~ / ~~other - please specify~~

[If you are a tenant or licensee, please ensure you complete question 21].

Freehold sole owner

7. Please give details and dates of ownership or occupation

PLEASE SEE ATTACHED PLAN. NETWORK RAIL

OWNERSHIP SHOWN IN GREEN

OWNERSHIP BY RAILWAY SINCE 1845

8. What is the land used for? (i.e. grazing animals, growing crops etc.)

Has the use varied? And if so please give details of when and how

Formerly passenger and freight transportation

line presently mothballed however, proposed to re-open.

9. Are you aware of any right of way on the route applied for? If so, please give your reasons as to why you regard the way to be public or private?

public bridleway

10. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation? \*YES/~~NO~~

If yes, it may be helpful if you are able to provide copies and details

..... May be provided on request .....

11. Have you, or any previous owner/tenant of the land, ever erected any signs such as "Private", "Keep Out" or "Trespassers will be prosecuted" or similar signs on or near the alleged public right of way? UNKNOW ~~\*YES/NO~~

If YES please state:-

(a) When were these sign erected? .....

(b) What did these signs say? .....

(c) Are these signs still in place? .....

(d) Where are these signs located? .....

(e) How long were these signs in place? .....

(f) Did anyone respond/react to the notices/signs? .....

Please indicate location on attached map.

12. (a) Have you seen people using the way? \*YES/NO

(b) How were they using the way (ie foot, horse)? UNKNOW .....

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)? .....

(d) Were these people known to you? .....

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc). .....

(f) How many other people, approximately, did you see on these occasions? .....

(g) Please give any further details of other people's use of the way which you feel may be important. .....

14. (a) Have there, to your knowledge, ever been any stiles on the way? \*YES/NO  
 (b) Have there, to your knowledge, ever been any gates on the way \*YES/NO  
 (c) If YES, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.  
 (d) If any gates on the way were ever locked please state, how often, and known by whom? .....

Please mark on the attached plan the locations of the locked gates.

15. (a) Excluding locked gates, have you (or any previous owner or occupier) ever known of any other obstructions to the way? \*YES/NO  
 (b) If YES, state :  
 (i) what type of obstruction was this? .....  
 (ii) When they were erected or removed? .....  
 (c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.  
 .....  
 (d) If you have a private right of way how has this been exercised while the alleged public route has been obstructed.....

16. (a) Have you ever stopped or "turned back" anyone found using the route? \*YES/NO  
 If YES please give details  
 .....  
 .....

17. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way? \*YES/NO  
 If YES please give full details .....  
 .....  
 .....  
 .....

18. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980? \*YES/NO

If YES, can you recall when?

..... UNKNOWN .....

19. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the application route was not dedicated as a highway? \*YES/NO

If YES, can you recall when?

..... UNKNOWN .....

**NOTE** — Section 31(1) of the Highways Act 1980 states that: —

“Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.”

20. Do you have any documents which show this as a private right of way or giving details of its closure? \*YES/NO

If YES: —

(a) in what form is this?.....  
(i.e. maps, photos, deeds, etc. please attach a copy if possible)

(b) Would you be willing to make the original document available if necessary?

\*YES/NO

21. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary? \*YES/NO

\*YES/NO




22. Can you give any further information about the alleged route?  
(continue on a separate sheet of paper if necessary).

\*YES/NO

Please note, that due to "Statutory Incompatibility Network Rail is unable to dedicate or increase a right of way over its own land.

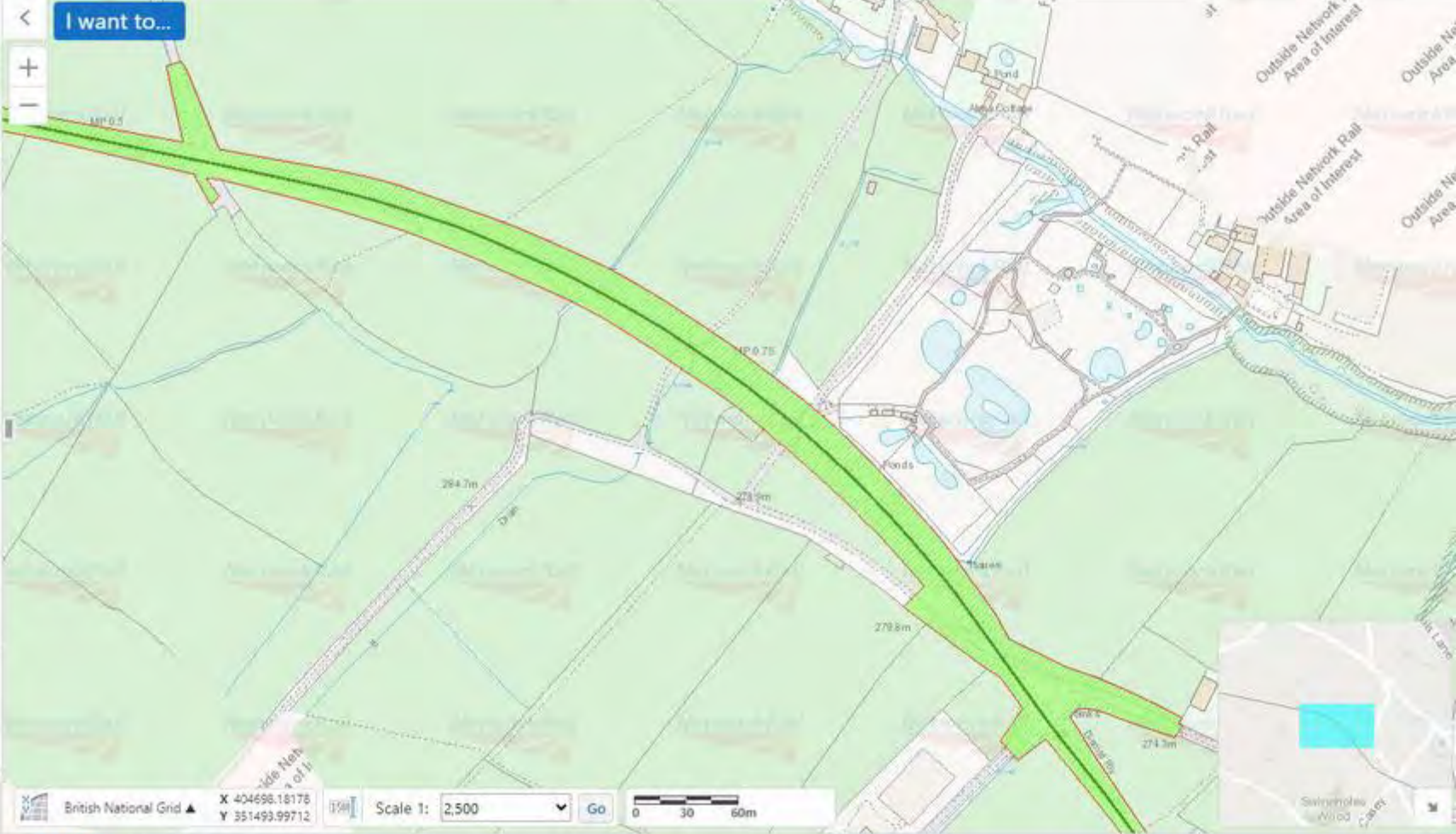
I certify that, to the best of my knowledge, the statement is true.

Signature  .....

Person taking this statement (if applicable).....

Date 6 October 2023

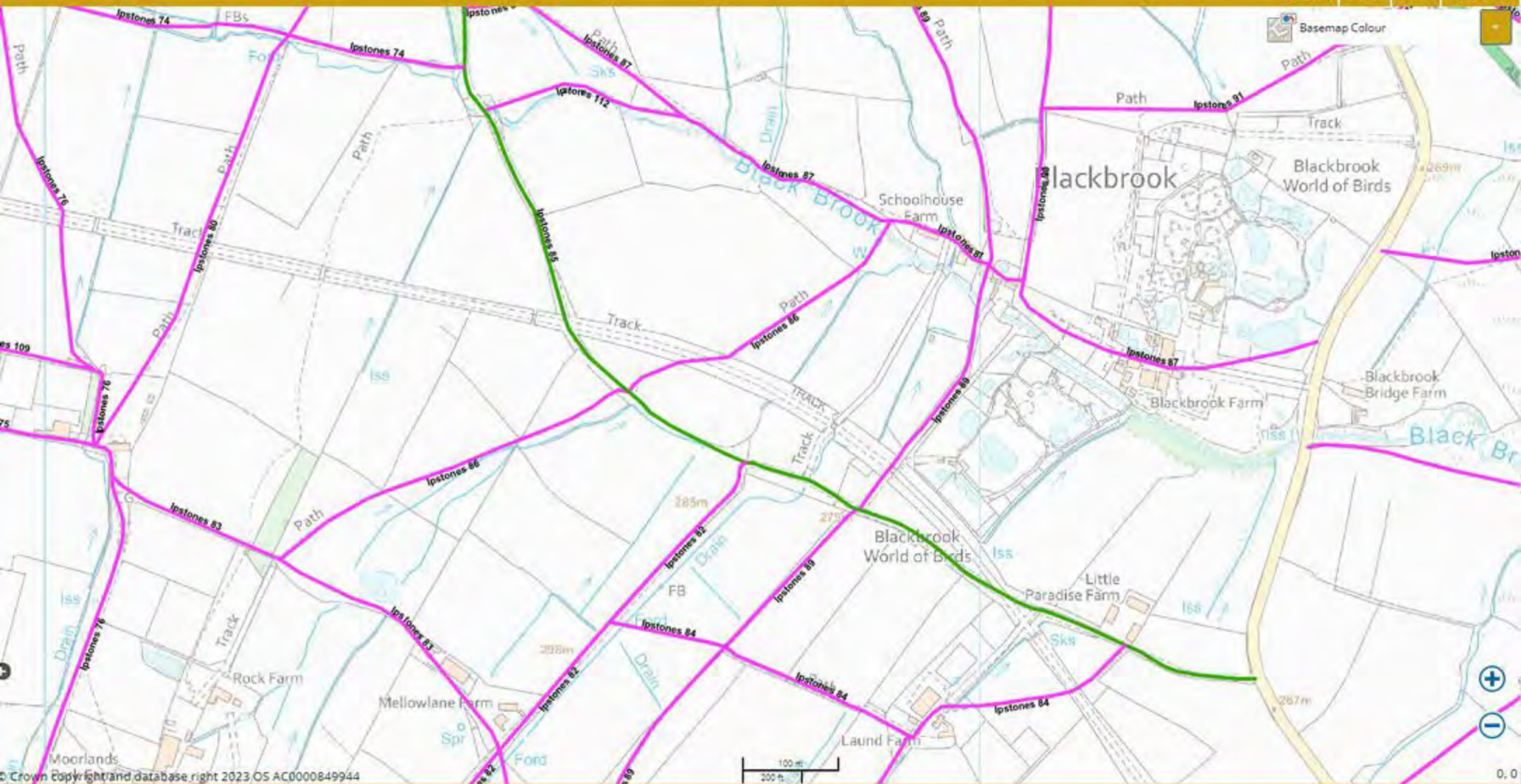
< I want to...



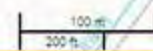
British National Grid ▲ X 404696.18178  
Y 351493.99712

Scale 1: 2,500 Go 0 30 60m





Basemap Colour



# **Staffordshire**

## **County Council**

### **PUBLIC RIGHT OF WAY EVIDENCE FORM**

Questionnaire to be completed by the owner/occupier of land over which there is an alleged public right of way.

The information requested in this statement is as a result of an application made to Staffordshire County Council ("OMA") for an Order to modify its Definitive Map and Statement of Public Rights of Way by adding or upgrading a public right of way over land which you may own or occupy, or may have owned or occupied in the past.

This statement is designed to assist the OMA with its investigation to determine whether or not the route applied for in the application is a public right of way. Until the OMA determines the application, its position is impartial. This statement is intended to provide preliminary evidence and, when the OMA commences detailed research, an officer may contact you to seek further information or ask you to be interviewed about it.

You are not compelled to answer every question. Nevertheless you should answer questions as fully as possible and not keep back any information, whether for or against the application. This is important if this information is to be of real value in establishing the status of the application route. The information given may be examined at a public inquiry. If you need more space please continue on a separate sheet which will need to be attached to this statement.

**If completing the statement by hand, please ensure it is written legibly and in black ink.**

#### **Confidentiality – Please Read Carefully**

**The information you give in this statement cannot be treated as confidential.**

- It may be necessary for the OMA to disclose information received from you to others, which may include other local authorities, the Planning Inspectorate and other government departments, public bodies, other organisations, landowners and members of the public. If the application proceeds to a public inquiry your evidence will be made available to the inquiry.
- If the OMA proceeds with the application but it is contested (for example by an affected landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but is of much greater value if you attend in person and are prepared to answer questions about it. Inquiries are kept as informal as possible and the OMA will help you with the procedure.
- The information you give in this statement will be processed in accordance with the Data Protection Act 1998. It is held by the OMA's Rights of Way Service for the sole purpose of processing the application for the route referred to.

**DECLARATION**

**Data Protection Act 1998**

Under the Data Protection Act the OMA has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person, other than where requested in questions 23 – 27. If you provide responses to those particular questions, the information will be redacted from public view.

This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available and published on Staffordshire County Council's website.

Please print your name here [REDACTED]

Address CHURNET VALLEY RAILWAY 1992 PLC, CHEDDLETON STATION, STATION ROAD, CHEDDLETON, LEEK, ST13 7EE

(Block Capital please)

Your: Home Telephone Number [REDACTED]

Mobile Telephone Number.....

Email Address [REDACTED]

**Statement of Truth**

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE AND THE WARNING BELOW**

Your Signature [REDACTED]

Date: 26th October 2023

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

**Information on this page of the Statement will be redacted and not made publically available**

**Important Note**

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name (\*Mr/Mrs/Miss/Ms)  
(Block Capitals please)

.....  
DIRECTOR  
CHURNET VALLEY RAILWAY

**Guidance Notes on the completion of Public Rights of Way Evidence Forms**

1. As far as possible the owner/occupier should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Please answer all questions fully with as much detail as possible.
3. Please indicate on attached map the extent of your ownership/tenancy or other interest in the land affected by the alleged public right of way.
4. Please indicate whether you are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross-examination).
5. If a person would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
6. The information given on this form may become available for public inspection.

**PLEASE TAKE TIME TO ANSWER THE QUESTIONS CAREFULLY AND IN FULL**

1. Do you own or occupy or have any interest in any of the land affected by the proposal or adjacent to it?

YES  NO

If the answer is YES please answer questions 2 to 25 and indicate on the attached map the extent of your ownership or tenancy, or interest in the land.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers by completing question 22.

2. Have you received a Notice of Application for a Modification Order?

YES  NO

3. Would you be willing to allow County Council officers to make a site inspection?

YES  NO

\* Please delete as appropriate

4. (a) Do you consider the route to be public?

YES/NO

(b) If YES what description best describes the route? (please delete those inappropriate)

~~(i) \*Footpath (i.e. for pedestrians only).~~

(ii) \*Bridleway (i.e. for horse riders, cyclists and pedestrians)

~~(iii) \*Byway open to all traffic (open to all traffic)~~

5. Please indicate on the enclosed plan the extent of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route.

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed.

Freehold (sole / joint owner) / tenant for life under the Settled Land Act / leasehold / employee / other – please specify

[If you are a tenant or licensee, please ensure you complete question 21].

7. Please give details and dates of ownership or occupation

LEASEHOLDER - FROM OCTOBER 2016

OCCUPIER - FROM NOVEMBER 2011 TO OCTOBER 2016

8. What is the land used for? (i.e. grazing animals, growing crops etc.)

Has the use varied? And if so please give details of when and how

OPERATIONAL RAILWAY (FIRST OPENED IN 1905 AND NEVER CLOSED)  
TRAFFIC CEASED IN 1988, RECOMMENCED IN 2010 AND TEMPORARILY  
CEASED IN 2013. SUBSEQUENTLY THE TRACK WAS LIFTED, BUT  
WILL BE RELAID

9. Are you aware of any right of way on the route applied for? If so, please give your reasons as to why you regard the way to be public or private?

YES - THE RIGHT OF WAY IS SHOWN AS A BRIDLEWAY (BW 85)  
ON THE DEFINITIVE MAP

10. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation? \*YES/NO

If yes, it may be helpful if you are able to provide copies and details

.....  
.....

11. Have you, or any previous owner/tenant of the land, ever erected any signs such as "Private", "Keep Out" or "Trespassers will be prosecuted" or similar signs on or near the alleged public right of way? \*YES/NO

If YES please state:-

(a) When were these sign erected?.....

(b) What did these signs say?.....

.....

(c) Are these signs still in place?.....

(d) Where are these signs located?.....

(e) How long were these signs in place?.....

(f) Did anyone respond/react to the notices/signs?.....

Please indicate location on attached map.

12. (a) Have you seen people using the way? \*YES/NO

(b) How were they using the way (ie foot, horse)? .....

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)? .....

(d) Were these people known to you? .....

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc). .....

(f) How many other people, approximately, did you see on these occasions? .....

(g) Please give any further details of other people's use of the way which you feel may be important. ....



14. (a) Have there, to your knowledge, ever been any stiles on the way?  
 (b) Have there, to your knowledge, ever been any gates on the way  
 (c) **If YES**, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.  
 (d) If any gates on the way were ever locked please state, how often, and known by whom? .....

\*YES/NO  
 \*YES/NO

Please mark on the attached plan the locations of the locked gates.

15. (a) Excluding locked gates, have you (or any previous owner or occupier) ever known of any other obstructions to the way?  
 (b) **If YES**, state :  
 (i) what type of obstruction was this? .....  
 (ii) When they were erected or removed? .....  
 (c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.  
 .....  
 (d) If you have a private right of way how has this been exercised while the alleged public route has been obstructed.....

\*YES/NO

16. (a) Have you ever stopped or "turned back" anyone found using the route?

\*YES/NO

If YES please give details

.....  
 .....

17. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way?

\*YES/NO

If YES please give full details .....

.....  
 .....  
 .....

18. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980? \*YES/NO

If YES, can you recall when?

.....  
.....

19. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the application route was not dedicated as a highway?

\*YES/NO

If YES, can you recall when?

.....  
.....

**NOTE** --- Section 31(1) of the Highways Act 1980 states that: --

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

20. Do you have any documents which show this as a private right of way or giving details of its closure?

\*YES/NO

If YES: --

(a) in what form is this?.....  
(i.e. maps, photos, deeds, etc. please attach a copy if possible)

(b) Would you be willing to make the original document available if necessary?

\*YES/NO

21. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary?

\*YES/NO


22. Can you give any further information about the alleged route?  
(continue on a separate sheet of paper if necessary).

\*YES/NO

FOR RAILWAY OPERATIONS

- i) THE LEVEL CROSSING AT LOCATION 1 (OSCR SKOASSIG) IS A PRIVATE VEHICULAR CROSSING CO-EXISTENT WITH A PUBLIC BRIDLEWAY (BW 85)
- ii) THE LEVEL CROSSING AT LOCATION 2, WHERE MELLOW LANE CROSSES THE RAILWAY (OSCR SKOSISIA) IS A PRIVATE VEHICULAR CROSSING CO-EXISTENT WITH A PUBLIC BRIDLEWAY (BW 85)
- iii) MELLOW LANE IS A PRIVATE MEANS OF ACCESS WITH VEHICLES, FOR MELLOW LANE FARM, SCHOOL FARM, LITTLE PARADISE FARM AND BLACKBROOK ZOO/PEAK WILDLIFE PARK.
- iv) TRESPASS ON THE RAILWAY IS AN OFFENCE, SO USE BY THE PUBLIC CANNOT GIVE RISE TO A PRESUMPTION OF DEDICATION THROUGH SECTION 31 OF THE HIGHWAYS ACT.

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signature ..... 

Person taking this statement (if applicable).....

Date .....

If you provide answers to any of the following questions, any personal details you provide will be redacted from public view. However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.

23. If you are a tenant or licensee of the land, please advise the name and address of your landlord.

.....  
.....  
.....

24. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who owns or occupies the land affected by the route? If so please give their contact details.

NETWORK RAIL INFRASTRUCTURE LTD  
WATERLOO GENERAL OFFICE  
LONDON  
SE1 8SW

25. It may assist your case if we are able to contact any previous owners of the land. Do you know the name / address of any previous owners or occupiers? (If applicable).

.....  
.....  
.....  
.....

26. In respect of question 8, please indicate the number of occurrences you have stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when / what frequency, etc.)

.....  
.....  
.....  
.....

27. Please give details of the identity of anyone you have given permission to and for what purpose, (e.g. for use on foot, horseback, driving a vehicle), together with their address if known.

- a) Was the permission given verbally, or in writing?
  - In writing (please attach a copy)
  - Verbally (please state what was said)

.....  
.....

\* Please delete as appropriate

b) How many people were given permission? (If total unknown, please state approximately)

.....  
.....  
.....  
.....

c) When was permission given?

.....

d) How long was the permission for (i.e. often did it need to be renewed?)

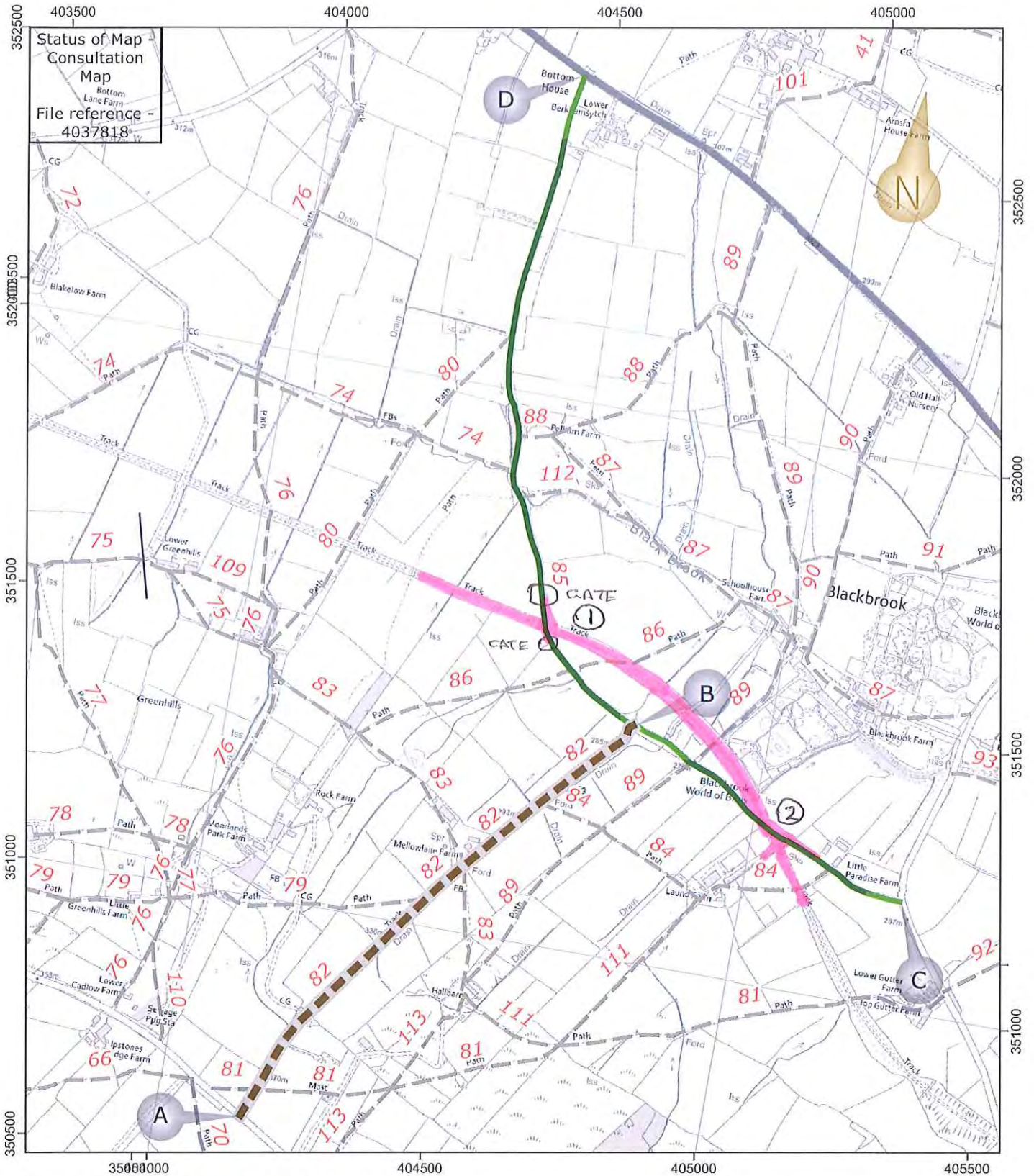
.....

e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you




.....  
.....  
.....  
.....

# Wildlife and Countryside Act 1981, Section 53A(2)(b)

Proposed upgrading of Footpath no.82 Ipstones Parish,  
to Restricted Byway.



Map created at the scale of 1:10,000  
(facsimiles may vary)

-  Route of footpath to be regraded to Restricted Byway ( A - B )
-  Footpaths unaffected by proposal
-  Bridleway no.85 Ipstones Parish ( C - D )

© Crown Copyright and database rights 2023  
Ordnance Survey AC0000849944. You are not  
permitted to copy, sub-license, distribute or  
sell any of this data to third parties in any form.  
Use of this data is subject to the terms and conditions  
shown at [www.staffordshire.gov.uk/maps](http://www.staffordshire.gov.uk/maps).  
Produced by Staffordshire County Council, 05/09/2023.



**Important Note**

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name [REDACTED]  
 (Block Capitals please)

**Guidance Notes on the completion of Public Rights of Way Evidence Forms**

1. As far as possible the owner/occupier should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Please answer all questions fully with as much detail as possible.
3. Please indicate on attached map the extent of your ownership/tenancy or other interest in the land affected by the alleged public right of way.
4. Please indicate whether you are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross-examination).
5. If a person would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
6. The information given on this form may become available for public inspection.

**PLEASE TAKE TIME TO ANSWER THE QUESTIONS CAREFULLY AND IN FULL**

1. Do you own or occupy or have any interest in any of the land affected by the proposal or adjacent to it?

SEE AREA OUTLINED IN BLACK

\*YES/NO

If the answer is YES please answer questions 2 to 25 and indicate on the attached map the extent of your ownership or tenancy, or interest in the land.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers by completing question 22.

2. Have you received a Notice of Application for a Modification Order?

\*YES/NO

3. Would you be willing to allow County Council officers to make a site inspection?

\*YES/NO

\* Please delete as appropriate



YOUR LETTER DATED 12/9/27  
Mentions BRIDLEWAY'S  
ANSWERS REFER TO THAT \*YES/NO

- 4. (a) Do you consider the route to be public?
- (b) If YES what description best describes the route? (please delete those inappropriate)
  - (i) ~~\*Footpath (i.e. for pedestrians only).~~
  - (ii) \*Bridleway (i.e. for horse riders, cyclists and pedestrians)
  - (iii) ~~\*Byway open to all traffic (open to all traffic)~~

5. Please indicate on the enclosed plan the extent of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route. SEE BLACK LINED BOUNDARY

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed.  
 Freehold (sole / joint owner) / tenant for life under the Settled Land Act / leasehold / employee / other — please specify)

[If you are a tenant or licensee, please ensure you complete question 21].

.....

7. Please give details and dates of ownership or occupation

1994 TO PRESENT

.....  
 .....  
 .....

8. What is the land used for? (i.e. grazing animals, growing crops etc.)  
 Has the use varied? And if so please give details of when and how

GRAZING ANIMALS, GROWING FOODER

PLUS OUR DOMESTIC PROPERTY

.....

9. Are you aware of any right of way on the route applied for? If so, please give your reasons as to why you regard the way to be public or private?

BRIDLEWAY - SEE Q 4

.....  
 .....  
 .....

\* Please delete as appropriate

10. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation? \*YES/NO

If yes, it may be helpful if you are able to provide copies and details

SEE ~~LAND~~ LAND REGISTRY

11. Have you, or any previous owner/tenant of the land, ever erected any signs such as "Private", "Keep Out" or "Trespassers will be prosecuted" or similar signs on or near the alleged public right of way?

\*YES/NO

If YES please state:-

(a) When were these sign erected? SPRING 2008

(b) What did these signs say? PUBLIC FOOTPATH AND BRIDLEWAY

ONLY ~~FOR~~ VEHICULAR ACCESS TO PELHAM HATCH ONLY

(c) Are these signs still in place? YES

(d) Where are these signs located? SEE MAP

(e) How long were these signs in place? SINCE 2008

(f) Did anyone respond/react to the notices/signs? YES - SEE LATER RESPONSE RE: NEIGHBOUR DISPUTE

Please indicate location on attached map. ✓

12. (a) Have you seen people using the way?

\*YES/NO

(b) How were they using the way (ie foot, horse)? FOOT / HORSE / BICYCLE

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)? ~~LO~~ BOTH

(d) Were these people known to you? SOMETIMES

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc). DAILY WALKER / MONTHLY ON HORSE / 3 OR 4 TIMES / YEAR ON A BIKE

(f) How many other people, approximately, did you see on these occasions? ?

(g) Please give any further details of other people's use of the way which you feel may be important.

14. (a) Have there, to your knowledge, ever been any stiles on the way? \*YES/NO  
 (b) Have there, to your knowledge, ever been any gates on the way \*YES/NO  
 (c) If YES, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.  
 (d) If any gates on the way were ever locked please state, how often, and known by whom? YES, BY ME, GATE LOCKED FULL TIME 2008-2020  
~~NO~~

Please mark on the attached plan the locations of the locked gates.

15. (a) Excluding locked gates, have you (or any previous owner or occupier) ever known of any other obstructions to the way? \*YES/NO  
 (b) If YES, state :  
 (i) what type of obstruction was this? PARKED TRACTOR / MACHINERY  
(USED AS STORAGE LOCATION)  
 (ii) When they were erected or removed? FREQUENTLY SINCE MOVING HERE  
NOTE THAT ROAD WALKERS / CYCLISTS / HORSES CAN STILL PASS FREELY  
 (c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.  
SEE MAP  
 (d) If you have a private right of way how has this been exercised while the alleged public route has been obstructed.....

16. (a) Have you ever stopped or "turned back" anyone found using the route? \*YES/NO  
 If YES please give details  
INFREQUENTLY GET OVERROAD MOTORCYCLISTS +  
4X4 DRIVERS - THESE ARE TURNED BACK

17. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way? \*YES/NO  
 If YES please give full details NOT STRICTLY RE: PUBLIC ROW BUT  
CONSULTED SOLICITOR IN 2008 IN RESPONSE TO  
NEIGHBOUR CLAIMING ROW FOR VEHICLES. SOLICITOR  
CONFIRMED ROW STATUS OF THE ROUTE & TOLD NEIGHBOUR  
THEY HAD NO CLAIM OTHER THAN AS WALKER / CYCLIST  
RIDER ON A HORSE.

\* Please delete as appropriate

18. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980? \*YES/NO

If YES, can you recall when?

.....  
.....

19. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the application route was not dedicated as a highway? \*YES/NO

If YES, can you recall when?

.....  
.....

**NOTE** --- Section 31(1) of the Highways Act 1980 states that: --

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

20. Do you have any documents which show this as a <sup>BRIDLEWAY (FOOTPATH ONLY)</sup> ~~private right of way~~ or giving details of its closure? \*YES/NO

If YES: --

(a) in what form is this? DEFINITIVE MAP OUR PROPERTY NEEDS  
(i.e. maps, photos, deeds, etc. please attach a copy if possible)

(b) Would you be willing to make the original document available if necessary?

\*YES/NO

21. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary? \*YES/NO

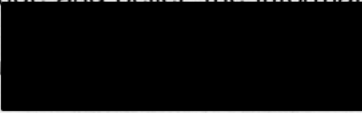
\* Please delete as appropriate

22. Can you give any further information about the alleged route?  
(continue on a separate sheet of paper if necessary).

\*YES/NO

SEE COVERING EMAIL

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signature  .....

Person taking this statement (if applicable) .....

Date 23/10/23 .....

\* Please delete as appropriate

If you provide answers to any of the following questions, any personal details you provide will be redacted from public view. However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.

23. If you are a tenant or licensee of the land, please advise the name and address of your landlord.

.....  
.....  
.....

24. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who owns or occupies the land affected by the route? If so please give their contact details.

.....  
.....  
.....



25. It may assist your case if we are able to contact any previous owners of the land. Do you know the name / address of any previous owners or occupiers? (If applicable).

.....  
.....  
.....

26. In respect of question 8, please indicate the number of occurrences you have stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when / what frequency, etc.)

.....  
ONCE EVERY 2/3 YEARS  
.....  
.....  
.....

27. Please give details of the identity of anyone you have given permission to and for what purpose, (e.g. for use on foot, horseback, driving a vehicle), together with their address if known.

a) Was the permission given verbally, or in writing?

- In writing (please attach a copy)
- Verbally (please state what was said)

NONE GIVEN OUTSIDE  
OF FOOTPATH/  
BRIDLEWAY  
RIGHT OF  
ACCESS

b) How many people were given permission? (If total unknown, please state approximately)

.....  
.....  
.....  
.....

c) When was permission given?

.....

d) How long was the permission for (i.e. often did it need to be renewed?)

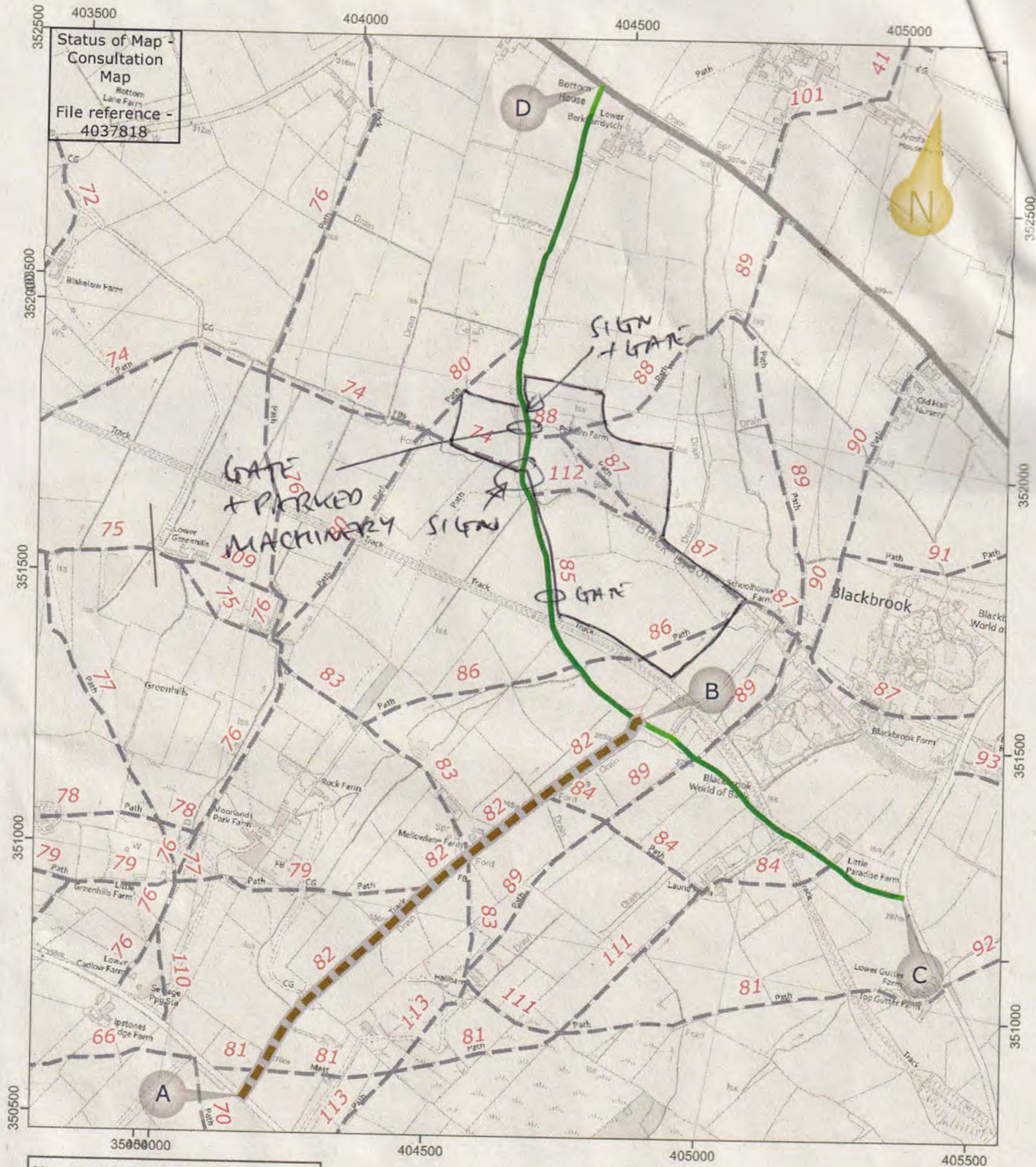
.....

e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you

YES - ACCESS BY MOTORISED VEHICLES BY [REDACTED]  
[REDACTED] FORMERLY OF UPPER GREENHILLS, 2008.  
NEIGHBOUR

# Wildlife and Countryside Act 1981, Section 53A(2)(b)

Proposed upgrading of Footpath no.82 Ipstones Parish, to Restricted Byway.



Map created at the scale of 1:10,000 (facsimiles may vary)

© Crown Copyright and database rights 2023  
 Ordnance Survey AC0000849944. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form. Use of this data is subject to the terms and conditions shown at [www.staffordshire.gov.uk/maps](http://www.staffordshire.gov.uk/maps).  
 Produced by Staffordshire County Council, 05/09/2023.

- Route of footpath to be regraded to Restricted Byway ( A - B )
- Footpaths unaffected by proposal
- Bridleway no.85 Ipstones Parish ( C - D )



**DECLARATION**

**Data Protection Act 1998**

Under the Data Protection Act the OMA has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person, other than where requested in questions 23 – 27. If you provide responses to those particular questions, the information will be redacted from public view.

This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available and published on Staffordshire County Council's website.

Please print your name here [REDACTED]

Address PELHAM FARM BOTTOM HOUSE LEEK ST13 9GJ

(Block Capital please)

Your: Home Telephone Number .....

Mobile Telephone Number. [REDACTED]

Email Address . [REDACTED]

**Statement of Truth**

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE AND THE WARNING BELOW**

Your Signature [REDACTED]

Date: 23/12/27

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

**Information on this page of the Statement will be redacted and not made publically available**

**Protective Marking Scheme Level 3**

Kate Loader  
County Solicitor  
Staffordshire Legal Services  
Staffordshire County Council  
1 Staffordshire Place  
Tipping Street  
Stafford, ST16 2DH

DX 712320 Stafford 5  
Service: [legal.services@staffordshire.gov.uk](mailto:legal.services@staffordshire.gov.uk)  
Please ask for: Stephanie Clarkson  
Telephone: 01785 276292  
e-mail:  
[stephanie.clarkson@staffordshire.gov.uk](mailto:stephanie.clarkson@staffordshire.gov.uk)

**My Ref:** 008636DW

**Your Ref:**

**Date:** 12 September, 2023

Dear

**Wildlife and Countryside Act 1981 - Definitive Map and Statement  
S53 Application for the upgrade of Public Footpath 82, Mellow Lane, Ipstones Parish  
and upgrade of Public Bridleway 85 Ipstones Parish to that of a Restricted Byway**

In the course of investigating an application under Section 53 of the Wildlife and Countryside Act 1981 for the upgrade of PF82 (Mellow Lane) Ipstones to that of a Restricted Byway, evidence has also been discovered to suggest that Bridleway 85 could also potentially be upgraded to that of a Restricted Byway. A plan attached shows the current footpath and bridleway.

I understand that the bridleway passes over or runs adjacent to land which may be in your ownership. I should therefore be grateful if you would complete the enclosed questionnaire and return it to me by 23<sup>rd</sup> October 2023.

Under section 53B of the Wildlife and Countryside Act 1981 the County Council must keep a register of all applications made under section 53(5) of the Act. This register is available for public inspection and is kept in both paper and electronic format, with the latter being available on the Council's website.

Among the details which must be included are those of all the affected properties concerned. Accordingly, should your property be affected this information will be included on the register. This information does not include the name of any owner/occupier, only and merely shows the property details.

If you require any further information, please do not hesitate to contact me at the above address.

Yours sincerely,

*Stephanie Clarkson*

Stephanie Clarkson  
on behalf of Kate Loader, County Solicitor.  
SC5 / 008636DW



From: Landowner 5

To: Stephanie Clarkson, Legal Officer

Dated 23<sup>rd</sup> October 2023

---

Hi Stephanie,

Further to your recent letter regarding the above, I've attached the completed questionnaire. There are a few additional comments:

- I hope that you can read my handwriting - do let me know if I need to clarify anything. (It would have been easier to complete an electronic form).

- Pelham Farm is owned by myself ( [REDACTED] ) and [REDACTED]. We've received letters addressed to myself and [REDACTED] - I suspect that your information comes from the Land Registry [REDACTED] [REDACTED] [REDACTED] Also, our postcode is [REDACTED] as per your letter to Pelham Farm.

- I've looked on the Staffordshire County Council website and not been able to find any further details on the upgrade application to PF82 (Mellow Lane). Might you be able to send me a link?

- I've struggled a bit with your form as it seems to be geared to a new right of way rather than an upgrade in these circumstances.

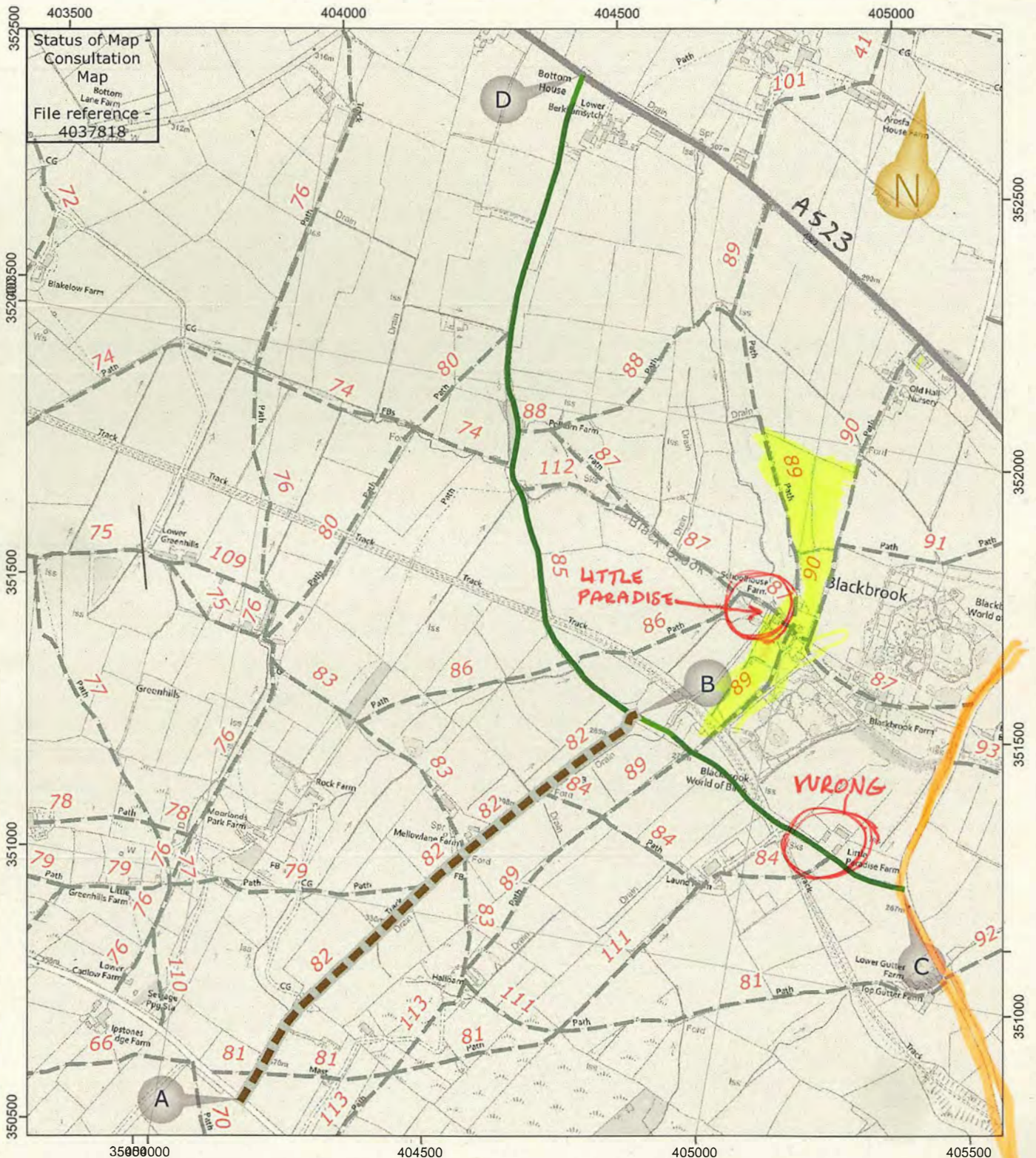
- In summary, we've owned Pelham Farm since 1994 and have regularly parked vehicles and machinery in the track, restricting access to vehicles, whilst allowing access for horses, bicycles and walkers. A locked gate was also in place across the track from 2008 to 2020 following a neighbour access dispute (where solicitors were involved). Access as a footpath and bridleway was preserved. As part of the neighbour dispute, he called out the council bridleway team to see that the track was blocked - the council official saw the locked gate and was happy with the gap that had been left to allow horse/ bicycle access (but no vehicles other than bicycles). This was in 2008 so records may no longer be available at the council to evidence this.

Hope that helps.

Kind regards

# Wildlife and Countryside Act 1981, Section 53A(2)(b)

Proposed upgrading of Footpath no.82 Ipstones Parish,  
to Restricted Byway.



Map created at the scale of 1:10,000  
(facsimiles may vary)

© Crown Copyright and database rights 2023  
Ordnance Survey AC0000849944. You are not  
permitted to copy, sub-license, distribute or  
sell any of this data to third parties in any form.  
Use of this data is subject to the terms and conditions  
shown at [www.staffordshire.gov.uk/maps](http://www.staffordshire.gov.uk/maps).  
Produced by Staffordshire County Council, 05/09/2023.

- Route of footpath to be regraded to Restricted Byway ( A - B )
- Footpaths unaffected by proposal
- Bridleway no.85 Ipstones Parish ( C - D )

Ellastone Road

**DECLARATION**

**Data Protection Act 1998**

Under the Data Protection Act the OMA has a duty to inform you about how your personal data will be handled. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person, other than where requested in questions 23 – 27. If you provide responses to those particular questions, the information will be redacted from public view.

This statement and the details contained therein will be considered by the OMA to establish whether a public right of way exists and, in signing it, you are acknowledging that it may be made publically available and published on Staffordshire County Council's website.

Please print your name here ... [redacted]  
Address [redacted]

(Block Capital please)

Your: Home Telephone Number .. [redacted]  
Mobile Telephone Number. [redacted]  
Email Address ..... [redacted]

**Statement of Truth**

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE AND I HAVE READ THE DECLARATION ABOVE AND THE WARNING BELOW**

Your Signature: [redacted]

Date: 30 September 2023

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

**Information on this page of the Statement will be redacted and not made publically available**

\* Please delete as appropriate

**Important Note**

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name (\*Mr/Mrs/Miss/Ms)  
(Block Capitals please)



**Guidance Notes on the completion of Public Rights of Way Evidence Forms**

1. As far as possible the owner/occupier should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Please answer all questions fully with as much detail as possible.
3. Please indicate on attached map the extent of your ownership/tenancy or other interest in the land affected by the alleged public right of way.
4. Please indicate whether you are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross-examination).
5. If a person would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
6. The information given on this form may become available for public inspection.

**PLEASE TAKE TIME TO ANSWER THE QUESTIONS CAREFULLY AND IN FULL**

1. Do you own or occupy or have any interest in any of the land affected by the proposal or adjacent to it?

~~\*YES/NO~~

If the answer is YES please answer questions 2 to 25 and indicate on the attached map the extent of your ownership or tenancy, or interest in the land.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers by completing question 22.

2. Have you received a Notice of Application for a Modification Order?

~~\*YES/NO~~ ?

3. Would you be willing to allow County Council officers to make a site inspection?

~~\*YES/NO~~

\* Please delete as appropriate

(a) Do you consider the route to be public?

\*YES/NO

(b) If YES what description best describes the route? (please delete those inappropriate)

~~(i) \*Footpath (i.e. for pedestrians only):~~

(85)

(ii) \*Bridleway (i.e. for horse riders, cyclists and pedestrians) YES, BUT USED AS

(iii) \*Byway open to all traffic (open to all traffic) ← (iii) FOR DECADES

5. Please indicate on the enclosed plan the extent of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route.

(IN YELLOW)

~~ALREADY TRIED BUT~~

~~NOT SURE -~~

~~MAP INNACURATE~~

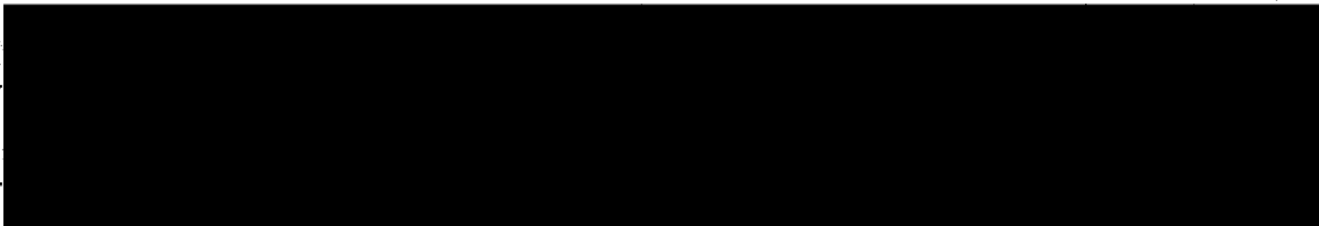
6. Please state the nature of your interest in the land over which the alleged public right of way is claimed.

Freehold (~~sole~~ joint owner) / tenant for life under the Settled Land Act / leasehold / employee / other - please specify

[If you are a tenant or licensee, please ensure you complete question 21].

7. Please give details and dates of ownership or occupation

PURCHASED [REDACTED] IN JUNE 1999.



8. What is the land used for? (i.e. grazing animals, growing crops etc.)

Has the use varied? And if so please give details of when and how

LEISURE ONLY - DOG WALKING

NO KNOWLEDGE OF USE PRE 1999

9. Are you aware of any right of way on the route applied for? If so, please give your reasons as to why you regard the way to be public or private?

NO IDEA BUT ALWAYS PRESUMED TO BE PUBLIC FOR ALL TRAFFIC.

(SOLICITOR INVESTIGATED THIS, WHEN WE PURCHASED.)

REFER TO ROUTE 85 C-B and B-A (82) ONLY.

10. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation? \*YES/NO

If yes, it may be helpful if you are able to provide copies and details

CAN'T FIND

11. Have you, or any previous owner/tenant of the land, ever erected any signs such as "Private", "Keep Out" or "Trespassers will be prosecuted" or similar signs on or near the alleged public right of way? ~~YES~~/NO

If YES please state:-

(a) When were these sign erected?.....

(b) What did these signs say?.....

(c) Are these signs still in place?.....

(d) Where are these signs located?.....

(e) How long were these signs in place?.....

(f) Did anyone respond/react to the notices/signs?.....

Please indicate location on attached map.

12. (a) Have you seen people using the way? \*YES/~~NO~~

(b) How were they using the way (ie foot, horse)? ..... FOOT, HORSE, VEHICLE .....

(c) Were they alone or accompanied. Please give details. (ie companions, rambling club, family, etc)? ..... NO IDEA - VARIED .....

(d) Were these people known to you? ..... NO., MOSTLY, EXCEPT NEIGHBOURING FARMS?

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc). ..... WALKERS VERY OCCASIONALLY, BUT 3 OTHER PROPERTIES USE VEHICLES DAILY FOR ACCESS

(f) How many other people, approximately, did you see on these occasions? ..... MAYBE 2 or 3 + DOGS.

(g) Please give any further details of other people's use of the way which you feel may be important. ....

SOME FIELDS RENTED TO OTHER FARMERS FOR GRAZING.  
NOT MINE' [REDACTED]



4. (a) Have there, to your knowledge, ever been any stiles on the way?  
 (b) Have there, to your knowledge, ever been any gates on the way.  
 (c) If YES, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.  
 (d) If any gates on the way were ever locked please state, how often, and known by whom? .....

\*YES/NO DONT KNOW  
 \*YES/NO " "

NOT TO MY KNOWLEDGE

Please mark on the attached plan the locations of the locked gates.

15. (a) Excluding locked gates, have you (or any previous owner or occupier) ever known of any other obstructions to the way?  
 (b) If YES, state :  
 (i) what type of obstruction was this? .....  
 (ii) When they were erected or removed? .....  
 (c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.  
 (d) If you have a private right of way how has this been exercised while the alleged public route has been obstructed.....

\*YES/NO

16. (a) Have you ever stopped or "turned back" anyone found using the route?

\*YES/NO BUT

If YES please give details

ONCE WHEN USING PATH 82 BECAUSE ROUTE 85 WAS BEING PARTIALLY TARMACKED, WE WERE QUESTIONED, BUT ALLOWED TO PASS. MAYBE THE OCCUPANTS OF MELLOW LANE FARM.

17. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way?

\*YES/NO

If YES please give full details .....

8. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980? ~~YES~~/NO

If YES, can you recall when?

.....  
.....

19. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the application route was not dedicated as a highway?

~~YES~~/NO

If YES, can you recall when?

.....  
.....

**NOTE** --- Section 31(1) of the Highways Act 1980 states that: --

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

20. Do you have any documents which show this as a private right of way or giving details of its closure?

\*YES/NO

If YES: --

(a) in what form is this?.....  
(i.e. maps, photos, deeds, etc. please attach a copy if possible)

(b) Would you be willing to make the original document available if necessary?

\*YES/NO N/A

21. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary?

\*YES/~~NO~~

22. Can you give any further information about the alleged route?  
(continue on a separate sheet of paper if necessary).

\*YES/NO

PLEASE NOTE THAT MY RESIDENCE [REDACTED] IS WRONGLY  
MARKED ON YOUR MAP. IT IS ACTUALLY SITUATED BETWEEN SCHOOLHOUSE  
FARM AND BLACKBROOK ZOOLOGICAL PARK [REDACTED]

\* I WAS UNDER THE IMPRESSION THAT MELLOW LANE — BRIDLEWAY 85 —  
CONTINUED FROM POINT C TO POINT A, VIA B. \* FROM POINT B, (N.W.)  
THE PATH 85 CROSSES AN IMPREGNABLE MARSH. IMPASSABLE,  
WITHOUT WADERS!

DONE

I DO NOT UNDERSTAND THE LOGIC BEHIND THIS APPLICATION.  
SURELY, ALL THE PATHS AND BRIDLEWAYS HAVE SUITED EVERYONE  
CONCERNED OVER SEVERAL DECADES. WHY CHANGE NOW?  
SO, ALL THINGS CONSIDERED, I OBJECT TO THE APPLICATION.

\* HENCE — MELLOW LANE FARM

I certify that, to the best of my knowledge and belief, the information I have given in this statement  
is true.

Signature [REDACTED]

Person taking this statement (if applicable).....

Date 30 September 2023

\* Please delete as appropriate

If you provide answers to any of the following questions, any personal details you provide will be redacted from public view. However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.

23. If you are a tenant or licensee of the land, please advise the name and address of your landlord.

.....  
.....  
.....

24. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who owns or occupies the land affected by the route? If so please give their contact details.

.....  
.....  
.....

25. It may assist your case if we are able to contact any previous owners of the land. Do you know the name / address of any previous owners or occupiers? (If applicable).

.....  
.....  
.....

26. In respect of question 8, please indicate the number of occurrences you have stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when / what frequency, etc.)

.....  
NEVER  
.....  
.....

27. Please give details of the identity of anyone you have given permission to and for what purpose, (e.g. for use on foot, horseback, driving a vehicle), together with their address if known.

- a) Was the permission given verbally, or in writing?
- In writing (please attach a copy)
  - Verbally (please state what was said)

N/A

.....  
.....

\* Please delete as appropriate