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My Ref: 4/BP/LR615G

Your Ref:

Date: 5 October 2009

Dear Debra

Re: Birchenshaw Lane/Grass Road, Wheaton Aston

I refer to your letter of 13 September which has been forwarded to me for a response.

I have checked with the Countryside and Rights of Way Group Leader who has confirmed that the route which is the subject of the section 53 application has no status and is not publicly maintainable.

When a section 53 application is made the legislation puts the responsibility on the applicant to notify every owner and occupier of land affected that the application has been made. The addresses of the effected properties are shown on the entry in the council's Modification Order register relating to this application, which can be viewed on the County Council's website at <http://www.staffordshire.gov.uk/environment/land/RightsofWay/applicationregister>. I would advise you that the County Council does not keep land ownership records (other than its own) so I am unable to shed any further light as to the matter of land ownership.

There is a legal maxim 'Once a highway, always a highway', so if a route is proven to be public highway it remains so, unless it has been legally stopped up at some point in the past (even if it may have been incorporated into an adjacent landowner's garden). Consequently, if a modification Order is made and confirmed and a route subsequently added as a public right of way to the Definitive Map and Statement that right of way would be required to be unobstructed and open for the public to use. There are powers in the Highways Act that may be used by an Authority for this purpose.

I note that you have been carrying out archive research relating to this matter, it may also be worthwhile looking at any relevant deposited old railway plans (if there are any for this area) held by the County Archives in Stafford, as these sometimes mention land ownership. The actual railways were not always built but these deposited plans sometimes assist in these cases.



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I hope that this information is of assistance to you.

Yours sincerely

for Director of Law and Governance