

In the matter of Rights of Way Investigation of land at: Toft Church Boundary with Windmill Wood

Statutory Declaration by Redacted (Second)

1. I am Redacted and I live at Redacted with my wife, Redacted
2. My date of birth is Redacted
3. I solemnly and sincerely declare as follows:
4. I make this Statutory Declaration regarding an application for a new right of way from the gate at Toft Church to the intersection with Toft FP4 on Windmill Wood (**'the Woodland'**) as created on a map by Cheshire East Council shown to me marked **'AP1a'** (**'Claimed Footpath'**). Note the Woodland covers the area marked **'B'** to **'C'**.

Previous Statutory Declaration

5. I make this Statutory Declaration to supplement my first Statutory Declaration dated 2 January 2024.

No Personal, Economic or Legal Interest

6. As stated in my first Statutory Declaration, it is important to note that I have no personal, economic, or legal interest in any of the Woodland. I do not have to make this Statutory Declaration *but am simply doing this as it is legally and morally the right thing to do.*

Maps Showing Location of Signage

7. I will set out in this section of my Statutory Declaration where signs:
 - i. are currently located in the Woodland (and have been so at some point covering the period 1998-2018); and
 - ii. where they have previously been (1998-2018) before they were stolen/vandalised.
8. For ease of use/reference, I have split the Woodland into two parts;
 - the **'bottom end'** of the Woodland below Toft FP4 which commences at Chelford Road (**"Chelford End"**); and

- the 'top end' which contains the disputed 'claimed footpath' – including the boundary above Toft FP4 (including Toft FP4 and both sides 'hugging' the boundary) and inclusive of Knutsford FP19 (and both sides 'hugging' the boundary) ("Toft End").

Chelford End

9. Attached, marked "AP.Chel.1" is a map showing where signs are **currently** placed and **have been in situ since at least 2018**.
10. For clarity, signs are numbered numerically and Cheshire East Public Footpath Yellow Discs ("Yellow Discs") are denoted by "Y1", "Y2" etc
11. Attached, marked "AP.Chel.photo.1" are photographs of the actual signs and yellow discs which correspond to the locations indicated in AP.Chel.1.
12. Attached, marked "AP.Chel.2" is a map showing where signs have been erected in the period 1998 – 2018 which were destroyed/stolen/vandalised.

Toft End

13. Attached, marked "AP.Toft.1" is a map showing where signs are **currently** placed and **have been in situ since at least 2018**.
14. For clarity, signs are numbered numerically and yellow discs are denoted by "Y1", "Y2" etc.
15. Attached, marked "AP.Toft.photo.1" are photographs of the actual signs and yellow discs which correspond to the locations indicated in AP.Toft.1
16. Attached, marked "AP.Toft.2" is a map showing where signs have been erected in the period 1998 – 2018 which were destroyed/stolen/vandalised.

Signs 1 and 4

17. I can date two of the signs currently in situ in the Toft End of the Woodland (Signs '1' and '4') have been in situ since 1994 given earlier evidence submitted by my wife, **Redacted**
18. In my wife's Statutory Declaration dated 2 January 2024, she 'exhibits' an article from the Knutsford Guardian dated 2 November 1994, in which she refers to signage being put up around the Woodland, much to the dismay of local dog walkers (who were trespasses). In the newspaper article is a picture of a sign that had been erected throughout the Woodland. We bought a considerable number of these 'one off' signs at the time and did not purchase any signs which were identical to these.
19. Accordingly, on the Map referred to above, I can state that the signs numbered '1' and '4' date back to 1994.

Locations of Signs along Claimed Footpath

20. On map, marked "AP.Toft.2" is numbered, '4', '5' and '6' which were the locations where signs have previously been in situ on the claimed footpath but have been stolen or vandalised.
21. In my first Statutory Declaration I referred at paragraph 35 to my proof of evidence at the Public Inquiry whereby I referred at the top of page 5 to the erection of 'Steel Signs'. The signs referred to at paragraph 20 above were some of those signs.
22. The remaining 'steel signs' were located at '3' on AP.Toft.2 and '1', '2' and '3' on AP.Chel.2.

Types of Signage

23. To reiterate my comments in my first Statutory Declaration, over time we used different signage throughout the Woodland.
24. Vandalism/theft of signage was worse 'away' from the established rights of way.
25. I tendered to use more homemade signs for signage that needed to be replaced more often, which invariably related to the positions of the established rights of way. This can be seen and is illustrated by photographs '1a' and '1b' in exhibit "AP.Chel.photo.1"

Consultation/Liaising With Cheshire East Council Footpath Section

26. Throughout my ownership of the Woodland I liaised with Cheshire East Council foot path section with regards directional 'poles', signage indicating to the public the rights of way and the installation of 'kissing gates' (to deter people using bicycles and horses).
27. I can recall that I extensively dealt with a gentleman called **Redacted** who visited the Woodland to walk around with me on several occasions.
28. On these meetings, I would make it clear that the woodland was private and had no intention of allowing the trespassers to use the wood. During this walk I pointed out the signs in situ at the time.
29. Throughout this time Cheshire East provided/agreed to:
 - directional poles - see AP. Chel.1/AP.Chel.photo.1 (marked YY1) and AP.Toft.1/AP.Toft.photo.1 (marked YY2-YY3);
 - kissing gate at Seven Sisters End of Toft FP4 - see AP.Toft.1/AP.Toft.photo.1 (marked YY3/Y7 and Y8);

- Yellow indication discs which are used put onto trees as indicators/guidance for public footpaths – see AP.Chel.1/AP.Chel.photo.1 (marked Y1-Y8) and AP.Toft.1/AP.Toft.photo.1 (marked Y1-Y8)
30. With regards the yellow discs indicated on AP.Chel.1 and AP.Toft.1 (and corresponding photographs) I can't be 100% sure when these actual discs where put on the trees. It was certainly some years ago. Yellow discs have been on the trees throughout the period 1998 – 2018. I would have to replace stolen/vandalised discs from time to time. On each occasion I would contact Cheshire East Council and they would send me additional yellow discs.
31. It defies common sense that I would have the meetings, put the rights of way 'poles', kissing gate and yellow discs on my land (including replacements) if I wasn't determined to protect my land and keep the public to their permitted legal routes.

Fencing and Pictures

32. I am aware that I could be criticised for not taking pictures of the erected signs during the claimed period or for failing to put up fencing to deter trespasses.
33. However, hindsight is a wonderful thing and fails to take into numerous nuanced points.
34. *With regards pictures, I had no idea that it would be advantageous to take a pictorial record of the signs erected. Why would I? I put signs up to deter people. I was not aware of some of the legal niceties.*
35. Today, cameras on phones were not a standard feature and not an everyday tool of life. It is only in recent years that they have become the norm. I am also **Re** years of age and am not an early adopter of technology.
36. With regards erecting fencing to keep trespasses out, fencing adjoining the wood owned by farmers/land owners (whether stock or wire) were constantly vandalized. Trespasses simply climbed over/vandalized in any event.
37. This is what would have happened if I erected fencing myself. The initial cost would have been prohibitive, and in any event would have to be continually repaired (at further cost). It just made no commercial or practical sense to do so.
38. It is only in recent years that fencing has become more robust in the form of steel 'anti vandal fencing'. However, its cost is extortionate. I understand the cost to the current owners of installing anti vandal fencing was approximately **Redacte** I would not have been able to afford this cost at any time in any event.

Gate – Windmill Wood adjoining land to Toft Church

39. As stated at paragraph 39 in my first Statutory Declaration, I would regularly close the gate when I was in that area of the Woodland.
40. It is difficult to state with certainty how often this would be. I suppose the best way to answer this would be to state that it all depends on how often I was in that area of the Woodland. Obviously, it would depend on what management/work I was carrying out on that part of the Woodland.
41. If I was there regularly then it would be more often, but at the same time, if I was working there for a sustained period on a 'project' then people would be aware of my presence and keep away.
42. It needs to be noted that the Gate was in existence way before I bought the Woodland. From Chelford Road to the Gate, this area was a service road/path. The gate was at the end of this and thus, its purpose was to allow access to/from the adjoining land. It worked for me as I would access the land adjoining when carrying out work from time to time. Thus, there was no reason to 'board up' that area until it was 'closed' by the Toft Estate in 2018.

Statutory Declarations of Redacted

43. I have read the Statutory Declarations of Redacted and can confirm their accuracy in so far as they relate to all things relating to/regarding the Woodland.

I declare that the content of this Statutory Declaration is true.

Signed: Redacted

Redacted

Declared before me, a solicitor, or person authorised by law to take oaths

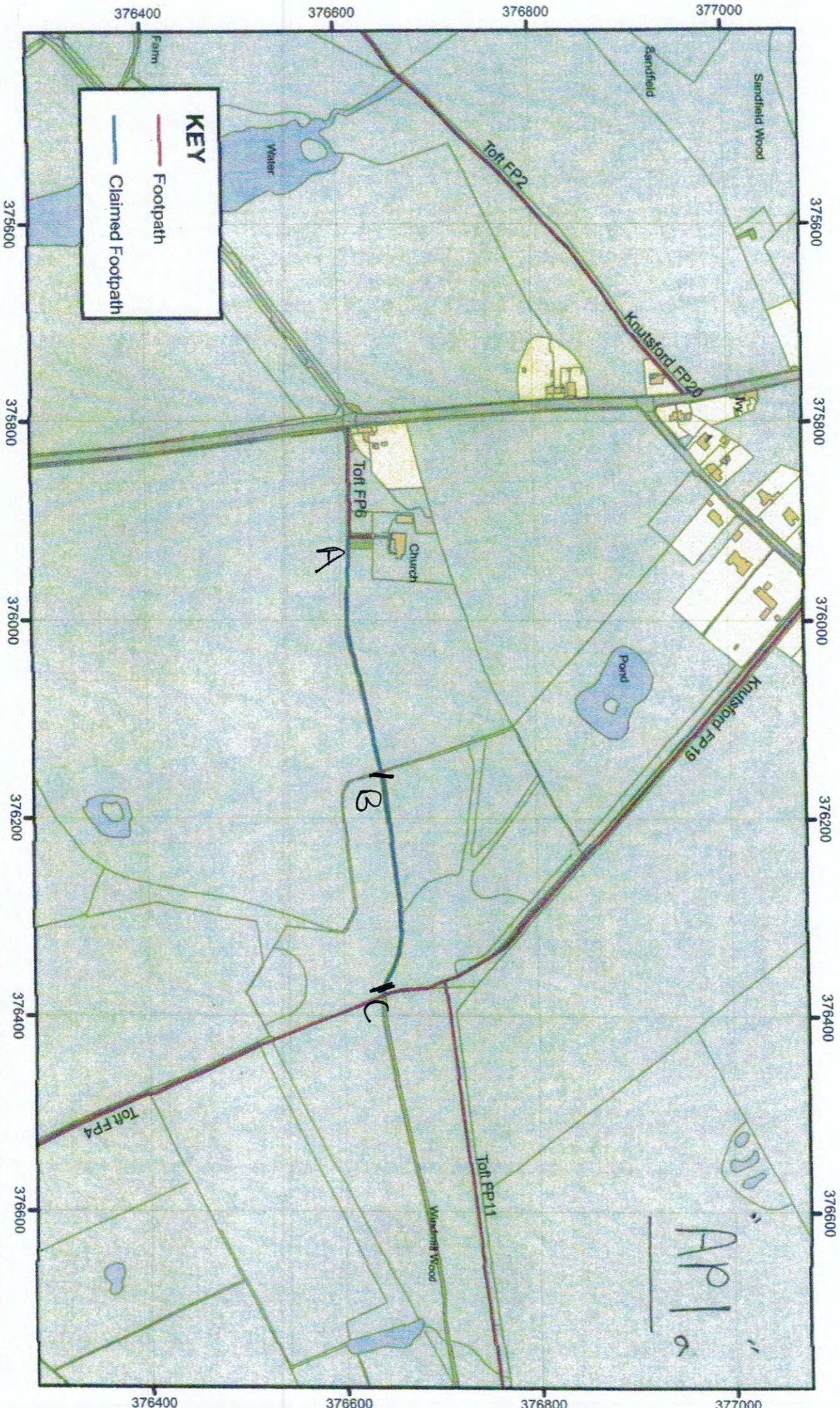
Redacted
Solicitor

this 2nd day April of 2024

at Northwich, Cheshire

Address of solicitor

Mosshaselhurst
SOLICITORS
2 Castle Street, Northwich
Cheshire CW8 1AB
TEL 01606 74301



Claimed Footpath from Toft FP 4, Toft Church to Toft FP 6, Windmill Wood, Toft



1:5,000

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This is a working copy of the definitive map and should not be used for legal purposes



"AR. Chel. 1"

376750

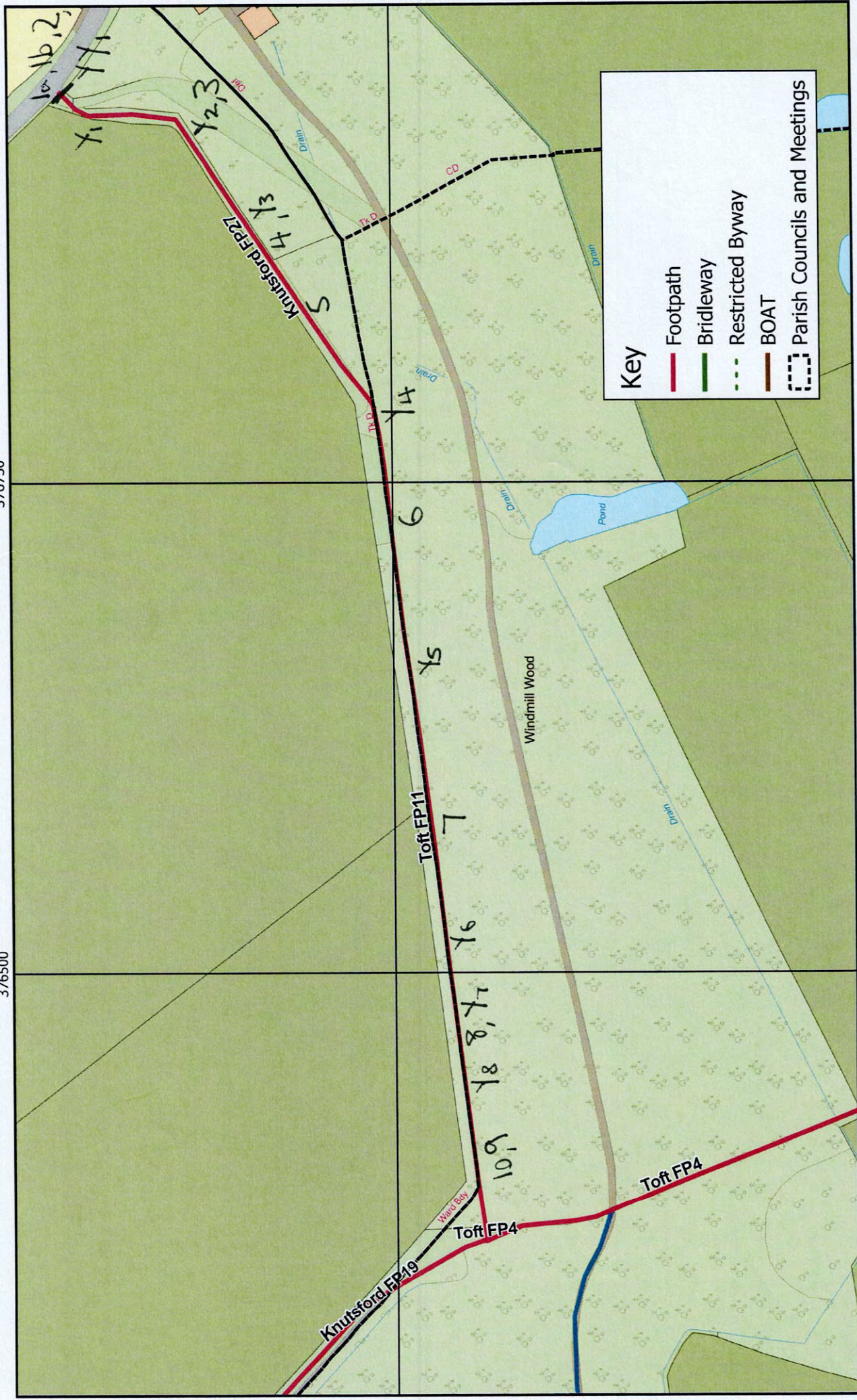
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Key

- Footpath
- Bridleway
- Restricted Byway
- BOAT
- Parish Councils and Meetings



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Toft FP11 & Knutsford FP 27

