

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

Statutory Declaration by Shaun Critchley

1. I am [REDACTED]
2. I am also a practicing solicitor of the Supreme Court of England and Wales.
3. [REDACTED]
4. I solemnly and sincerely declare as follows:
5. 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 as created on a map by Cheshire East Council shown to me marked 'AP1a' ('**Claimed Footpath**').

Windmill Wood ("the Woodland")

6. I live at 'Windmill Wood House' ("**our home**").
7. Our home was bought by my wife, [REDACTED] from Lockwood Homes (Mere) Limited ("**Lockwood**"). I understand that Lockwood bought this plot from (M) [REDACTED], who had sold them a 'parceled' area of the Woodland. I believe this is referred to in detail in the first Statutory Declaration of [REDACTED], dated 2 January 2024.
8. Our home is a house plus approximately five acres of Woodland. This is marked in blue on document '**AP2**'.
9. Our home adjoins the Woodland.

Ownership of the Woodland

10. On 23 August 2023, the Woodland was sold at auction by the previous owners, [REDACTED] to Windmill Wood Limited ("**WWL**") which is company ultimately owned/controlled by myself and my wife, Julie.
11. As earlier stated, I am a Director of **WWL**.

Reasons for this Statutory Declaration

12. I acknowledge that I am unable to 'add' anything regarding the use of the Woodland for the period 1998 to 2018. I am however, able to corroborate evidence supplied by witnesses regarding the signage in the Woodland, and address thefts, vandalism, threats and anti-social behaviour of a significant minority of the General Public on the Woodland.
13. In addition, I will address the conduct of Cheshire East Council when conducting this rights of way application.

Buying the Woodland

14. When the Woodland was put up for sale by the previous owners (by way of auction) in the summer of 2003, numerous purchasers were interested including entities keen to acquire the Woodland for commercial purposes.
15. In advance of the auction, I was contacted by the local parish council– Ollerton with Marthall ("OwM") – and was asked to purchase the Woodland. The Parish Council acting on OwM's behalf was [REDACTED] whose own home is near to the Woodland.
16. I was initially reluctant to do so, understanding the onerous responsibilities of owning and maintaining a large parcel of woodland. I was encouraged to do so by OwM, who were very concerned about commercial development of the Woodland by a third party purchaser.
17. I made it clear to OwM that I was only prepared to facilitate purchase of the Woodland and all of the necessary investment in it on the basis that it remained private land and the proprietary rights could be protected accordingly. That was well understood and agreed by OwM.
18. WWL was then incorporated and was successful in acquiring the Woodland. OwM's public statement made clear its support for our client and its proposed investment in the Woodland: Windmill Wood saved from development – Ollerton with Marthall Parish Council
19. Since the acquisition, WWL has invested considerable funds in plans to preserve and regenerate the Woodland as a site of complex but significant environmental importance.
20. Amongst our plans are revitalisation of the wetland area, coppicing, planting and pasture, as well as planned occasional access for wildlife watchers, schools, scouts, Girl Guides and other community groups.
21. Regrettably, the acquisition of the Woodland has proven (for no good reason) controversial.

Trespasses, Threats, Vandalism and Anti Social Behaviour

22. Prior to purchasing the Woodland, [REDACTED] asked us to tell people to leave the Woodland if we saw anyone trespassing on his land. We agreed.
23. Unfortunately, there were numerous trespasses on the Woodland. When either my wife or myself asked people to leave the Woodland This was generally met with abuse or excuses. The trespasses would ignore requests to leave and would continue to trespass and return on subsequent days.
24. Upon WWL purchasing the Woodland myself and my wife [REDACTED] spent a large amount of time on the Woodland and repeatedly asked people to leave the land.
25. We were repeatedly abused, threatened and had dogs set upon us.
26. We were told by trespasses that there was nothing that could be done to remove them as trespassing was a civil offence and that if we tried to get them off the land they would claim 'assault'.
27. When people did leave the land they would simply return.
28. We initially purchased 20 signs on 23 October 2023 to put around the Woodland.

Attached marked "SC1" is a copy of an order regarding the aforementioned signs.
29. The majority of signs were erected at the top end of the Woodland by the area of the Claimed Footpath. Most were destroyed, vandalised or stolen.

As an example I have attached marked "SC2" is a photograph of a 'new' sign damaged in the Woodland. This type of vandalism has occurred throughout the Woodland. You can also see an 'old' sign that was damaged days before (as a result of the start of fencing being erected).
30. We therefore ordered another 20 signs on 15 January 2024.

Attached marked "SC3" is a copy of an order regarding the aforementioned signs.
31. In autumn 2023 we decided that we would have no alternative to erect a fence stopping trespasses. Understanding the history of vandalism of previous fences erected upon the land and neighbouring landowners, we decided that the only way to truly protect the land was to erect vandal proof metal fencing (as opposed to 'stock' fencing).
32. As soon as the fencing was erected, we received threats personally and on social media. Some were death threats. Before the area was secure, and as result of the work on the fence, a workman's hut was broken into and vandalized.
33. Workmen have also been threatened.

34. We were told (as were workmen) that as soon as the Woodland fencing was finished that it would be damaged/torn down. Within hours of the work being completed, a section of the fencing was torn down, damaged and posts stolen. See photograph "SC2"
35. Given the nature of fencing, it would have taken a team of people to do this.
36. Thereafter, we put up temporary wooden fencing, but this has been vandalised several times.
37. Whilst repairing the fence recently, a member of the public threatened me and told me not to go out locally in Knutsford as I was a wanted man.
38. In addition there have been sinister 'WANTED' posters put up around Woodland and locally with face on it.
- Attached and marked "SC4" is a copy of a poster.
39. I will shortly be going to the police with a file containing appropriate evidence in relation to these matters.
40. The people trespassing, making the threats and carrying out this vandalism are not the disadvantaged in life. They are affluent middle class people who are 'entitled' and feel that they have a right to do what they want.
41. All of my experiences reflect the experiences of previous owners of the Woodland. Andrew Panayi and his wife set this out clearly in their first Statutory Declarations and indeed similar experiences referred to and accepted factually in the Inspectorate's report after the Public Inquiry ('Report') referred to and attached to [REDACTED] first Statutory Declaration.

Cheshire East's Consultant's Report

42. Cheshire East Council appointed an external consultancy, Birchill Access Consultancy ("Birchill") to investigate this PROW application and provide a report as to its merits. As a Director of WWL who are the current owner of the Woodland, I was rightly notified by 'Birchill' of their appointment and to make representations regarding the application.
43. On 13 October 2023 I sent an email to [REDACTED] of Birchill to request copies of the 16 Witness Statements and any other evidence submitted. On a subsequent telephone conversation with [REDACTED] I was informed that I would not be provided with any evidence as I was not entitled to it. She did ultimately send me an email with a spreadsheet illustrating a user profile.

Attached marked 'SC5' are emails that reflect the above.

44. I also notified [REDACTED] of Birchill that [REDACTED] of OwM would provide a witness statement to her to confirm that [REDACTED] took active steps to protect and deter people from trespassing on his land. I promised to provide Simon's contact details so she could speak to him.

Attached marked 'SC6' is a copy of the email I sent to [REDACTED] of Birchill.

45. Despite the provision of [REDACTED] details, he was **NOT** contacted nor was there any mention of him in Birchill's final report.

46. As a result of threats made to my family, [REDACTED] has confirmed that he will not assist in providing a statement as he fears for the safety of his family.

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

Signed: [REDACTED]
[REDACTED]

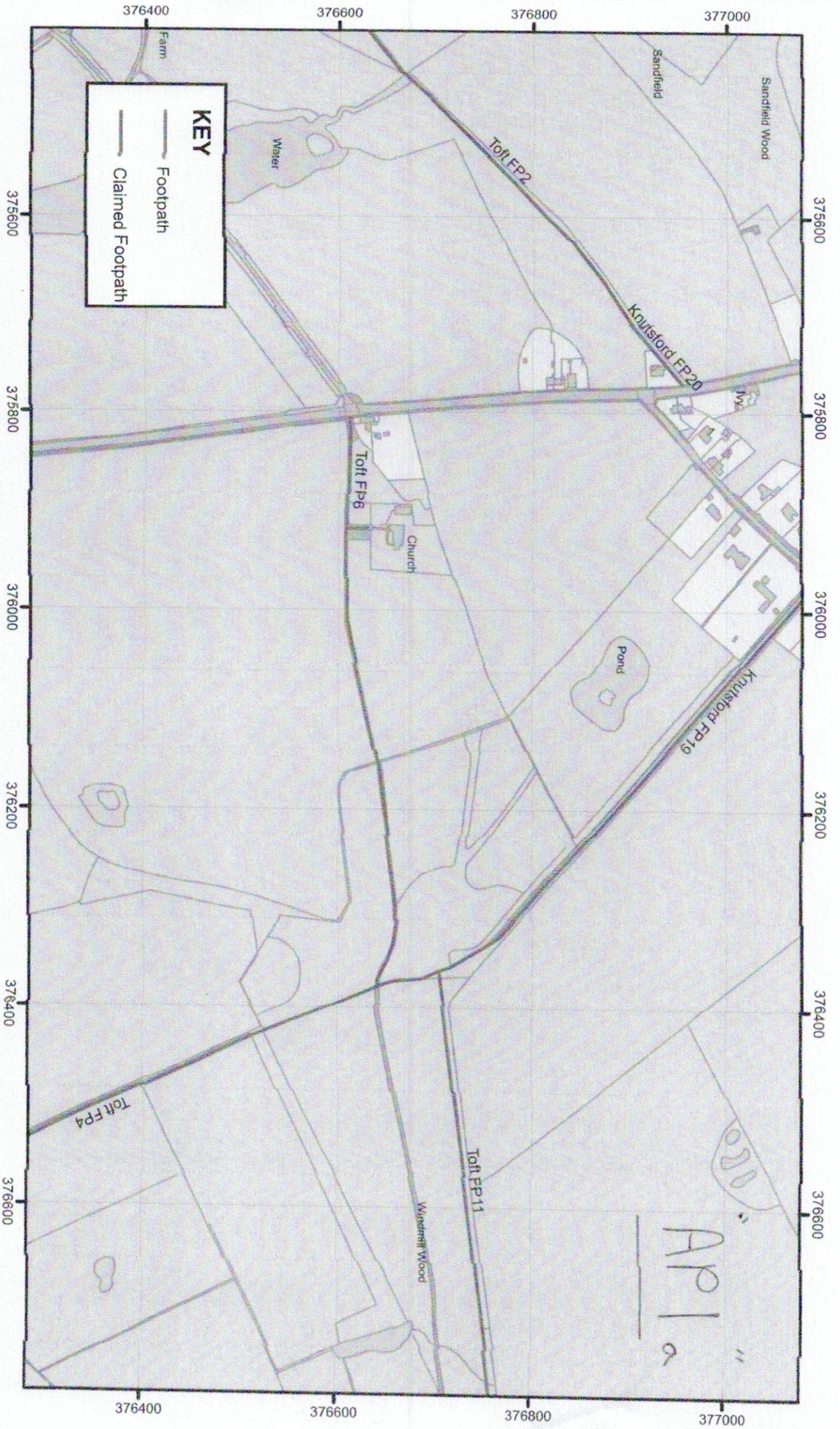
Declared before me, a solicitor, or
person authorised by law to take oaths

this 27th day of March 2024

at

Address of solicitor

[REDACTED]
PRIMAS LAW LIMITED
TOWER 12
SPRINGFIELD
MANCHESTER



1:5,000

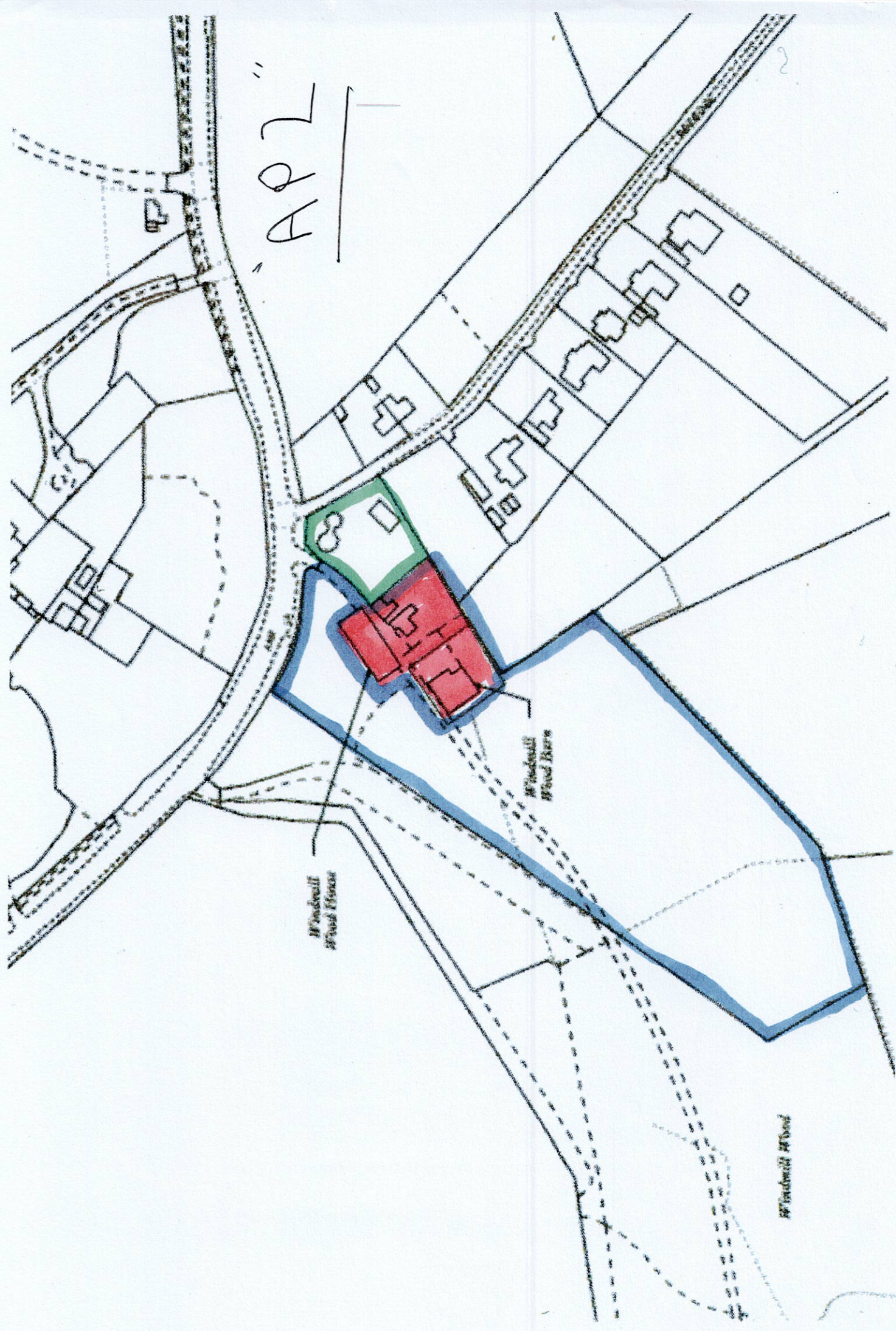
**Claimed Footpath from Toft FP 4, Toft Church to
Toft FP 6, Windmill Wood, Toft**

© Crown copyright and database rights 2019. Ordnance Survey 100049045.

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



APL



Windmill
Wood House

Windmill
Wood House

Windmill Wood

"SCI"

From: [REDACTED]
Sent: 27 March 2024 16:26
To: [REDACTED]
Subject: Fwd: Your order confirmation from The Sign Shed

Sent from my iPad

Begin forwarded message:

From: The Sign Shed <sales@thesignshed.co.uk>
Date: 23 October 2023 at 13:19:25 BST
To: [REDACTED]
Subject: Your order confirmation from The Sign Shed



ORDER SHED759934

Thank you for your purchase!

Hi [REDACTED] we're getting your order ready to be dispatched*. We will notify you when it has been sent.

If you selected to "Pay by Purchase order (pro-forma)", your order will be dispatched once payment has been received. For Sign Shed Account holders, schools, NHS, charities and local government bodies, your order will be dispatched within one working day.*

Your PDF invoice receipt will be generated and available to download in the email you'll receive, when your order is dispatched.

* Subject to artwork approval for custom signs requiring a proof

[View your order](#)

or [Visit our store](#)

Order summary



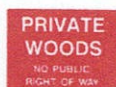
Private Woodland No Public Access Or Right Of Way Sign × 10

~~£109.20~~

400 x 300 mm / 3mm Recycled Plastic

£98.30

SF5PE18F (-£10.90)



Private Woods No Public Right Of Way Sign × 10

~~£109.20~~

400 x 300 mm / 3mm Recycled Plastic / Red

£98.30

SF5PE18F (-£10.90)

Subtotal	£196.60
Shipping	£0.00
GB VAT	£32.76

Total **£196.60 GBP**

You saved £21.80

Customer information

Shipping address

[Redacted]
[Redacted]

Billing address

[Redacted]
[Redacted]

[REDACTED]
United Kingdom

Shipping method

FREE DPD (1-2 days, order by 2.30pm
weekdays, Mon-Fri delivery, EXCLUDES
Scottish Highlands & Islands, IoW, IoM,
NI)

[REDACTED]
United Kingdom

Payment method

 Payment method

If you have any questions, reply to this email or contact us at sales@thesignshed.co.uk

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

"SC2"



"SC3"

[Redacted]

From: [Redacted]
Sent: 27 March 2024 16:26
To: [Redacted]
Subject: Fwd: Your order confirmation from The Sign Shed

Sent from my iPad

Begin forwarded message:

From: The Sign Shed <sales@thesignshed.co.uk>
Date: 15 January 2024 at 17:14:16 GMT
To: [Redacted]
Subject: Your order confirmation from The Sign Shed



ORDER SHED763191

Thank you for your purchase!

Hi [Redacted] we're getting your order ready to be dispatched*. We will notify you when it has been sent.

If you selected to "Pay by Purchase order (pro-forma)", your order will be dispatched once payment has been received. For Sign Shed Account holders, schools, NHS, charities and local government bodies, your order will be dispatched within one working day.*

Your PDF invoice receipt will be generated and available to download in the email you'll receive, when your order is dispatched.

* Subject to artwork approval for custom signs requiring a proof

[View your order](#)

or [Visit our store](#)

Order summary




Private Land No Public Access Or Right Of Way Sign x 10

~~£75.60~~

£68.02

A4 (297 x 210 mm) / 1mm Rigid Plastic / Red

 AW5SAA6K (-£7.58)




Private Woodland No Public Access Or Right Of Way Sign x 10

~~£125.00~~

£112.48

A4 (297 x 210 mm) / 3mm Composite Aluminium

 AW5SAA6K (-£12.52)

Subtotal	£180.50
Shipping	£0.00
GB VAT	£30.09

Total **£180.50 GBP**

You saved £20.10

Customer information

Shipping address

██████████
██████████

Billing address

██████████
██████████

[REDACTED]
United Kingdom

[REDACTED]
[REDACTED]
United Kingdom

Shipping method

FREE DPD (1-2 days, order by 2.30pm
weekdays, Mon-Fri delivery, EXCLUDES
Scottish Highlands & Islands, IoW, IoM,
NI)

Payment method

 Payment method

If you have any questions, reply to this email or contact us at sales@thesignshed.co.uk

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"SCS"

>
> On 13/10/2023, 13:32, [REDACTED]
> [REDACTED] >
> [REDACTED] >
> [REDACTED] > wrote:
>
>
> >
> >
> >
> I left a voicemail on your mobile yesterday but understand that you may
> be busy.
>
>
> Can you let me know when you will next be free to chat (i'm free other
> than Monday as i'm engaged all day)?
>
>
> In the meantime can you let me have a copy of the application, the 16
> witness statements to review and any other evidence submitted to date
> so
> that i can review and respond accordingly?
>
>
> regards
>
>
> [REDACTED]
>

"SC6"

----- Original Message -----

Subject: Re: Windmill Wood summary notes from 9th Nov

Date: 2023-11-30 09:09

From: [REDACTED]

To: Birchill Access Consultancy Ltd [REDACTED]

H [REDACTED]

thanks for the email. i'll review the document and get back to you shortly.

[REDACTED] is 'stretched' at the moment [REDACTED]
[REDACTED]
[REDACTED]

I'm currently going through some docs provided (and i'll be provided with some more next week when [REDACTED] has a break and returns home). thereafter i'll be working the woodland with [REDACTED]

I aim to get signed Stat Decs to you within the next 3 weeks.

In addition, can you contact a local parish Councilor who is also a neighbour? His name is [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]

[REDACTED] HOWEVER, he can/will say that they defended their land to the hilt and deterred trespassers. i think were they disagreed is the way they went about it.

[REDACTED]. he is aware of me passing details on to you and will be expecting your call [REDACTED]
[REDACTED]

regards

[REDACTED]