

From: [redacted]
Sent: 20 January 2015 10:28
To: [redacted]
Subject: 20150120-Academy_Place_rootpath_closure

In response to your e-mail of 18 Dec (see below), enquiring about the re-opening of the Academy Place FP, please see the response from the Station Staff Officer, RA Barracks, Woolwich.

Regards

Estate Surveyor
Land Management Services Asset Strategy and Portfolio

Defence Infrastructure Organisation

MOD to: [redacted]
Post Email: [redacted] Personal Email

Website: www.mod.uk/DIO

From: CVHQRA-SSO (C [redacted])
Sent: 20 January 2015 09:06
To: [redacted]
Cc: DIO [redacted]
Subject: RE: 20150120-Academy_Place_footpath_closure_cvhqra_sso-U

Apologies for delay I was waiting for the Stn Comd to return from leave/skiing before i replied.

DIO were initially asked to put in metal gates to prevent the public using it as a right of way. Unfortunately it was decided to put in wooden gates, these were subsequently vandalised and cannot be closed. The intention is for DIO to fix metal gates as originally requested. The gates would be kept closed (locked) during times (such as now) when the security state is heightened, the intention is to then open the gates at times to be decided when the security state reduces.

M [redacted] r | [redacted]
Mi [redacted] C e-mail [redacted]

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From: [redacted]
Sent: 15 January 2015 19:37

T: [redacted]
Cc: [redacted]
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U
Importance: High

Can I please have a response to my e-mail below especially as I understand there is an FOI request coming in shortly on this matter. Please inform the reason why the FP has been re-opened and if this is permanent?

I look forward to hearing from you as soon as possible.

Regards

[redacted]
Estate Surveyor
Land Management Services

Defence Infrastructure Organisation

MOD telephone: [redacted] **Telepho** [redacted]
Post En [redacted] **Personal Email** [redacted]

Website: www.mod.uk/DIO

From: [redacted]
Sent: 18 December 2014 12:09
To: [redacted]
Cc: [redacted]
Subject: FW: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Please see e-mail below from Greenwich Council.

I would be very surprised if the Academy Place FP has been re-opened, are you able to confirm this? and if so is this permanent?

Regards

[redacted]
Estate Surveyor
Land Management Services

Defence Infrastructure Organisation

MOD telephone [redacted] **Telepho** [redacted]
Post Email: [redacted] **Personal Email:** [redacted]

Website: www.mod.uk/DIO

From: F [mailto:Ri]
Sent: 18 December 2014 10:01
To: DIO ODC-LMS SE3a (t)
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Hi

I've just had this email from the resident who has been campaigning to get the path open again!!

I haven't been on site to confirm but are you aware that it has been re-opened and if so is it permanent?

Many thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From: DIO ODC-LMS SE3a (t) [mailto:Ri]
Sent: 12 November 2014 11:09
To: [mailto:Ri]
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Please see my attached letter re Academy Place footpath and I will put original in the post to you. I note you have referred to Artillery Place and believe this is an error.

I have not included reference to the letter on file dated 23 November 1994 of which you have a copy, which states *the Statutory Declarations lodged with the London Borough of Greenwich under Section 31 (6) of the Highways Act 1980 and can find no evidence of a public right of way existing along the path from Shooters Hill to Academy Place, or from Prince Imperial Road to Academy Place.* Please let me know if you consider reference to this would assist and I can add, or if you are happy as it is?

Regards

Estate Surveyor
Land Management Services

Defence Infrastructure Organisation

MOD telephone
Post Email

Telephone
Personal Email

Website: www.mod.uk/DIO

From: [r]
Sent: 06 November 2014 12:41
To:
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Hi

As discussed the other day would it be possible to send a letter saying something along the lines of that to the best of MoD's knowledge the plans submitted in 1978 (96A/74) identified that the path that lies between Artillery Place and Shooters Hill Road was not dedicated as highway and therefore negates the establishment of a public right of way over this path.

Thanks very much

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From:
Sent: 20 June 2014 18:19
To: 'DIO ODC-LMS SE3a'
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Hi

Sorry only just picked up your message.

I'm off for two weeks to the 7th July so I'll give you a call on my return.

Thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich





From: DIO ODC-LMS SE3a
Sent: 19 June 2014 16:40
To:
Subject: E: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

1.

Regards

Estate Surveyor
 Land Management Services

Defence Infrastructure Organisation

MOD telepho **Telepho** **Fa**
Post Email: Personal Email

Website: www.mod.uk/DIO

From:
Sent: 19 June 2014 11:05
To: DIO ODC-LMS SE3a
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

H.

Sorry to bother you but I'm being chased for confirmation about this. One of the former complainants was recently elected as a Councillor so I'd like to get this matter resolved before he also makes a further inquiry.

Many thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From
Sent: 10 June 2014 12:16
To: 'DIO ODC-LMS SE3
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Hi

I've just received another email from Mr Barbour about the footpath. Was your colleague able to make the declaration about the plans? If so we may be able to draw a line under this.

Many thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From
Sent: 31 March 2014 15:48
To:
Subject: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

I have located the case officer at the time, spoken with him and sent copies of the paperwork asking if he is prepared to make a further stat dec and hope to be able to contact you further on this matter at the end of this week.

Regards

AssocRICS
Estate Surveyor
Land Management Services

Defence Infrastructure Organisation

MOD telephone: Telephone Fax:
Post Email: Personal Email:

Website: www.mod.uk/DIO

From [redacted]
Sent: 21 March 2014 17:58
To
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Hi [redacted],

Sorry to chase about this but I have another resident complaining about this.

Any news re a declaration?

Many thanks

I
Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From [redacted]
Sent: 05 March 2014 16:21
Subject: E: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

I will track down and have a word with a colleague who still works in DIO who wrote the original letter date 24 May 2000 and appears to have sent a further copy of the plan 96A/74 to Greenwich Council on 16/08/2000, and see if he is prepared to do a written declaration and will come back to you.

For your information I am now away from work returning 12th March.

Regards

Estate Surveyor
Land Management Services

Defence Infrastructure Organisation

MOD telephone Telephone: Fax
Post E Personal Email:

Website: www.mod.uk/DIO

From: [mailto:...]
Sent: ...
T
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Hi

is still chasing about this. I haven't had any luck tracking down this plan so if MoD don't have a copy I don't think we're going to find it.

I need to draw a line under this one way or another and it seems that the crucial piece of missing information about this path never being intended to become public highway hangs on whether it was included on that missing plan. Since it's unlikely that it will re-emerge would it be possible for MoD to make a written declaration that it was included and there was no intention for Artillery Place to become public highway etc etc.

I've spoken very briefly to a colleague in legal who said that may be a solution but that it would need to be a few paragraphs to bulk it out and make it fairly substantial.

Whats your view? If this is ok would it be possible to send over a draft.

Many thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From: ...
Sent: 17 January 2014 16:33
Subject: E: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

I have had no luck in finding a copy of the original map number 96A/74 referred to. As mentioned it would appear a further copy was sent to the Council on 16/8/2000), and you have had no luck finding a copy either.

Regards

Estate Surveyor
Land Management Services.

Defence Infrastructure Organisation

MOD telepho
Post Email

Telephor

Fax

Personal Email

Website: www.mod.uk/DIO

From

Sent: 14 January 2014 17:30

To: DIO ODC-LMS SE

Subject: FW: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Hi

Have you had any luck with the missing plan as mentioned below (96A/74). Mr Barbour has contacted me again to see what the situation is.

Many thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



Fro

Sent: 12 December 2013 12:26

To:

Cc: HQ

Subject: FW: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

I received the following comments from our legal team. One of the main issues seems to be that the original plan, 96A/74, is missing. Also, later revisions of the plan show some differences (indicated in yellow on the attached) so it's hard to say that the original wasn't also different. Also, these two plans only show what additional ways have been added (i.e. none), not what was shown originally.

I've had a dig around here for 96A but had no luck. It's 35 years ago so I didn't hold any great hopes!! Is there any chance MoD have it?

With regard to [redacted] I have advised him that I have received some documents but needed time to review them. No other info has been supplied to him.

Thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



Sent: 05 December 2013 16:50

To:

Cc:

Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

H.



f
Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From: [Redacted]
Sent: 12 November 2013 09:52
To: [Redacted]
Cc: [Redacted]
Subject: 20131030-Academy_Place_footpath_closure_cvhgra_sso-U

Following our telephone conversation last week I have discussed the matter with [Redacted] and my comments are as follows;

As far as I am aware as a private landowner we legitimately closed the FP. The piece of land was used as a cut through by members of the general public for access to the College Campus at the bottom of Red Lion Lane and reversely for access to the school on Shooters Hill. College students were using the area as a recreation centre to meet and socialise. Rubbish was being dumped causing a nuisance and possible Environmental issue as food waste was also being left. The Metropolitan Police were informed of the issues concerning Academy Place and the ongoing problem was discussed at a meeting with them.

On behalf of MoD, DIO consulted with The Royal Borough of Greenwich and the following facts were established;

The FP is MoD Freehold private ownership.

The FP is not considered by the Council to be a Public Right of Way.

The FP is not registered on any list of Streets and not entered into the Road Register, the statutory list of roads within the Royal Borough of Greenwich.

The FP is not Highway maintained at public expense and the Council have no authority over this land.

The Royal Borough of Greenwich Highways Dept had no objection to the MoD closing the FP.

The FP is a Woolwich Garrison asset who are responsible for its maintenance.

There were no registered public rights covering this portion of land and we were not under any obligation to follow a formal process to enable this closure. However notice was posted for a period of just over five weeks prior to the closure to inform the public of our plans.

The Closure Notice was erected at the entrance to the FP adjoining number 9 Academy Place at the beginning of Jan 2013 providing just over five weeks prior notice of closure on 8th February 2013 and gave a contact number for further details. This informed and enabled any user of the FP to contact the MoD and raise concerns.

It was not until 8th July that we heard from Mr Barbour by way of an FOI request which was fully replied to on 25 July 2013.

We did not consider the closure to be an inconvenience to the public as a suitable alternative was available. I have measured the Ordnance Survey map to compare the distance of walking down the existing public FP adjoining the Highway of Red Lion Road or using the route across MoD land via Prince Imperial Road and Academy Place and the now closed FP adjoining number 9 Academy Place to Shooters Hill. The additional distance of using the existing public FP rather than cut across the MoD land is approximately 3 meters.

Your e-mail asks has any formal notification ever been lodged with the Royal Borough to the effect that there was no intention for this path to be a public right of way or is there any special status being MoD land?

There is a copy of a letter on file to Greenwich Council dated 23 November 1990 enclosing a Statutory Declaration dated 23 Nov 90 in respect of map number 96A/74 which was deposited with your council with supporting statement dated 20 February 1978 for MoD land at Woolwich Military Complex and Married Quarters under Section 34(6) of the Highways Act 1959. A revised map number 96B/74 was enclosed. (I do not have a copy of the original map number 96A/74 referred to, but it would appear a further copy was sent to the Council on 16/8/2000).

A letter dated 24 May 2000 enclosed a Statutory Declaration dated 11th May 2000 in respect of map numbered 96A/74 and referred to the supporting statements dated 20 Feb 1978. A revised map 96C/74 was enclosed. Greenwich Council acknowledged receipt by way of letter dated 13 August 2000.

I believe the actions above would have prevented any person or persons gaining prescriptive rights of public access, and I would be grateful if you could confirm this? I attach copies for your reference.

I would be grateful to receive a copy of your response to Mr Barbour.

Regards

AssocRICS

Estate Surveyor (London)
Land Management Services

Defence Infrastructure Organisation

A

MOD telephone
Post E

Telephone
Personal Email

Website: www.mod.uk/DIO

From: [redacted]
Sent: 30 October 2013 09:54
To: DIO ODC-LMS SE3a
Subject: FW: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Mr [redacted] | CVHL [redacted] | RA [redacted]
Civ: [redacted] | e-mail: [redacted]

From: [redacted]
Sent: 30 October 2013 09:43
To: [redacted]
Cc: DIO ODC-LMS SE3a
Subject: RE: Academy Place footpath closure

Hi,

Attached for info is the email setting out Mr Barbour's complaint about the closure of Academy Place footpath.

Can we discuss the situation before a reply is sent to Mr Barbour.

Many thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From: [redacted]
Sent: 30 October 2013 09:32
To: 'DIO Ops South-EMSEF'
Cc: DIO Ops South-LM:
Subject: RE: Academy Place footpath closure

I have received a further complaint about the closure of the footpath here. There is a claim that the path was a public right of way established because of continuous use over an extended period (30 years) and therefore it should not have been closed. Has any formal notification ever been lodged with the Royal Borough to the effect that there was no intention for this path to be a public right of way or is there any special status being MoD land?

Many thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From: DIO Ops South-EMSER1h1 [mailto:...]
Sent: 19 April 2013 14:50
To: CV: [...]
C: [...]
Subject: FW: Academy Place footpath closure

Can you please provide me with details concerning this request for information from Greenwich Council?

I am aware of the security issues surrounding anti-social behaviour around the MoD Army Estate at Academy Place, but am unclear of the exact details. I am aware that the Metropolitan Police were involved in discussions. Perhaps you can provide me with the relevant information so that I can back brief the Borough.

Regards

| Site Estate Team Leader Woolwich (North)|
| Defence Infrastructure Organisation |
Civ: 020 7 777 7777 | Fax: 020 7 777 7777 | Mobile: 07777 777777
Email: [...]@dio.mod.uk
Website: www.mod.uk/dio/



From: [...] [mailto:...] [ik]
Sent: 18 April 2013 14:48
To: [...]
Subject: FW: Academy Place footpath closure

Hi I,

Sorry to bother you but I've had a complaint about the closure of the footp: suggested
I contact you about a couple of bits of info I'd like to confirm.

I understand there were anti-social behaviour concerns about people using the path as a cut through but were there also any security concerns?

Also, has the path been closed before at any time and did the police support the permanent closure?

Many thanks and apologies again for bothering you.

**Principal Engineer
Greenwich Transportation**

<hr size=2 width="100%" align=center>

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Royal Borough of Greenwich can be contacted by telephone

Royal Borough of Greenwich - LGC Council Of The Year 2013

P135

From:
Sent: 18 December 2014 07:28
To:
Subject: Academy Place footpath

I'm delighted to see that the footpath from Academy Place to Shooters Hill is open again.

Can you advise me if the MOD took this action as a result of an instruction from the Royal Borough?

You may have forgotten that in my original letter to you I asked that the footpath and the adjoining lane from Academy Place to Bagshot Court be adopted under the Highways Act to prevent their future closure. Could you let me know what is happening in respect of that, please.

Thank you.

Sent from my iPhone 6



Defence
Infrastructure
Organisation

Ministry of Defence
Blandford House
Farnborough Road
ALDERSHOT
GU11 2HA

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich

Telephone : +4
Facsimile : +4
Mobile No:
E-mail: DIC

Our ref DE/SE/LON/516/2

Your Ref

13 November 2014

ACADEMY PLACE FOOTPATH, WOOLWICH

To the best of MoD's knowledge the plans submitted to Greenwich Council in 1978 (ref 96A/74) identified that the path that lies between Academy Place and Shooters Hill Road was not dedicated as highway and therefore negates the establishment of a public right of way over this path.

Yours sincerely

Estate Surveyor

L.

From:
Sent: 06 November 2014 12:41
To:
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

As discussed the other day would it be possible to send a letter saying something along the lines of that to the best of MoD's knowledge the plans submitted in 1978 (96A/74) identified that the path that lies between Artillery Place and Shooters Hill Road was not dedicated as highway and therefore negates the establishment of a public right of way over this path.

Thanks very much

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From:
Sent: 20 June 2014 18:19
To: 'L'
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Hi (

Sorry only just picked up your message.

I'm off for two weeks to the 7th July so I'll give you a call on my return.

Thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From: DIO OI
Sent: 19 June 2014 16:40

skrup
prahp

To:

Subject: E: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

1. The person I tracked down has at last responded that it is not his handwriting on the letter from your council dated 13 August 2000, the hand writing saying **Sent 16/8/2000** i.e. implying a further copy of plan 96A/74 had been sent to your council. I was hoping he would have confirmed it was him and provided a new stat dec to your council.
2. The Academy Place FP is within the boundary of The Woolwich Military Lands Byelaws of 1959 however although MoD can remove people if they are committing an offence under the byelaws, nothing in these Byelaws shall interfere with the lawful exercise by any person of any public right of way.
3. Although your legal section have commented on the MoD letter to the council from dated 23 November 1990 saying it is not conclusive, I believe the intention is clear, as the letter says he has inspected the Statutory Declarations lodged with the council (that would have included the plan 96A/74 deposited with your council with supporting statements dated 1978) and can find no evidence of a public right of way from Shooters Hill to Academy Place, and therefore in order for public access along these routes to be restricted as MoD see fit. His attached plan shows coloured red the Academy Place FP, confirming at the time, and subsequently by way of later stat decs, that there was no intention to grant public right of way over Academy Place FP, nor any other land within that edged red.

Regards

Estate Surveyor
Land Management Services

Defence Infrastructure Organisation

MOD telephone: | Telephone: | Fa
Post Email: | Personal Email: |

Website: www.mod.uk/DIO

From:]
Sent: 15 June 2014 11:11
To: I
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Hi

Sorry to bother you but I'm being chased for confirmation about this. One of the former complainants was recently elected as a Councillor so I'd like to get this matter resolved before he also makes a further inquiry.

07/11/2014

anks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



Woolwich Centre

From:

Sent: 10 June 2014 12:16

To: 'DIO ODC-LMS SE3'

Subject: RE: 20131030-Academy_Place_footpath_closure_cvhgra_sso-U

H

I've just received another email from Mr Barbour about the footpath. Was your colleague able to make the declaration about the plans? If so we may be able to draw a line under this.

Many thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From:

Sent: 31 March 2014 15:10

Subject: 20131030-Academy_Place_footpath_closure_cvhgra_sso-U

I have located the case officer at the time, spoken with him and sent copies of the paperwork asking if he is prepared to make a further stat dec and hope to be able to contact you further on this matter at the end of this week.

Regards

Estate Surveyor
Land Management Services

Defence Infrastructure Organisation

House, Far
MOD telephone: 9
DIO

MOD telephor Telephone: 9 | Fax: 9
Post Email: Personal Email:

Website: www.mod.uk/DIO

From
Sent: 21 March 2014 17:58
To: DIO ODC-LMS SE
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhgra_sso-U

Sorry to chase about this but I have another resident complaining about this.

Any news re a declaration?

Many thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich

27 W... St Woolwich...

From: E
Sent: 23 March 2014 16:21
Subject: E: 20131030-Academy_Place_footpath_closure_cvhgra_sso-U

I will track down and have a word with a colleague who still works in DIO who wrote the original letter date 24 May 2000 and appears to have sent a further copy of the plan 96A/74 to Greenwich Council on 16/08/2000, and see if he is prepared to do a written declaration and will come back to you.

For your information I am now away from work returning 12th March.

Regards

AssocRICS
Estate Surveyor
Land Management Services

Defence Infrastructure Organisation

MOD telep' | Telephc | Fax:
Post Email: | Personal Email:

Website: www.mod.uk/DIO

From
Sent: 05 March 2014 11:52
To:
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Hi (

is still chasing about this. I haven't had any luck tracking down this plan so if MoD don't have a copy I don't think we're going to find it.

I need to draw a line under this one way or another and it seems that the crucial piece of missing information about this path never being intended to become public highway hangs on whether it was included on that missing plan. Since it's unlikely that it will re-emerge would it be possible for MoD to make a written declaration that it was included and there was no intention for Artillery Place to become public highway etc etc.

I've spoken very briefly to a colleague in legal who said that may be a solution but that it would need to be a few paragraphs to bulk it out and make it fairly substantial.

Whats your view? If this is ok would it be possible to send over a draft.



Many thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich

ⓧ

From
Sent: 17 January 2014 16:33
To
Subject: E: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

I have had no luck in finding a copy of the original map number 96A/74 referred to. As mentioned it would appear a further copy was sent to the Council on 16/8/2000), and you have had no luck finding a copy either.

Regards

dig around
y chance MoD
regard to Mr P
new them.
Tha...

AssocRICS
Estate Surveyor
Land Management Services

Defence Infrastructure Organisation

MOD telephone | **Telephone** | **Fax:**
Post Email | **Personal Email:**

Website: www.mod.uk/DIO

From:
Sent: 14 January 2014 17:30
To:
Subject: FW: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Hi

Have you had any luck with the missing plan as mentioned below (96A/74). Mr Barbour has contacted me again to see what the situation is.

Many thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From:
Sent: 12 December 2013 12:26
To:
Cc:
Subject: rfw: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Hi

I received the following comments from our legal team. One of the main issues seems to be that the original plan, 96A/74, is missing. Also, later revisions of the plan show some differences (indicated in yellow on the attached) so it's hard to say that the original wasn't also different. Also, these two plans only show what additional ways have been added (i.e. none), not what was shown originally.

had a dig around here for 96A but had no luck. It's 35 years ago so I didn't hold any great hopes!! Is there any chance MoD have it?

With regard to have advised him that I have received some documents but needed time to review them. No other info has been supplied to him..

Thanks

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From: :
Sent: 05 December 2013 16:50
To:
Cc: E
Subject: RE: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

this issue over closure and the status of the "footpath" of Shooters Hill leading to Academy Place on MOD land has arisen before.

It is a question of whether the footpath has acquired the status of a public right of way by statutory presumption of deemed dedication because (*other than of a way of such character that use of it could not give rise at common law to any presumption of dedication) it has been used and enjoyed by the public "as of right" and without interruption for a full period of 20 years unless there is no evidence that there was no intention to dedicate it as such by the landowner. (Section 31 Highways Act 1980).

The 20 year period is calculated retrospectively from the date when the public right to use the way is bough into question, i.e. its closure by the MOD)

(*it is not made clear in the Act what kinds of ways should be of such a character that use by the public could not give rise to any presumption of dedication at common law, but this could be relied on by the MOD for security purposes)

This deemed presumption may be overturned if there is evidence of action taken by the landowner that there was no intention to dedicate including the following actions which will be sufficient evidence to negative the intention to dedicate the way as a public highway.

- i) If he has erected and maintained a notice which is visible to the public using the way which is inconsistent with any intention to dedicate,
- ii) If this is torn down or defaced a notice is given to the Council that the way is not dedicated as s highway;

Also a landowner may deposit with the Council a notice, scaled map and a statement indicating what ways he admits to having dedicated as public highways and within 10 years of the first deposit, a statutory declaration that no additional way over the land indicated on the map has been dedicated as a public highway since the date of first deposit. In the absence of

seemed dedication un-
should be asked to provide det-
provide such proof. If this is not pro-

proof of a contrary intention this is sufficient evidence to negative an intention of the owner to dedicate any such additional way as a public highway.

To meet the requirement that use of the footpath must have been "as of right" without interruption for a full period of 20 years, it must have been used without the permission of the landowner (a licence or permission even implied permission negatives use as of right), without force or secrecy. So it depends on the facts and evidence of the claimed use as a public right of way.

The MOD

The MOD state in the email of 12/11/2013 that the footpath is within its freehold private ownership, is not considered to be or registered as a public footpath by the Council on its statutory list of highways in the Royal Borough. (it probably would not be registered as only maintained, non-maintained and housing estate roads are included on the statutory map and the Council does not have an adopted Definitive map of footpaths). Therefore they have no obligation to close the footpath by formal process, although they erected a closure notice at the entrance to the footpath at the beginning of January this year giving 5 weeks prior notice of closure. (this may imply that the MOD gave permission for the public to use the footpath and was just being considerate to users of the footpath by erecting a notice and temporarily withdrawing that permission).

The MOD deposited with the Council :

- i) map no. 96A/74 and supporting statement dated 20/2/1978 in respect of MOD land at Woolwich Military site and married quarters;
- ii) statutory declaration on 23/11/1990 with a revised map no. 96B/74 in accordance with s.31(6) of the Highways Act 1990, to the effect that no additional way over the land delineated in the deposited map 96B/74 has been dedicated as a highway since 20/2/1978 the date of the previous declaration.
- iii) further statutory declaration dated 11/5/2000 deposited in respect of map 96A/74 and a further revised map 96C/74 (acknowledged by the Council 13/8/2000), in accordance with s.31(6) of the Highways Act 1990, to the effect that no additional way over the land delineated in the deposited map 96c/74 has been dedicated as a highway since 23/11/1990 the date of the previous declaration.

Review of these documents.

As the Council does not have the deposited map 96A/74, accompanying statement and statutory declaration, which may have indicated what ways were admitted as being dedicated as public rights of way, (Highways dept. only has the two later maps and statutory declarations that no additional ways had been dedicated since 1978. Therefore without this map it is not possible to determine conclusively whether the path has not been dedicated as such. The two subsequently deposited maps and statutory declarations do not assist at all as they only serve to indicate that no additional ways have been dedicated. However the letter dated 23/11/94 to Major HQ Woolwich Garrison confirming that he inspected the statutory declarations deposited with the Council under s.31(6) of the Highways Act 1980 (which ones?) and could find no evidence of the existence of a public right of way from Shooters Hill to Academy Place or from Prince Imperial Road to Academy Place. This is not conclusive either.

Conclusion

The evidence and information provided is not conclusive so as to negative any intention of the MOD's to dedicate informally or formally the footpath as a public highway.

Although the footpath appears to have been used for a long period by the public and is claimed by one of the complainants that it has been used for more than 30 years, there are as yet no facts or evidence that support that the footpath has been used and enjoyed by the public "as of right" (i.e. without the MOD's express or implied permission or licence, openly, without force) and without interruption or a full period of 20 years, for a presumed deemed dedication as a public right of way.

I can only suggest that the MOD is requested to re-provide the missing map 96A/74 and statement regarding what, if any, ways were admitted to be dedicated by the MOD at the site. If the Mod as landowner is relying on this action then it is for it

provide such proof. If this is not provided, or if provided, it is inconclusive and the issue escalates then the complainants should be asked to provide detailed statements from users of the path as to meet the requirements for presumption of deemed dedication under s.31 Highways Act 1980.

From: |
Sent: 04 December 2013 14:28
To: |
Subject: FW: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

We have a bit of an issue regarding the closure of a footpath off Shooters Hill Rd which leads to Academy Place (Shown green on the map below).

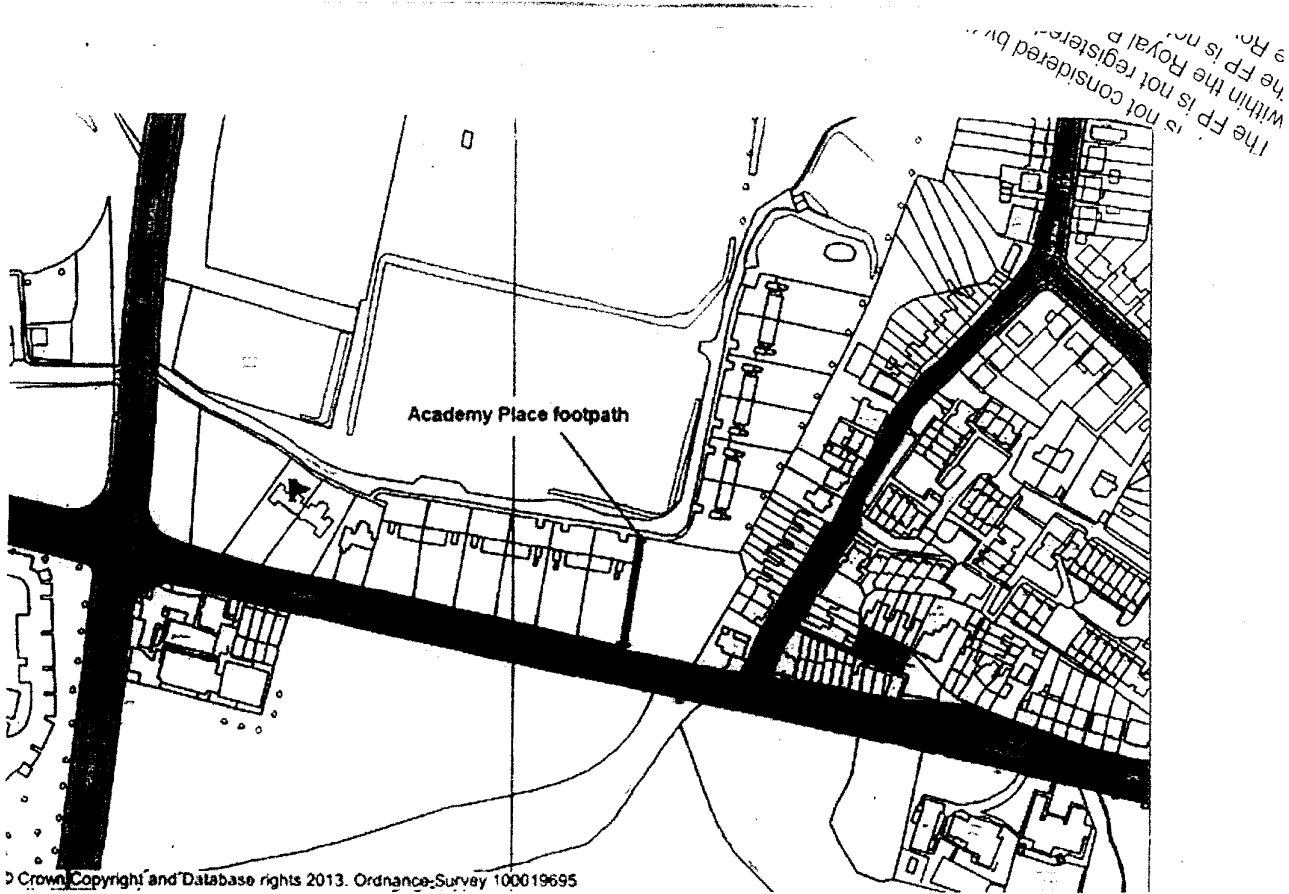
Basically the path is on MoD land, it is not adopted and MoD have closed it earlier this year following complaints about littering, school children congregating there etc. etc.

Apparently they did contact us about the closure and we didn't object to it at the time and it was subsequently closed. We have since received a few complaints about the closure and loss of amenity and one of the complainants is claiming that he has been using the path for more than 30 years and therefore a public right of way has been established.

Looking at the Highways Act there would appear to be a right of way established where continuous use has been possible for 20 years unless the land owner has specifically registered the land as not being dedicated, although used by the public. MoD have forwarded me a number of historical documents (attached) which they believe supports their position that the path is not dedicated as a public right of way.

Could you have a look at the attached files and let me know what you think.

Thanks very much



Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From: [Redacted]
Sent: 17 November 2013 09:52
To: [Redacted]
Cc: [Redacted]
Subject: 20131030-Academy_Place_footpath_closure_cvhqra_sso-U

Following our telephone conversation last week I have discussed the matter with [Redacted] and my comments are as follows;

As far as I am aware as a private landowner we legitimately closed the FP. The piece of land was used as a cut through by members of the general public for access to the College Campus at the bottom of Red Lion Lane and reversely for access to the school on Shooters Hill. College students were using the area as a recreation centre to meet and socialise. Rubbish was being dumped causing a nuisance and possible Environmental issue as food waste was also being left. The Metropolitan Police were informed of the issues concerning Academy Place and the ongoing problem was discussed at a meeting with them.

On behalf of MoD, DIO consulted with The Royal Borough of Greenwich and the following facts were established;
The FP is MoD Freehold private ownership.

07/11/13



The FP is not considered by the Council to be a Public Right of Way.
 The FP is not registered on any list of Streets and not entered into the Road Register, the statutory list of roads within the Royal Borough of Greenwich.
 The FP is not Highway maintained at public expense and the Council have no authority over this land.
 The Royal Borough of Greenwich Highways Dept had no objection to the MoD closing the FP.
 The FP is a Woolwich Garrison asset who are responsible for its maintenance.

There were no registered public rights covering this portion of land and we were not under any obligation to follow a formal process to enable this closure. However notice was posted for a period of just over five weeks prior to the closure to inform the public of our plans.
 The Closure Notice was erected at the entrance to the FP adjoining number 9 Academy Place at the beginning of Jan 2013 providing just over five weeks prior notice of closure on 8th February 2013 and gave a contact number for further details. This informed and enabled any user of the FP to contact the MoD and raise concerns.

It was not until 8th July that we heard from [redacted] by way of an FOI request which was fully replied to on 25 July 2013.

We did not consider the closure to be an inconvenience to the public as a suitable alternative was available. I have measured the Ordnance Survey map to compare the distance of walking down the existing public FP adjoining the Highway of Red Lion Road or using the route across MoD land via Prince Imperial Road and Academy Place and the now closed FP adjoining number 9 Academy Place to Shooters Hill. The additional distance of using the existing public FP rather than cut across the MoD land is approximately 3 meters.

Your e-mail to [redacted] asks has any formal notification ever been lodged with the Royal Borough to the effect that there was no intention for this path to be a public right of way or is there any special status being MoD land?

There is a copy of a letter on file to Greenwich Council dated 23 November 1990 enclosing a Statutory Declaration dated 23 Nov 90 in respect of map number 96A/74 which was deposited with your council with supporting statement dated 20 February 1978 for MoD land at Woolwich Military Complex and Married Quarters under Section 34(6) of the Highways Act 1959. A revised map number 96B/74 was enclosed. (I do not have a copy of the original map number 96A/74 referred to, but it would appear a further copy was sent to the Council on 16/8/2000).

A letter dated 24 May 2000 enclosed a Statutory Declaration dated 11th May 2000 in respect of map numbered 96A/74 and referred to the supporting statements dated 20 Feb 1978. A revised map 96C/74 was enclosed. Greenwich Council acknowledged receipt by way of letter dated 13 August 2000.

I believe the actions above would have prevented any person or persons gaining prescriptive rights of public access, and I would be grateful if you could confirm this? I attach copies for your reference.

I would be grateful to receive a copy of your response to Mr Barbour.

Regards

Estate Surveyor (London)
 Land Management Services

Defence Infrastructure Organisation

MOD telephone [redacted] Telephone: [redacted] Fax: [redacted]
 Post Email: [redacted] Personal Email: [redacted]

Website: www.mod.uk/DIO

Principal Engineer
Strategic Transportation
Royal Borough of Greenwich



From
Sent: 19 April 2013 14:50
To
C ; DIO Ops South-LMS
Subject: FW: Academy Place footpath closure

Can you please provide me with details concerning this request for information from Greenwich Council?

I am aware of the security issues surrounding anti-social behaviour around the MoD Army Estate at Academy Place, but am unclear of the exact details. I am aware that the Metropolitan Police were involved in discussions. Perhaps you can provide me with the relevant information so that I can back brief the Borough.

Regards

Site Estate Team Leader Woolwich (North)
Defence Infrastructure Organisation |

Civ: | Mil: | Fax: | Mobile:
Email: |
Website: www.mod.uk/dio/



Defence Infrastructure Organisation

From
Sent: 18 April 2013 14:48
To:
Subject: FW: Academy Place footpath closure

H

Sorry to bother you but I've had a complaint about the closure of the footpath suggested I contact you about a couple of bits of info I'd like to confirm.

I understand there were anti-social behaviour concerns about people using the path as a cut through but were there also any security concerns?

Also, has the path been closed before at any time and did the police support the permanent closure?

Many thanks and apologies again for bothering you.

This message is for
confidentiality

**Principal Engineer
Greenwich Transportation
020 8921 5580**

<hr size=2 width="100%" align=center>

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DK/GV.
189b



phone
facsimile
email

Strategic Planning

To **Defence Estates**

Our Ref **GSP/GT/EPG/DA/QEH S.31(6) Deposit Map
DE/LON/168/0/0**
Your Ref
Date **13th August 2000**

Dear Sirs,

RE: Statutory Declaration Acknowledgement - Section 31(6) Highways Act 1980

Further to your letter dated 1st June 2000 regarding the above, I acknowledge receipt of the Statutory Declaration and the revised map numbered 96C/74 enclosed therewith.

I apologise for the delay in sending forth the acknowledgement as requested, which has been due to an effort on the Council's part to trace the previously deposited maps numbered 96A/74 and 96B/74 dated 20th February 1978 and 23rd November 1990 respectively; which were referred to recent declaration dated 11th May 2000.

To date, our efforts remain unsuccessful in tracing the former maps. I should be grateful if you could kindly provide me with other copies of the said maps; or otherwise advise me if they are not within your reach.

I look forward to receiving your response on this matter.

Yours faithfully,

sent
16/8/2000

Engineering Projects Group
Greenwich Transportation

Director of Strategic Planning

the millennium borough



DEFENCE ESTATES
Delivering Estate Solutions to Defence Needs

London

Telephone: 020 7546 1111
Facsimile: 020 7546 1111



Your Reference :

The Chief Executive

Our Reference

DE/LON/168/0/0

Date 24th May 2000

RECORDED DELIVERY

Dear Sir,

SECTION 31(6) – THE HIGHWAYS ACT 1980

- 1) I enclose herewith one Statutory Declaration dated 11th May 2000 in respect of map numbered 96A/74 which was deposited with your Council with supporting statements dated 20th February 1978 and a map numbered 96B/74 deposited on 23rd November 1990 for Ministry of Defence land at Woolwich Military Complex & Married Quarters, under Section 34(6) of the Highways Act 1959.
- 2) A revised map numbered 96C/74 is enclosed herewith.
- 3) Will you kindly acknowledge receipt of the enclosed Statutory Declaration and revised map numbered 96C/74.

Yours faithfully

Defence Estates, London

HIGHWAYS ACT 1980 Section 31(6)

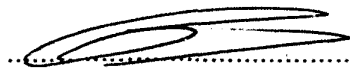
I, _____, Defence Estates, London, for and on behalf of the SECRETARY OF STATE FOR DEFENCE, and acting under the authority conferred upon me by the said Secretary of State DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. The Secretary of State for Defence on the 20th day of February 1978 & the 23rd day of November 1990 in accordance with Section 34(6) of the Highways Act 1959 caused to be deposited with the London Borough of Greenwich Council maps numbered 96A/74 & 96B/74 of a certain Establishment vested in the Secretary of State within the area administered by such Council together with a statement indicating what ways over that land were admitted by the Secretary of State to have been dedicated as highways.

2. In accordance with Section 31(6) of the Highways Act 1980 no additional way over the land delineated on the map so deposited with the London Borough of Greenwich Council which is still vested in the Secretary of State as shown by red edging on the attached map numbered 96C/74 has been dedicated as a highway since 23rd November 1990 being the date of a previous Declaration in accordance with the said section of the 1959 Act.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

DECLARED at
DE LONDON
MINISTRY OF DEFENCE
ROOM 5.1.1.2


For and on behalf of
THE SECRETARY OF STATE FOR DEFENCE

This 11th day of July 2000

Before me,

A Commissioner for Oaths

Woolwich Garrison

O.S. Grid Ref TQ 47

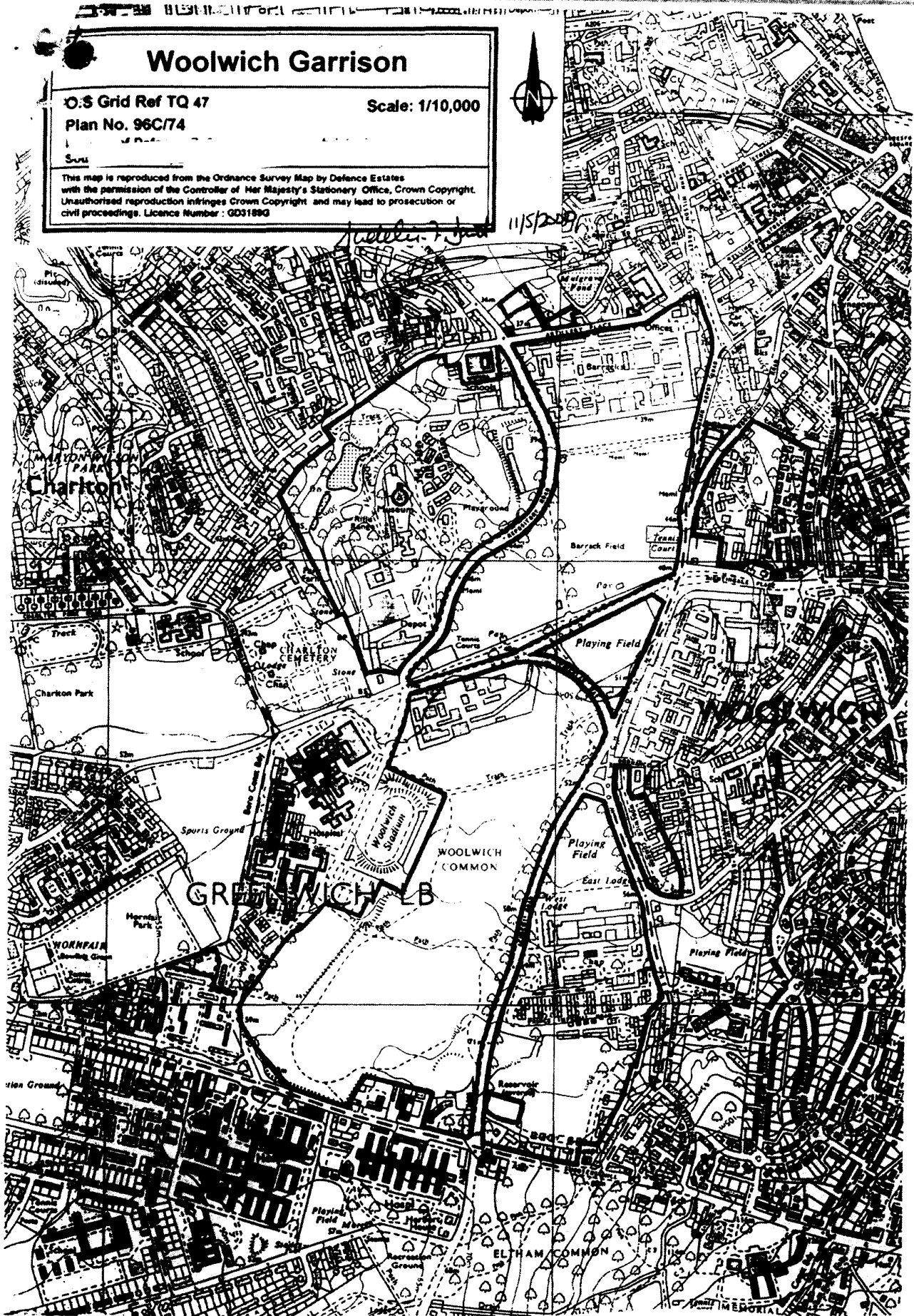
Scale: 1/10,000

Plan No. 96C/74



Scale

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**Ministry of Defence
Defence Land Agent**

Room 9/10A

147

Telephone:
Main Switchboard:
GTN: 3813
Fax:

The Chief Executive

Your reference

Our reference

DLA/LON/168/0/0

Date

23 November 1990

RECORDED DELIVERY

Dear Sir,

SECTION 31(6) - THE HIGHWAYS ACT 1980

1. I enclose herewith a Statutory Declaration dated 23 November 1990 in respect of map number 96A/74 which was deposited with your Council with supporting statement dated 20 February 1978 for Ministry of Defence land at Woolwich Military Complex and Married Quarters under Section 34(6) of the Highways Act 1959.

2. A revised map number 96B/74 is enclosed herewith.

3. Will you kindly acknowledge receipt of the enclosed Statutory Declaration and revised map numbered 96B/74.

Yours faithfully,

Defence Land Agent, London

HIGHWAYS ACT 1980 Section 31(6)

I, [redacted] Defence Land Agent London, for and on behalf of the SECRETARY OF STATE FOR DEFENCE, and acting under the authority conferred upon me by the said Secretary of State DO SOLEMNLY AND SINCERELY DECLARE as follows:-

1. The Secretary of State for Defence on the 20th day of February 1978 in accordance with Section 34(6) of the Highways Act 1959 caused to be deposited with the London Borough of Greenwich Council a map number 96A/74 of a certain Establishment vested in the Secretary of State within the area administered by such Council together with a statement indicating what ways over that land were admitted by the Secretary of State to have been dedicated as highways.

2. In accordance with Section 31(6) of the Highways Act 1980 no additional way over the land delineated on the map so deposited with the London Borough of Greenwich Council which is still vested in the Secretary of State as shown by red edging on the attached map numbered 96B/74 has been dedicated as a highway since 20th February 1978 being the date of a previous Declaration in accordance with the said section of the 1959 Act.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

DECLARED at
BRYAN O'CONNOR & CO.,

.....
for and on behalf of
THE SECRETARY OF STATE FOR DEFENCE

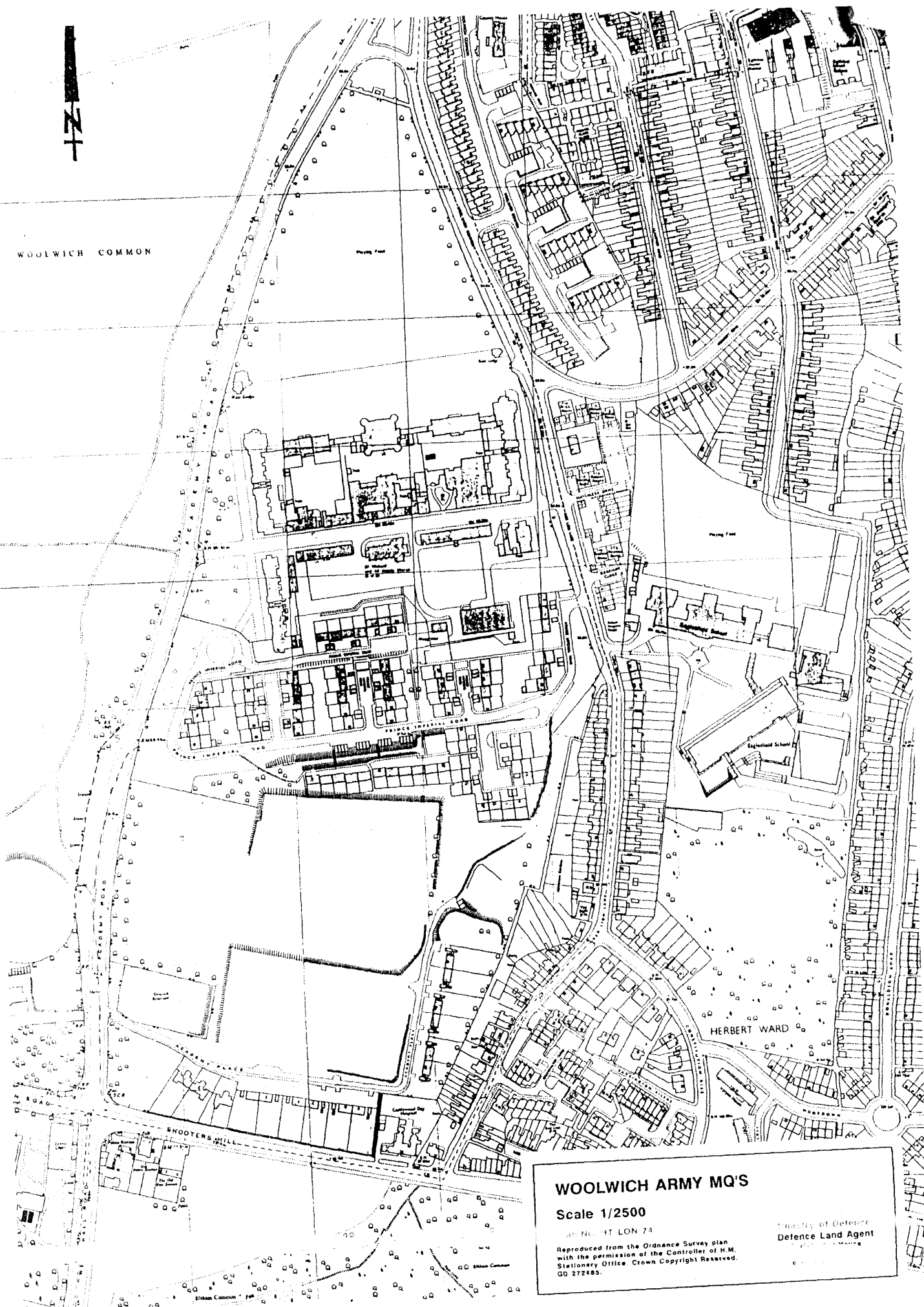
this 23rd day of November 1990

Before me, [redacted]

A Commissioner for Oaths



WOOLWICH COMMON



WOOLWICH ARMY MQ'S

Scale 1/2500

Sheet No. 41 LON 74

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Ministry of Defence
Defence Land Agent

mab

177



MINISTRY OF DEFENCE Room 9/72
Defence Lands Service (London and South East)

Telephone: (Direct Dialling)
(Fax)

(GTN) 3813

Your reference

Our reference
DLA/LON/168/0/0

Date

23 November 1994

FOOTPATH AT ACADEMY PLACE/PRINCE IMPERIAL ROAD, WOOLWICH

I refer to our recent telephone conversations in respect of the above.

I would confirm that I have inspected the Statutory Declarations lodged with the London Borough of Greenwich under Section 31(6) of the Highways Act 1980 and can find no evidence of a public right of way existing along the path from Shooters Hill to Academy Place, or from Prince Imperial Road to Academy Place. It is therefore in order for public access along these routes (shown coloured red on the attached plan) to be restricted as you see fit.

for Defence Land Agent London
and South East



Recycled Paper

PLAN No 96B/74
SCALE: 1/10 000
WOLWICH GARRISON

