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**Sent:** 08 December 2021 10:12  
**To:** neighbourhoodplanning <[neighbourhoodplanning@newcastle-staffs.gov.uk](mailto:neighbourhoodplanning@newcastle-staffs.gov.uk)>  
**Cc:** Chris Binns <[Christopher.Binns@newcastle-staffs.gov.uk](mailto:Christopher.Binns@newcastle-staffs.gov.uk)>; Jemma March <[Jemma.March@newcastle-staffs.gov.uk](mailto:Jemma.March@newcastle-staffs.gov.uk)>  
**Subject:** RE: questions from Inspector: Madeley Examination due 8th Dec



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Thank you for your email. In response to John Slaters queries please see my response below:

### **Signage and Fencing**

*"There appears no signage that restricts access to this area of what looked to me as an area of public space rather than a school playing field. From my site visit I saw a few short lengths of fencing but the area it did not appear to be enclosed in such a way that a member of the public would know they are accessing the site as "trespassers".*

The freehold owner of the playing field is Staffordshire County Council and on 2nd September 2013 this piece of land was included with the school site and leased for 125 years to Madeley High School Academy Trust (now Shaw Education Trust) by way of an Academy lease under the Order of the Secretary of State for Education dated 6th March 2013.

The Land is under the lease agreement it is their responsibility to ensure the following:

- *3.3.3 To keep and maintain the Open Land in a good and husband like manner so as to keep it in good heart and condition and in good sound turf"*
- *3.12.1 Not to part with or share the possession or occupation of the whole or any part or parts of the Property.....*
- *3.13 .....nor to permit any encroachment on the Property which might be or become a detriment to the Landlord and in case any encroachment is made or attempted to be made to give immediate notice of it to the Landlord.*
- *3.20 Fencing*
- *3.20.1 At all times after the date of this Lease the Tenant must keep in good and substantial repair fences along the boundaries of the Property to the reasonable satisfaction of the Landlord;*
- *3.20.2 If at any time any part of the boundary of the Property is not protected by fences, the Tenant must:*

- *immediately erect fences along that part of the boundary of the Property of a type and height and constructed of materials first approved in writing by the Landlord, such approval may not be unreasonably withheld or delayed; and*
- *at all times afterwards keep the fences erected in good and substantial repair at all times throughout the Term so as to prevent trespass on the Property and also to avoid any possible claim that the Property or any part thereof comprises a Village Green.*

The school will be contacted by our Head of Assets and Strategy to ensure they are adhering to the lease requirements and address the issues raised regarding fencing and trespass accordingly.

### **School Use**

*"Does the school use it for any of its curriculum or extracurricular activities?"*

Recent discussions with the School have confirmed that they currently do not use the land for any purpose at the moment given its logistical issue in walking pupils to and from the field and that there are currently no toilets or changing facilities on the site.

### **Bookings**

*"does it control the booking of the football pitch or the playing field?"*

The School control bookings for use of the field and have confirmed to date no one has ever sought permission to use the detached playing field for any sports activities or public activities.

### **Land Protection**

*"Has the County Council ever taken action to restrict public access to this land?"*

The Land is currently leased to Madeley High Academy and under the lease agreement it is therefore their responsibility to ensure the land is protected. As noted above our Head of Assets and Strategy will be contacting the school to ensure that they are adhering to these lease requirements. The school will be asked to address the issues raised regarding the fencing and land protection to avoid trespass.

I trust this is of assistance, should you require any further assistance please do not hesitate to contact me

Kind regards

Lynsey

<image001.jpg>

<image002.jpg>

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