

Minutes of the Countryside and Rights of Way Panel Meeting held on 4 December 2020

Present: Mark Winnington (Chairman)

Attendance

David Brookes
David Smith

Paul Snape

PART ONE

18. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

19. Minutes of meeting held on 13 November 2020

RESOLVED – That the minutes of the meeting held on 13 November 2020 be confirmed and signed by the Chairman.

20. Wildlife and Countryside Act 1981, Section 53 - Application for Public Bridleway from disused Railway via Burgess Wood to The Drive, Audley

The Panel considered a report of the Director of Corporate Services regarding an application by Mrs P Whalley for a modification order under Section 53 of the Wildlife and Countryside Act 1981 to add a Public Bridleway from the disused Railway via Burgess Wood to The Drive, Audley.

The report was presented verbally to take Members through the various legal documentary and historical evidence relevant to the application. The Director also made reference to case law which dealt with the weight to be given to the evidence and gave guidance on the legal tests which they should apply. In applying these tests, Members were made aware that they should examine the evidence in its totality.

During their consideration of the application, Members had regard to the Appendices attached to the report including:- (i) a plan of the claimed route; (ii) DMMO Applications; (iii) User evidence forms; (iv) Ordnance Survey Maps; (v) 1987 Temporary Closure Order..

The Panel decided that the available evidence was sufficient to conclude that a Public Bridleway which was not currently shown on the Definitive Map and Statement subsided along the claimed route.

RESOLVED – That (a) the report be received and noted

(b) the evidence submitted by the applicant and that discovered by the County Council is sufficient to conclude that Public Bridleway rights do subsist along the route shown marked B-E on Plan 1 attached at Appendix A to this report and;

(c) an Order be made under Section 53(c)(i) of the Wildlife and Countryside Act 1981 to add the public bridleway, shown B-E on Plan 1 attached at **Appendix A**, to the Definitive Map and Statement of Public Rights of Way.

21. Wildlife and Countryside Act 1981, Section 53 - Application to upgrade Footpath No 53, Newcastle Town to Public Bridleway

The Panel considered a report of the Director of Corporate Services regarding an application by Mrs P Whalley for a modification order under Section 53 of the Wildlife and Countryside Act 1981 to upgrade Footpath No 53, Newcastle Town to Bridleway.

The report was presented verbally to take Members through the various legal documentary and historical evidence relevant to the application. The Director also made reference to case law which dealt with the weight to be given to the evidence and gave guidance on the legal tests which they should apply. In applying these tests, Members were made aware that they should examine the evidence in its totality.

During their consideration of the application, Members had regard to the Appendices attached to the report including:- (i) a plan of the claimed route; (ii) DMMO Applications; (iii) User evidence forms; (iv) Ordnance Survey Maps; (v) 1987 Temporary Closure Order.

The Panel decided that the available evidence was sufficient to conclude that a Public Bridleway which was not currently shown on the Definitive Map and Statement subsided along the claimed route.

RESOLVED – That (a) the report be received and noted

(b) the evidence submitted by the applicant and that discovered by the County Council is sufficient to conclude that Public Bridleway rights do subsist along the route shown marked T-V on Plan 1 attached at Appendix A to this report and;

(c) an Order be made under Section 53(c)(i) of the Wildlife and Countryside Act 1981 to add the public bridleway, shown T-V on Plan 1 attached at **Appendix A**, to the Definitive Map and Statement of Public Rights of Way.

22. Wildlife and Countryside Act 1981, Section 53 - Application for Public Bridleway from the junction of Public Footpaths, Newcastle Town nos. 45, 46 & 49 to Apedale Road

The Panel considered a report of the Director of Corporate Services regarding an application by Mrs P Whalley for a modification order under Section 53 of the Wildlife and Countryside Act 1981 to add a Public Bridleway from the junction of Public Footpaths, Newcastle Town nos. 45, 46 & 49 to Apedale Road, near the Sawmill, Newcastle Borough.

The report was presented verbally to take Members through the various legal documentary and historical evidence relevant to the application. The Director also made reference to case law which dealt with the weight to be given to the evidence and gave guidance on the legal tests which they should apply. In applying these tests, Members were made aware that they should examine the evidence in its totality.

During their consideration of the application, Members had regard to the Appendices attached to the report including:- (i) a plan of the claimed route; (ii) DMMO Applications; (iii) User evidence forms; (iv) Ordnance Survey Maps; (v) 1987 Temporary Closure Order.

The Panel decided that the available evidence was sufficient to conclude that a Public Bridleway which was not currently shown on the Definitive Map and Statement subsisted along the claimed route.

RESOLVED – That (a) the report be received and noted

(b) the evidence submitted by the applicant and that discovered by the County Council is sufficient to conclude that Public Bridleway rights do subsist along the route shown marked J-K on Plan 1 attached at Appendix A to this report and;

(c) an Order be made under Section 53(c)(i) of the Wildlife and Countryside Act 1981 to add the public bridleway, shown J-K on Plan 1 attached at **Appendix A**, to the Definitive Map and Statement of Public Rights of Way.

23. Wildlife and Countryside Act 1981, Section 53 - Application for Public Bridleway from Prices Footrail to Public Footpath No 52 Great Row Mine.

The Panel considered a report of the Director of Corporate Services regarding an application by Mrs P Whalley for a modification order under Section 53 of the Wildlife and Countryside Act 1981 to add a Public Bridleway from Prices Footrail, Public Footpath No 49 Newcastle Town to Public Footpath No 52 Newcastle Town Great Row Mine, Newcastle Borough.

The report was presented verbally to take Members through the various legal documentary and historical evidence relevant to the application. The Director also made reference to case law which dealt with the weight to be given to the evidence and gave guidance on the legal tests which they should apply. In applying these tests, Members were made aware that they should examine the evidence in its totality.

During their consideration of the application, Members had regard to the Appendices attached to the report including:- (i) a plan of the claimed route; (ii) DMMO Applications; (iii) User evidence forms; (iv) Ordnance Survey Maps; (v) 1987 Temporary Closure Order, (vi) Landowner Submissions, (vii) Moseley Railway Trust Submissions.

The Panel decided that the available evidence was sufficient to conclude that a Public Bridleway which was not currently shown on the Definitive Map and Statement subsisted along the claimed route.

RESOLVED – That (a) the report be received and noted

(b) the evidence submitted by the applicant and that discovered by the County Council is sufficient to conclude that Public Bridleway rights do subsist along the route shown marked M-P on Plan 1 attached at Appendix A to this report and;

(c) an Order be made under Section 53(c)(i) of the Wildlife and Countryside Act 1981 to add the public bridleway, shown M-P on Plan 1 attached at **Appendix A**, to the Definitive Map and Statement of Public Rights of Way.

24. Wildlife and Countryside Act 1981, Section 53 - Application to Upgrade Footpath No 54, Newcastle Town to Public Bridleway

The Panel considered a report of the Director of Corporate Services regarding an application by Mrs P Whalley for a modification order under Section 53 of the Wildlife and Countryside Act 1981 to upgrade Footpath No 54, Newcastle Town to Bridleway.

The report was presented verbally to take Members through the various legal documentary and historical evidence relevant to the application. The Director also made reference to case law which dealt with the weight to be given to the evidence and gave guidance on the legal tests which they should apply. In applying these tests, Members were made aware that they should examine the evidence in its totality.

During their consideration of the application, Members had regard to the Appendices attached to the report including:- (i) a plan of the claimed route; (ii) DMMO Applications; (iii) User evidence forms; (iv) Ordnance Survey Maps; (v) 1987 Temporary Closure Order, (vi) Landowner Submissions, (vii) Moseley Railway Trust Submissions.

The Panel decided that the available evidence was sufficient to conclude that a Public Bridleway which was not currently shown on the Definitive Map and Statement subsisted along the claimed route.

RESOLVED – That (a) the report be received and noted

(b) the evidence submitted by the applicant and that discovered by the County Council is sufficient to conclude that Public Bridleway rights do subsist along the route shown marked Q-R on Plan 1 attached at Appendix A to this report and;

(c) an Order be made under Section 53(c)(i) of the Wildlife and Countryside Act 1981 to add the public bridleway, shown Q-R on Plan 1 attached at **Appendix A**, to the Definitive Map and Statement of Public Rights of Way.

25. Exclusion of the public

RESOLVED – That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 indicated below.

26. Exempt minutes of the meeting held on 7 August 2020

RESOLVED – That the Exempt minutes of the meeting held on 7 August 2020 be confirmed and signed by the Chairman.

27. Wildlife and Countryside Act 1981, Section 53 Modification Order Applications - Update

(Exemption paragraph 2, 6a and 6b)

Chairman