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Staffordshire and Wolverhampton Joint Local Access Forum

Monday, 30 September 2019
1.30 pm
Ivanovo Room - County Buildings

John Tradewell
Director of Corporate Services
24 September 2019

AGENDA

1. **Welcome and Introductions**
2. **Apologies**
3. **Declarations of Interest under Paragraph 5.3 of the Forum Constitution**
4. **Minutes of meeting held on 16 April 2019** (Pages 1 - 8)
5. **Staffordshire County Council Modification Order Applications under Section 53 of the Wildlife and Countryside Act 1981- Backlog Update** (Pages 9 - 24)

Oral report of Staffordshire County Council's County Solicitor

Minutes of the Staffordshire Countryside and Rights of Way Panel Meetings held on 9 May, 4 July 2019 and 9 August attached for information.
6. **HS2 - Update** (Pages 25 - 42)

Presentation by HS2 Engagement Manager (Phase 2b)



7. **Staffordshire County Council Rights of Way and Countryside Estates Reviews - Updates**

Oral reports of Staffordshire County Council's Director of Families and Communities

8. **Verbal Updates from the Two Appointing Authorities**

Trish Caldwell (Staffordshire County Council) and Paul Walton/Ric Bravery (City of Wolverhampton Council)

9. **Any Other Business**

- (a) Items for information;
- (b) Items for Agenda for next meeting.

10. **Questions from the Public**

11. **Date of Next Meeting - To be arranged**

Committee Membership

Jack Barber	Tony AJ Hewitt
David Boden	Rosalynne Lane
Chapman	John Mills
Colin Davison	Peter Pearson
Charles Gameson	Harry Scott
Gerald Gittens	David Bradley Scrivener
Gill Heath	Kim Wolstencroft

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**MINUTES OF THE STAFFORDSHIRE AND WOLVERHAMPTON
JOINT LOCAL ACCESS FORUM BUSINESS MEETING
HELD ON 16 APRIL 2019 AT COUNTY BUILDINGS, STAFFORD**

Present: Mr. J. Mills (JM) (Chairman)

Forum Members

J. Barber (JB)	Mrs. R. Lane (RL)
D.T. Boden (DTB)	P. Pearson (PP)
N. Chapman (NC)	D. Bradley-Scrivener (DBS)
J.C. Davison (JCD)	H.W. Scott (HS)
C. Gameson (CG)	R.G. Turner (RT)
Mrs. G. Heath (GH)	Mrs. K. Wolstencroft (KW)

Officers

J. Lindop (JL) – Secretary
Shona Frost (SF) – Staffordshire County Council
M. Murphy (MM) – Staffordshire County Council
P. Rochfort (PR) – Staffordshire County Council
Mrs. N. Swinnerton (NS) – Staffordshire County Council

Apologies: G. Gittens, A. Knott, J. Rowley (City of Wolverhampton Council), Paul Walton (City of Wolverhampton Council)

Declarations of Interest under Paragraph 5.3 of the Forum Structure

1. Nil

Minutes of Meeting held on 28 September 2018

2. **RESOLVED** – That the minutes of the meeting held on 12 September 2017 be confirmed and signed by the Chairman.

Staffordshire County Council Modification Order Applications under Section 53 of the Wildlife and Countryside Act 1981 – Backlog Update

3. The Forum received an oral report from MM, the County Council's Legal Officer updating them on progress regarding determination of the Authority's backlog of applications under Section 53 of the Wildlife and Countryside Act 1981 (Section 53 applications).

During 2018 the County Council had determined a total 21 applications and although there was still a significant backlog, this represented an improvement on the previous years' performance. In addition, two Public-Inquiries had been held following appeals to the Secretary of State for the Environment against decisions by the County Council. With regard to 2019, whilst it was not possible to state how many applications would be processed, it was very much hoped that performance would continue to improve, particularly owing to the appointment of two new Members of Staff to deal with Section 53 applications.

During the discussion which ensued, Members asked various questions, sought clarification and made the following points:-

- (i) The Chairman asked how many Directions for non-determination, issued by the Secretary of State to the County Council, were currently outstanding.
- (ii) The Chairman asked how many applications in the current backlog relied on 'historical' documentary evidence rather than evidence of usage.
- (iii) DB sought clarification of the County Council's policy for determining Section 53 applications.
- (iv) PP sought clarification of Section 56 of the Countryside and Rights of Way Act 2000 (CROW Act) (the 2026 cut-off date for extinguishments of unrecorded Public Rights of Way) and the likely implications for Staffordshire.

With regard to (i) above MM said that there were 106 Directions in the current backlog and resources were being targeted towards determining these applications owing to the deadlines which had been imposed. The Authority anticipated that more Directions would be received in the future and he referred to the potential additional work generated by appeals.

With regard to (ii) above MM said that approximately three quarters of the applications in the current backlog relied on 'historical' evidence. He went onto explain that according to the law, applications to add Rights of Way to the Definitive Map had to meet the legal test of Reasonable Allegation to be successful, whereas applications to upgrade existing Rights of Way were determined on the higher standard of Balance of Probabilities. Continuing he said that whilst the County Council consulted landowners affected by Section 53 Applications, their views were not always material considerations according to the law, in the decision-making process.

With regard to (iv) above, MM said that following a recent question in Parliament, the Government had stated that they currently had no intension of changing the law regarding charging fees for Section 53 Applications and that Local Authorities should continue to fulfil their statutory duties in respect of these applications, within existing budgets.

With regard to (iii) above, MM said that the County Council's policy was to deal with applications in the order of receipt. However, as previously stated, those applications which had received Directions from the Secretary of State were taking priority having regard to the resources available and deadlines imposed.

With regard to (iv) above MM clarified that the 2026 cut-off date contained in the CROW Act was not currently in force.

The Chairman then thanked MM for an interesting and informative presentation and requested that the Forum were kept updated on progress with regard to processing the backlog of Section 53 Applications.

4. **RESOLVED** – (a) That the oral report be received and noted.

(b) That the Forum keep a watching brief with regard to the determination of Section 53 Applications under the Wildlife and Countryside Act 1981 for Modification Orders by Staffordshire County Council.

(c) That the Forum support the identification of additional resources, where possible, by the County Council for the determination of Section 53 Modification Order applications having regard to the current backlog.

Staffordshire County Council's Rights of Way and Countryside Estates Reviews – Update

5. The Forum received (i) a demonstration of the County Council's new Public Rights of Way electronic management system from SF and (ii) an oral report and PowerPoint presentation from NS updating them on progress made with regard to Staffordshire County Council's Rights of Way and Countryside Estates reviews (slides attached at Appendix 1 for the signed minutes).

SF explained that the system was widely used by many other Highway Authorities and included three main components ie (i) a public facing element which enabled external users to view, report and the track progress of rights of way maintenance issues; (ii) an Application for use on mobile devices by Field Officers to log and update information on maintenance issues and; (iii) a desktop management system to assist officers co-ordinate the resolution of issues efficiently and effectively within available budgets.

All previous paper-based maintenance records had been uploaded and initial feedback from Officers and Members of the Public on the use of the system had been extremely positive. An early project had been to collate a County-wide inventory of furniture on the Rights of Way network together with an assessment of its condition. Previously such a task would have been difficult, time consuming and expensive to achieve.

During the full and wide-ranging discussion which ensued, Members asked various questions, sought clarification and made the following points:-

- (i) CG asked whether the availability of the system was being promoted to the wider public.
- (ii) KW reported problems she had encountered in using the hypertext links to the system on the Staffordshire Web.
- (iii) BT asked whether target response times were included against issues logged on the system.
- (iv) The Chairman asked whether information on the incidence/patterns of intimidation of path users could be shared with the Forum in the future, on a regular basis.

With regarding to (i) above NS said that no additional publicity was required at this stage having regard to the limited resources available and the current good take-up/use of the facility by members of the public. Continuing she explained that photos and measurements of maintenance issues could be submitted by path users via the MyStaffs App and the provision of timely responses by the Authority would enable people to resolve certain minor issues themselves (if willing). A 'Trusted User' facility for authorised Members of the Public provided additional features which would help them assist the County Council to maintain the Rights of Way network in other ways.

With regard to (ii) above SF informed them that the public facing component of was currently under maintenance. However, it was hoped that it would be accessible again by Easter 2019.

With regard to (iii) above SF clarified that although response times were quoted for those issues which had been triaged, the system did not currently notify the reporter of the issue as and when it had been resolved. Therefore, the public were encouraged to log back onto the system themselves, on a regular basis, to learn of the up to date position. NS emphasised that the quality of information supplied by the public was key to achieving a speedier resolution of problems reported.

Discussion ensued on intimidation of path users by landowners. CD said that intimidation was subjective and the Forum were of the view that perceptions were important. PR highlighted the difficulties for the Highway Authority in dealing with alleged incidents of intimidation and BT and CG relayed their own experiences in this area. NS informed them that the County Council's Guidance for Landowners had recently been updated and would be published in due course. GH referred to 'scare stories' regarding the erection of fences on a small area of County Council owned land on Cannock Chase for the purposes of enclosing cattle and reassured the Forum that this development was being undertaken on a trial basis only. Also, the breed of cattle used in the trial were known to be docile.

In her presentation NS highlighted the progress achieved in each of the eight elements of the Rights of Way Review (i) Route Hierarchy; (ii) Public Rights of Way Charter; (iii) Outsourcing of Public Path Orders; (iv) Working with Internal Partners; (v) Supporting Systems; (vi) External Partners; (vii) Enforcement Protocol and; (viii) Staffing Re-Structure. In addition, with regard to the Countryside Estate Review, NS highlighted:- (i) the re-organisation of the in-house operating model during 2019 and; (ii) the development of measures aimed at achieving longer term sustainability.

The new Rights of Way Charter set out the level of service which could be expected along each of the County's Public Rights of Way. All routes had been categorised according their usage which would help the Service Manager target priorities with the resources available. Since publication of the draft scheme 15 requests had been received seeking re-classification of individual routes. Following further consideration, four routes formerly included in Category B "Locally Promoted Routes" had been moved to Category C "Other Routes not Classified A or B". A review of the response times quoted in the Charter would be undertaken following implementation of a new staffing structure in the Business Unit.

Promoting Public Path Orders was a discretionary function which had been resource intensive in terms of staff time and budgets. However, this quasi-legal work had now been outsourced to external consultants. Improvements in productivity had been made when compared to the previous in-house arrangements. In addition, this service was now cost neutral owing to increases in the charging structure which included informal consultations with statutory undertakers.

Whilst relationships with internal partners had generally been good, there was scope for adding value by improving joint working arrangements. Consequently, agreement had been reached with Amey, the County Council's infrastructure partner, for them to undertake risk management work associated with bridges on Public Footpaths/Bridleways. Whilst, this was a chargeable service, the specialist knowledge possessed by the Amey team would ensure a better service to the public. An approach had also been made for additional Local Transport Plan capital funding for Highway improvement works on Rights of Way. As a result, an extra £30,000 had been secured which would enable better management of the network.

With regard to external partners, it was proposed to launch a new volunteer offer incorporating three voluntary roles ie:- (i) Landowner Liaison Volunteers; (ii) Inspectors and; (iii) Maintenance Helpers. The intention was that the volunteer team would be advocates for the Staffordshire Rights of Way network and comprise individuals who the Authority could trust. Accordingly, work was underway with the various user and landowner groups active in the County in order to identify suitable people for the roles. In addition, a training programme was being developed to ensure that chosen volunteers were fully acquainted with the duties their posts.

Enforcement measures never previously employed in respect of Rights of Way Cases in Staffordshire were now being piloted in Staffordshire Moorlands and South Staffordshire districts with the associated legal work being outsourced to Essex County Council and a private firm of local solicitors respectively. Resolution of a further potential enforcement matter was being attempted through mediation and the experience gained would be used to inform future cases, where appropriate.

The Forum noted that under the County Council's Medium-Term Financial Strategy 2018-2023, the Rights of Way service were required to identify savings of approximately 43% from their operational budgets. Therefore, a re-organisation of the staffing structure was to be undertaken during summer 2019 which would result in a significantly smaller staffing establishment.

During the discussion which ensued Members welcomed news regarding additional capital funding which had recently been identified by the County Council in support of the Rights of Way network. Although, the service was still required to meet their original MTFS savings targets it was hoped that the extra resources would help to enhance access to land by the public for open air recreation and enjoyment and should therefore be supported.

CG sought clarification as to whether the Forum could influence the Authority's decision regarding the long-term future of the estate. In reply NS explained that consultation would be undertaken on the proposals to emerge, at the appropriate time.

6. **RESOLVED** – (a) That the demonstration, oral report and PowerPoint presentation be received and noted.

(b) That the Forum be kept updated on progress with regard to Staffordshire County Council's Rights of Way and Countryside Estates Reviews.

(c) That the Forum support Staffordshire County Council in their efforts to identify additional capital funding for the Rights of Way network.

HS2

7. The Chairman informed them that it had not been possible to arrange for an update on HS2 to be given to this meeting. However, he would invite representatives of HS2 and/or the County Council's HS2 Project Lead to attend their next meeting.

Updates from the Appointing Authorities

Staffordshire County Council – *see above.*

City of Wolverhampton Council – *No update available.*

Consultation Correspondence

7. There was no consultation correspondence to report.

Any Other Business

(i) Items for Information

8. There were no items for information raised.

(ii) Items for Agenda for Next Meeting

9. **RESOLVED** – That the following items be included on the Agenda for their next meeting:-

- Staffordshire County Council Countryside Estate Review – Update;
- Staffordshire County Council Rights of Way Review – Update;
- Modifications Order Applications under Section 53 of the Wildlife and Countryside Act 1981 – Update;
- HS2 – Update.

Questions from the Public

10. There were no questions from the public raised.

Date of Next Meeting

11. **RESOLVED** – That a further business meeting of the Forum be held in June/July 2019 on a date and at a time to be arranged.

CHAIRMAN

Minutes of the Countryside and Rights of Way Panel Meeting held on 9 May 2019

Present: Julia Jessel (Chairman)

Attendance	
David Brookes	Paul Snape
Alan Dudson	

Apologies: Mike Worthington

PART ONE

88. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest made at this meeting.

89. Minutes of meeting held on 5 April 2019

RESOLVED - That the minutes of the meeting held on 5 April 2019 be confirmed and signed by the Chairman.

90. Adjournment

The Chairman informed the Panel that the consultants who had drafted the reports under items Nos. 4, 5 and 6 on the Agenda had been delayed in traffic on their way to County Buildings. Therefore, the Panel adjourned their meeting for approximately 45 minutes until the consultants had arrived.

91. Wildlife and Countryside Act 1981 Section 53 - Application for Definitive Map Modification Order to Add a Public Footpath from Gallowstree Lane to Keele Road, Newcastle-under-Lyme to the Definitive Map and Statement of Public Rights of Way

The Panel considered a report of the Director of Corporate Services regarding an application by Mrs. A.M. Norrey on behalf of Thistleberry Residents' Association for a Modification Order under Section 53 of the Wildlife and Countryside Act 1981 to add a Footpath from Gallowstree Lane to Keele Road, Newcastle-under-Lyme to the County Council's Definitive Map and Statement of Public Rights of Way.

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 location plan of the alleged Right of Way; (ii) a copy of the application and associated submitted User Evidence Form; (iii) copies additional User Evidence Forms; (iv) further submissions by the applicants; (v) Ordnance Survey maps; (vi) an objection from an adjoining property owner and; (vii) a table giving a summary of all the submitted user evidence.

During the discussion which ensued, the Panel sought clarification of (i) the width of the claimed Right of Way; (ii) whether any further representations had been received since publication of the report; (iii) various photographs/scans of documents included in the Appendices which had not been reproduced with sufficient clarity and; (iv) statements submitted by users who had been denied access (Appendix C to the report). In reply, the Director stated that the existing width of the path varied but it's definitive width would be determined in the event they decided that an Order should be made and subsequently confirmed; (ii) no further representations had been received; (iii) explained the content of the photographs/scans and; (iv) said that the challenges to use had occurred towards the end of the relevant 20 year period (1987-2007) arising from activity on an adjacent building site.

Following their detailed consideration of the application, the Panel decided that from the available evidence and in the absence of any contrary evidence to demonstrate a lack of intention to dedicate on the part of the landowners, the application met the test of 'Reasonable Allegation' as set out in Section 53(3)(c)(i) of the Act.

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

(b) That the evidence submitted by the applicant is sufficient to conclude that a Public Footpath which is not shown on the Definitive Map and Statement is reasonably alleged to subsist along the route shown marked A-B-C-D on the plan attached at Appendix A to the report.

(c) That an Order be made under Section 53 (c)(i) of the Wildlife and Countryside Act to add the alleged Public Right of Way shown A-B-C-D on the plan attached at Appendix A to the report to the Definitive Map and Statement of Public Rights of Way as a Public Footpath.

92. Wildlife and Countryside Act 1981 Section 53 - Application for Definitive Map Modification Order to Add a Byway Open to All Traffic along Camsey Lane, Burntwood to the Definitive Map and Statement of Public Rights of Way

The Panel considered a report of the Director of Corporate Services regarding an application by Mr. M. Reay for a Modification Order under Section 53 of the Wildlife and Countryside Act 1981 to add a Byway Open to All Traffic along Camsey Lane, Burntwood to the County Council's Definitive Map and Statement of Public Rights of Way.

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 could 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 location plan of the claimed route; (ii) a copy of the application and associated submitted documents; (iii) Deposited Railway Plans (1845); (iv) Deposited Railway Plans (1846); (v) Tythe Map; (vi) Quarter Session Order (1862); (vii) Quarter Session Order (1872); (viii) Finance Act 1910 Index Plan; (ix) Greenwood's Map (1820); (x) Teesdale's Map (1831); (xi) Ordnance Survey Maps; (xii) User Evidence Forms x 3; (xiii) Objections to original application; (xiv) a Landowner Evidence Form; (xv) Objections arising out of the current investigation.

Following their detailed consideration of the application, the Panel decided that from the evidence available, the application met the civil test of 'Balance of Probabilities'. Furthermore, rights for mechanically propelled vehicles had been preserved owing to the application being submitted prior to 30 January 2005 and having regard to the provisions of the Natural Environment and Rural Communities Act 2006.

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

(b) That the evidence submitted by the applicant is sufficient to conclude on the balance of probabilities a Byway Open to All Traffic which is not shown on the Definitive Map and Statement subsists along the route A-B on the plan attached at Appendix A to the report.

(c) That an Order be made under Section 53 (c)(i) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement to add the alleged Public Right of Way shown A-B on the plan attached at Appendix A to the report as a Byway Open to All Traffic.

93. Wildlife and Countryside Act 1981, Section 53 - Application for Definitive Map Modification Order to Upgrade Public Footpaths Chapel & Hill Chorlton No. 4, Whitmore No. 8 and Swynnerton No. 58 to Bridleway and for the addition of a Bridleway

The Panel considered a report of the Director of Corporate Services regarding an application by Mr. M. Reay for a Modification Order under Section 53 of the Wildlife and Countryside Act 1981 to (i) upgrade Public Footpaths Nos. 4 Chapel and Hill Chorlton Parish, 8 Whitmore Parish and 58 Swynnerton Parish to Bridleway Status and; (ii) add a length of Public Bridleway from Public Footpath No. 58 to Bent Lane, Swynnerton Parish to the County Council's Definitive Map and Statement of Public Rights of Way.

The report was presented verbally to take Members through the various legal and documentary 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 location plan of the alleged Right of Way; (ii) a copy of the application; (iii) Greenwoods Map (1820); (iv) Teesdale's Map (1831); (v) Hill Chorlton Enclosure Award (1803); (vi) Deposited Railway Plans (1830); (vii) Deposited Railway Plans (1831); (viii) Deposited Railway Plans (1833); (ix) Deposited Railway Plans (1873); (x) Estate Map (1838); (xi) Estate Map (1839); (xii) Estate Map (1843); (xiii) Tithe Maps; (xiv) Ordnance Survey Maps; (xv) 1910 Finance Act Index Plan; (xvi) Johnson and Bacon's Road Atlas (1961); (xvii) two User Evidence Forms and; (xviii) Extract of the Definitive Map and Statement.

In the discussion which ensued, Members sought clarification of (i) various items of evidence contained in the Appendices and; (ii) the objection submitted by the Swinnerton Estate at the time the application was made.

Following their detailed consideration of the application, the Panel decided that from the available evidence, the application met the civil test of 'Balance of Probabilities'.

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

(b) That the evidence submitted by the applicant is sufficient to conclude on the balance of probabilities (i) Highways shown in the Definitive Map as highways of particular descriptions ought to be there shown as a Highways of different descriptions along the route marked A-B on the plan attached at Appendix A to the report and; (ii) a Public Bridleway which is not shown on the Definitive Map subsists along the route marked B-C on the plan attached at Appendix A to the report.

(c) That an Order be made under Section 53 (c) (ii) of the Wildlife and Countryside Act 1981 to Modify the Definitive Map and Statement by upgrading Public Footpaths Nos. 4 Chapel and Hill Chorlton Parish, 8 Whitmore Parish and 58 Swynnerton Parish to Public Bridleway status along the route shown A-B on the plan attached at Appendix A to the report.

(d) That an Order be made under Section 53 (c) (i) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by adding the alleged Public Right of Way marked B-C on the plan attached at Appendix A to the report as a Public Bridleway.

94. HS2 Rail Link

The Director of Corporate Services informed them that the Director of Economy Infrastructure and Skills had undertaken to provide an update on the implications of the HS2 development for the work of the Panel to their next meeting.

Chairman

Minutes of the Countryside and Rights of Way Panel Meeting held on 4 July 2019

Present: Julia Jessel (Chairman)

Attendance

David Brookes
Alan Dudson
David Smith

Paul Snape
Mike Worthington

PART ONE

95. Declarations of Interest in accordance with Standing Order 16.2

The Chairman informed them that consideration of Item No. 7 on the Agenda - "Commons Act 2006 – Section 15 Application for the Registration of Land known as College Fields off Forest School Street, Rolleston-on-Dove as a Town or Village Green was to be deferred to a future meeting owing to sickness absence within the Corporate Services Directorate which prevented its presentation to the Panel. However, she informed them of her intension to declare an interest in the matters contained in the report as and when it was brought back to the Panel for consideration.

The Chairman undertook to convey their best wishes to Mick Murphy for a full and speedy recovery.

96. Minutes of meeting held on 9 May 2019

RESOLVED – That the minutes of the meeting held on 9 May 2019 be confirmed and signed by the Chairman.

97. HS2 Rail Link

The Director for Economy Infrastructure and Skills was unable to attend the meeting. However, the Director of Corporate Services undertook to arrange for Members to be updated by email on matters relating to HS2 having regard to their Terms of Reference.

RESOLVED - That future reports to the Panel on the HS2 Rail Link be made on an exception basis and that "HS2 Rail Link" no longer be included as a standing item on future Agenda for meetings of the Panel.

98. Wildlife and Countryside Act 1981 Application for a Public Footpath between Forge Lane and Little Aston Lane Shenstone

The Panel considered a report of the Director of Corporate Services regarding a request by Shenstone Parish Council for their application under Section 53 of the Wildlife and Countryside Act 1981 to add a Public Footpath between Forge Lane and Little Aston Lane, Shenstone to the County Council's Definitive Map and Statement of Public Rights of Way to be dealt with as a priority on the grounds that there was a risk the claimed route would be lost.

According to the County Council's policy, applications were to be dealt with as a priority where the person requesting such provided evidence that one or more of the following five criteria were met:-

- (a) Where delay would threaten the loss of a claimed right of way;
- (b) Where in the case of a claimed right of way, there is severe hardship, or a risk of confrontation between the claimants and the owner/occupier of the affected land or where there is evidence of a detrimental effect to the health of the owner/occupier of that land;
- (c) Where in the case of an application for the deletion or downgrading of a right of way, delaying its determination will result in severe hardship to the owner/occupier of that land;
- (d) Where having regard to the County Council's Sustainable transport policies, in the case of an application to add an additional public path to the definitive Map or to upgrade the existing status of the highway, the application relates to a path of actual, or potential, regional or national significance.
- (e) Where a route would be relevant to the achievement of another of the County Council's statutory policy objectives.

In support of their request, the Parish Council had (i) stated that Little Aston Primary School had obtained a Certificate of Lawfulness with the intension of building a tarmac sports pitch over the line of the path and enclosing it with a high fence; (ii) said that the route of the path was becoming impassable owing to the erection of Arras fencing and growth of trees and bushes and; (iii) cited the County Council's policy objectives in relation to the promotion of walking and sustainable transport which they said supported the early determination of the application having regard to (i) and (ii) above.

The school had previously confirmed their intension to seek planning consent to develop an area of land crossed by the track from Forge Lane to Little Aston Lane in order to provide additional safer parking and an extra outdoor space for children.

In accordance with paragraph 25 of Section 12 of the County Council's Constitution, the "Local" Member for Lichfield Rural County Electoral Division attended the meeting and addressed the Committee. He spoke in support of the request and expressed his concerns regarding the potential loss of the claimed Public Footpath arising from the above-mentioned development. He also referred to the overgrowth of vegetation which he said would shortly render the route impassable.

During the discussion which ensued, Members discussed the merits of the request having regard to the priority criteria. They noted that whilst development was proposed, this did not entail construction of a building(s) over the alleged Right of Way. Therefore, whilst not wishing to predetermine the application for a Modification Order, in the event the path was added to the County Council's Definitive Map and Statement, they considered that the route could be made available for use by the public relatively easily and without having to address the issue of a more permanent obstruction such as a building.

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

(b) That the request by Shenstone Parish Council for the County Council to consider their application under Section 53 of the Wildlife and Countryside Act 1981 to add an alleged Public Footpath between Forge Lane and Little Aston Lane, Shenstone to the Definitive Map and Statement of Public Rights of Way, as a priority, be refused.

(c) That the application by Shenstone Parish Council for a Modification Order under Section 53 of the Wildlife and Countryside Act 1981 to add an alleged Public Footpath between Forge Lane and Little Aston Lane, Shenstone to the Definitive Map and Statement of Public Rights of Way, be dealt with according to the County Council's adopted policy ie following those applications which had received Directions from the Secretary of State for the Environment Food and Rural Affairs and in order of receipt.

99. Wildlife and Countryside Act 1981 Adoption of Priority Criteria for Applications Made under Section 53

The Panel considered a report of the Director of Corporate Services regarding a review of the priority criteria for consideration of applications for modifications to the County Council's Definitive Map and Statement of Public Rights of Way under Section 53 of the Wildlife and Countryside Act 1981.

The Panel had adopted "Priority Criteria" in 1998 which set out a list of five exceptional circumstances under which they undertook to give priority status to applications for Modification Orders, following a formal request for such. Normally, applications were dealt with in order of receipt, where possible, subject to any Directions from the Secretary of State for Environment Food and Rural Affairs.

However, the County Council had recently received several requests for/ enquiries about priority status arising from misinterpretation and/or misapplication of the policy by Members of the Public. Therefore, in order to provide greater clarity both in their interpretation and application, a review of criteria had been undertaken and the list of 'Exceptional Circumstances' provisionally reduced to two, as follows:-

- “ Where the land over which the route runs has received permission for development and (a) the implementation of such would mean the claimed way would be lost as a consequence of being built over and (b) all attempts to divert or otherwise cater for the route within the development have been exhausted”;
- “Where there is evidence of severe financial hardship caused by the existence of an application for an addition of a route to the owner/occupier of the land”.

During the discussion which ensued, Members expressed their support for the proposed revised Priority Criteria as set out in Appendix B to the report.

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

(b) That the proposed revised Criteria for dealing with requests for determination of Modification Orders under Section 53 of the Wildlife and Countryside Act 1981, as a priority, be adopted.

(c) That requests for determination of Modification Orders as a priority continue to be dealt with by the Panel.

(d) That the power to reject requests for determination of Modification Orders as a priority, where no supporting evidence has been provided, be delegated to the Director of Corporate Services.

100. Commons Act 2006 - Section 15 Application for the Registration of Land known as College Fields off Forest School Street, Rolleston-on-Dove, Staffordshire as a Town or Village Green

RESOLVED – That, owing to sickness absence within the Corporate Services Directorate, consideration of the Director of Corporate Services' report regarding an application for the registration of land known as College Fields off Forrest School Street, Rolleston-on-Dove as a Town or Village Green be deferred to a future meeting.

101. Date of Next Meeting - Friday 9 August 2019 at 10.00 am, County Buildings, Stafford

RESOLVED – (a) That the date time and venue of the next scheduled meeting of the Countryside and Rights of Way Panel be noted.

(b) That an additional meeting of the Panel be held in September 2019 on a date, time and at a venue to be arranged in order to consider the report set out in Minute No. 100 above.

Chairman

Minutes of the Countryside and Rights of Way Panel Meeting held on 9 August 2019

Present: Julia Jessel (Chairman)

Attendance

David Brookes
Alan Dudson

Paul Snape
Mike Worthington

PART ONE

102. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest made at this meeting.

103. Minutes of meeting held on 4 July 2019

The Chairman highlighted the date (Friday 20 September 2019) of the additional meeting which had been arranged to consider the deferred report (Commons Act 2006 – Section 15 Application for the Registration of Land known as college Fields off Forest School Street, Rolleston-on-Dove as a Town or Village Green).

In response to a request by the Chairman regarding the inclusion of hyperlinks to appendices in future reports to the Panel, the Director of Corporate Services undertook to liaise with the Director of Families and Communities in this respect, as necessary.

RESOLVED – That the minutes of the meeting held on 4 July 2019 be confirmed and signed by the Chairman.

104. Wildlife and Countryside Act 1981 Section 53 - Application for a Definitive Map Modification Order to Add a Public Footpath from Beaconside to Marston Lane, near Marstongate Farm, Hopton and Marston Parish

The Chairman informed the Panel that additional evidence regarding the route of the alleged Right of Way had recently been discovered. Therefore, the Director of Corporate Services was recommending that consideration of the report be deferred until a future meeting so that further investigations could be undertaken.

RESOLVED – That consideration of the report be deferred until a future meeting so that further investigations into additional evidence which had recently emerged could be undertaken.

105. Wildlife and Countryside Act 1981 Section 53 - Application for Definitive Map Modification Order to Add a Public Footpath between Marston Lane to Public Bridleway No.8, Hopton and Marston Parish

The Panel considered a report of the Director of Corporate Services regarding an application by Mr. M. Reay for a Modification Order under Section 53 of the Wildlife and Countryside Act 1981 to add a footpath from Marston Lane to Public Bridleway No. 8 Hopton and Marston Parish to the County Council's Definitive Map and Statement of Public Rights of Way.

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 copy of the application; (ii) a copy of a location plan of the alleged Right of Way; (iii) a tracing of Marston Tithe Award Map 1839; (iv) Deposited Railway Plan Book of Reference 1844; (v) Deposited Railway Plan accompanying maps 1845; (vi) Deposited Railway Plan Book of Reference 1844; (vii) Deposited Railway Plan accompanying map 1845 and; (viii) Landowner questionnaires from Mrs. Stubbs, Mr. and Mrs. Baker and Mrs. Brandon.

In the discussion which ensued Members sought clarification of the quality of the evidence provided by the Deposited Railway Plan Books of Reference and accompanying maps (Appendices D, E, F and G to the report) particularly in light of the lack of evidence to suggest that the railway had been built. In reply the Director of Corporate Services confirmed that whilst these historical documents did not provide conclusive evidence of the existence of the alleged Right of Way, they were nonetheless, good evidence which had previously been accepted by the courts.

Following their detailed consideration of the application, the Panel decided that from the available evidence, the application met the lesser test of 'Reasonable Allegation' as set out in Section 53(3)(c)(i) of the above-mentioned Act.

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

(b) That the evidence submitted by the applicant and that discovered by the County Council is sufficient to conclude that a Public Footpath which is not shown on the Definitive Map and Statement is reasonably alleged to subsist along the route shown marked A to B on the plan attached at Appendix B to the report and should be added to the Definitive Map and Statement of Public Rights of Way as such.

(c) That an Order be made to add the Right of Way shown on the plan attached at Appendix B to the report and marked A to B to the Definitive Map and Statement of Public Rights of Way for the District of Stafford as a Public Footpath.

106. Wildlife and Countryside Act 1981 Section 53 - Application for Definitive Map Modification Order to Add a Public Footpath from A5013 Near Walton Grove to B5405, Leading to Public Footpath No. 0.1592, Eccleshall Parish

The Panel considered a report of the Director of Corporate Services regarding an application by Mr. M. Reay for a Modification Order under Section 53 of the Wildlife and Countryside Act 1981 to add a footpath from A5013 near Walton Grove to B5405 leading to Public Footpath No. 0.1592, Eccleshall Parish to the County Council's Definitive Map and Statement of Public Rights of Way.

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 location plan of the alleged Right of Way; (ii) a copy of the application; (iii) Finance Act 1910 Plan and Book of Reference; (iv) Railway Plan 1845 Book of Reference; (v) Walton Tithe Map; (vi) Seighford Tithe Map; (vii) Railway Plan 1845; (viii) Ordnance Survey Plan 1880's; (ix) Parish Survey Cards and; (x) Surveyor of Highways Report Book 1902.

In the discussion which ensued the Chairman sought an assurance from the Director of Corporate Services that the new landowners affected by the application had been contacted and that no response had subsequently been received. In reply the Director confirmed that this was the case.

Following their detailed consideration of the application, the Panel decided that from the available evidence, the application met the civil test of 'Balance of Probabilities' as set out in paragraph 53(3)(c)(i) of the Act in that the alleged Right of Way subsists.

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

(b) That the evidence submitted by the applicant and that discovered by the County Council is sufficient to conclude that a Public Footpath which is not shown on the Definitive Map and Statement, on the balance of probabilities, does subsist along the route shown marked A to B and C to E on the plan attached at Appendix A to the report and should be added to the Definitive Map and Statement of Public Rights of Way for the District of Stafford Borough as such.

(c) That an Order be made to add the right of way shown on the plan attached at Appendix A to the report and marked A to B and C to E to the Definitive Map and Statement of Public Rights of Way for the District of Stafford Borough as a Public Footpath.

107. Date of Next Meeting - Friday 20 September 2019 at 10.00 am, County Buildings, Stafford

RESOLVED – That the date, time and venue of the next meeting of Countryside and Rights of Way Panel (**Friday 20 September 2019 at 11.00 am, County Buildings, Stafford**) be noted.

NOTE BY CLERK: The above-mentioned meeting will be preceded by a training session for all Panel Members and Substitutes, commencing at **9.30 am**.

Chairman

HS2

Staffordshire & Wolverhampton Joint Local Access Forum

Monday 30 September 2019 – HS2 Ltd

Ashton Gilbert

Engagement Advisor

Ruth Hýtch

Senior Engagement Advisor

Independent government review of HS2

- Chairman Douglas Oakervee will use all existing evidence on the project and consider its benefits and impacts; affordability and efficiency; deliverability; and scope and phasing, including its relationship with Northern Powerhouse Rail.

Page 26

HS2 Chairman's Stocktake published in August 2019 will form part of the information considered by the review

<https://www.gov.uk/government/publications/hs2-ltd-chairmans-stocktake-august-2019>

- Final report will be sent to the government in the autumn.
-

Presentation

Page 27

Inform stakeholders about the engagement process to date and outcomes of consultation

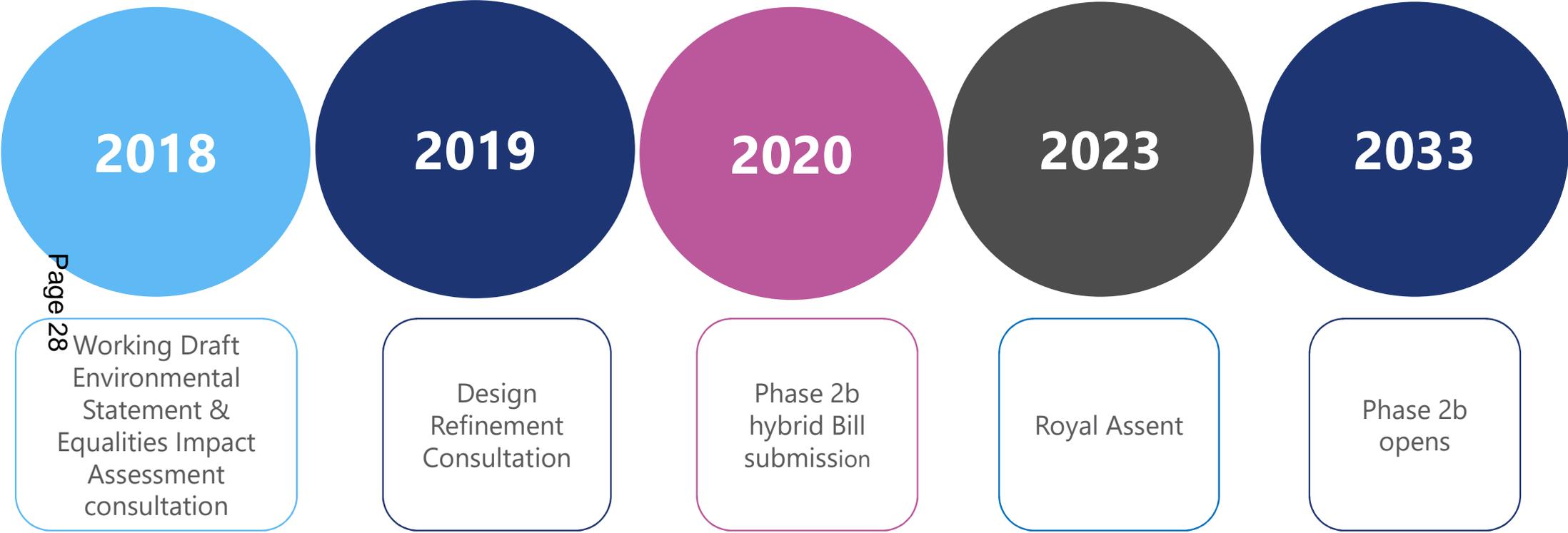
Secretary of State announcement
June 2019

Design Refinement
Consultation and
Safeguarding

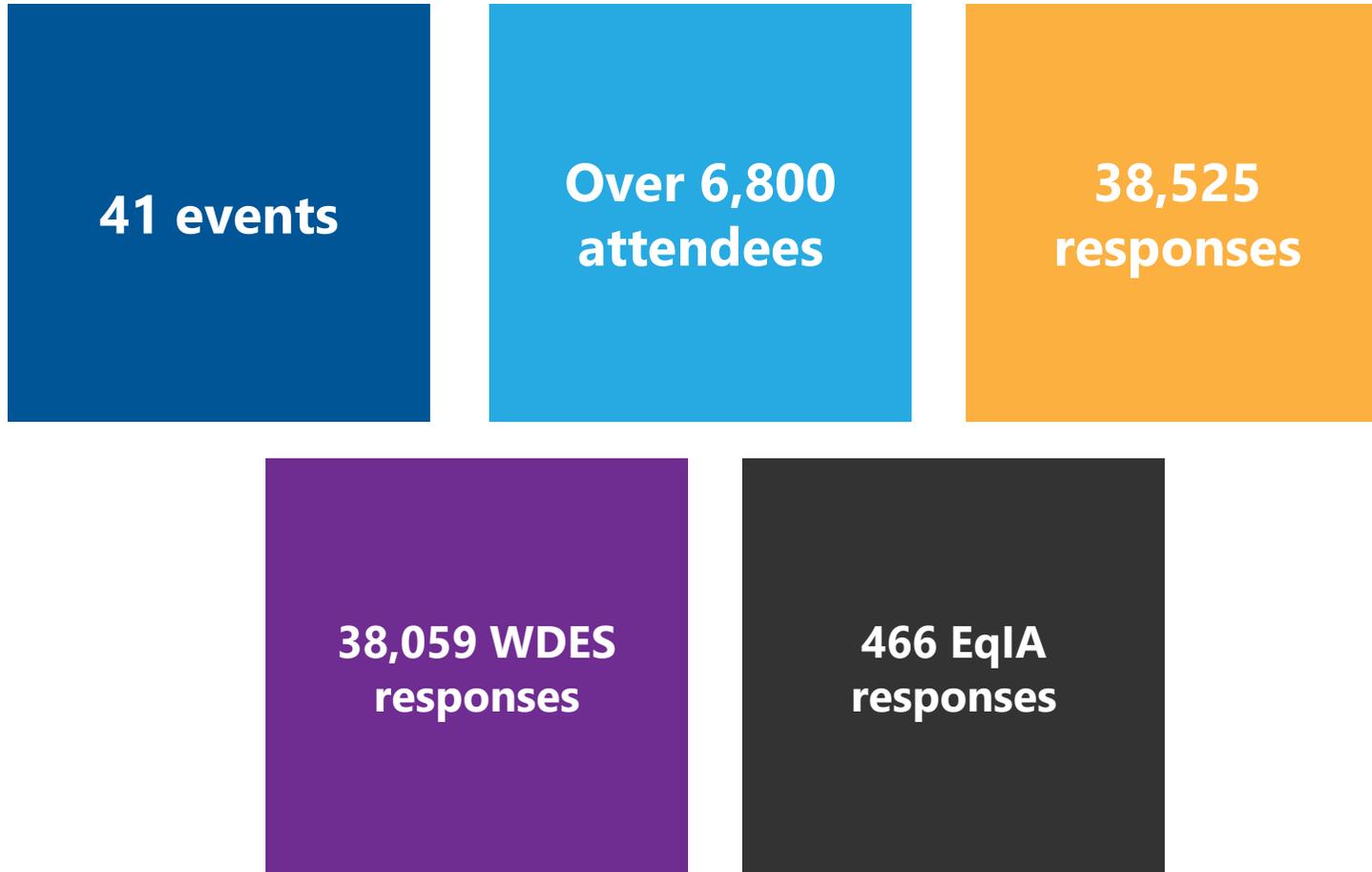
Ongoing
engagement



HS2 Project Timeline



WDES and EqlA consultations

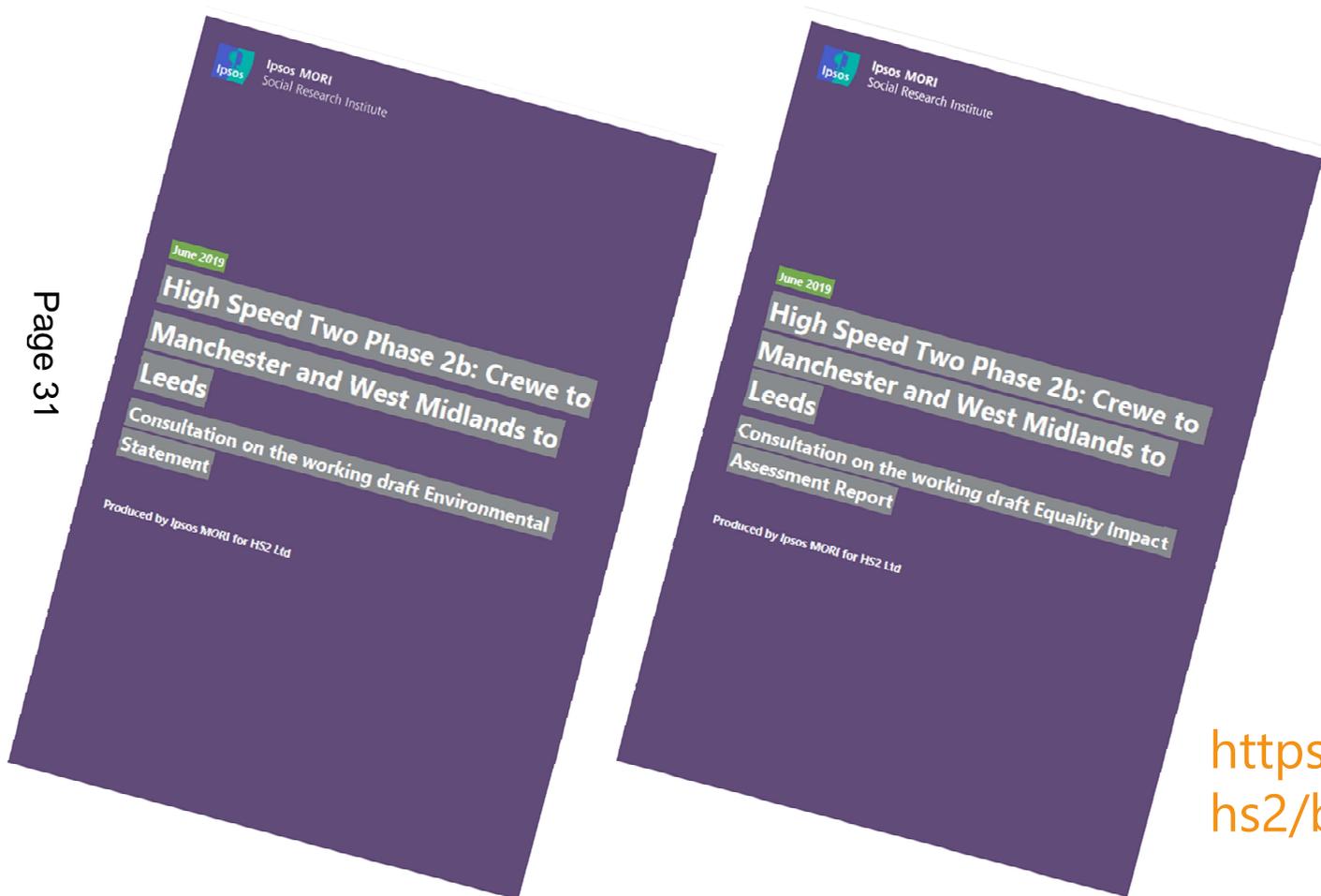


Secretary of State announcement 6 June 2019

- Publication of the WDES and EqlA consultation responses.
- Design Refinement Consultation - 6 June 2019 to 6 September 2019.
- Refresh of Safeguarding areas.



WDES and EqIA consultation responses



Page 31

<https://www.hs2.org.uk/building-hs2/building-the-line/phase-2b/>



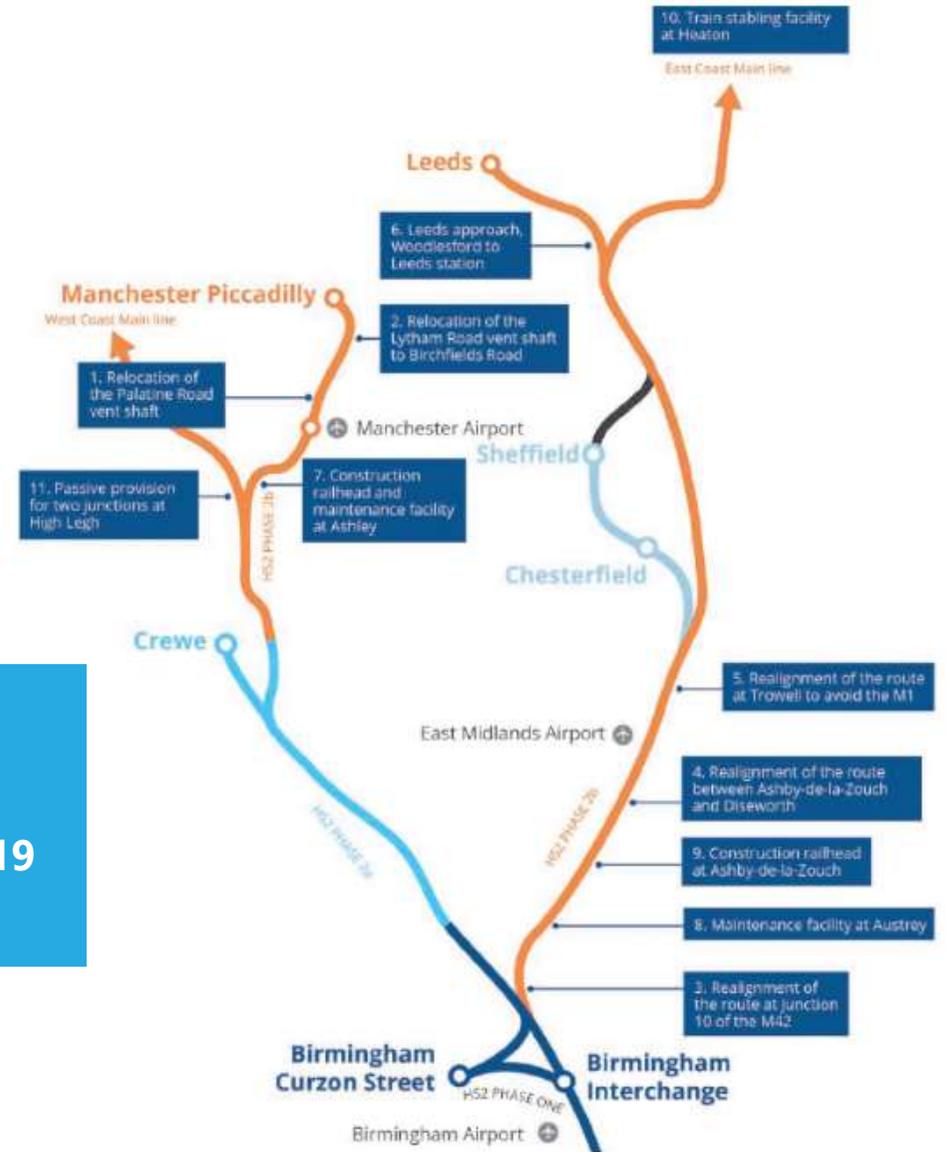
Design refinement consultation

Page 32

Opened
6 June 2019

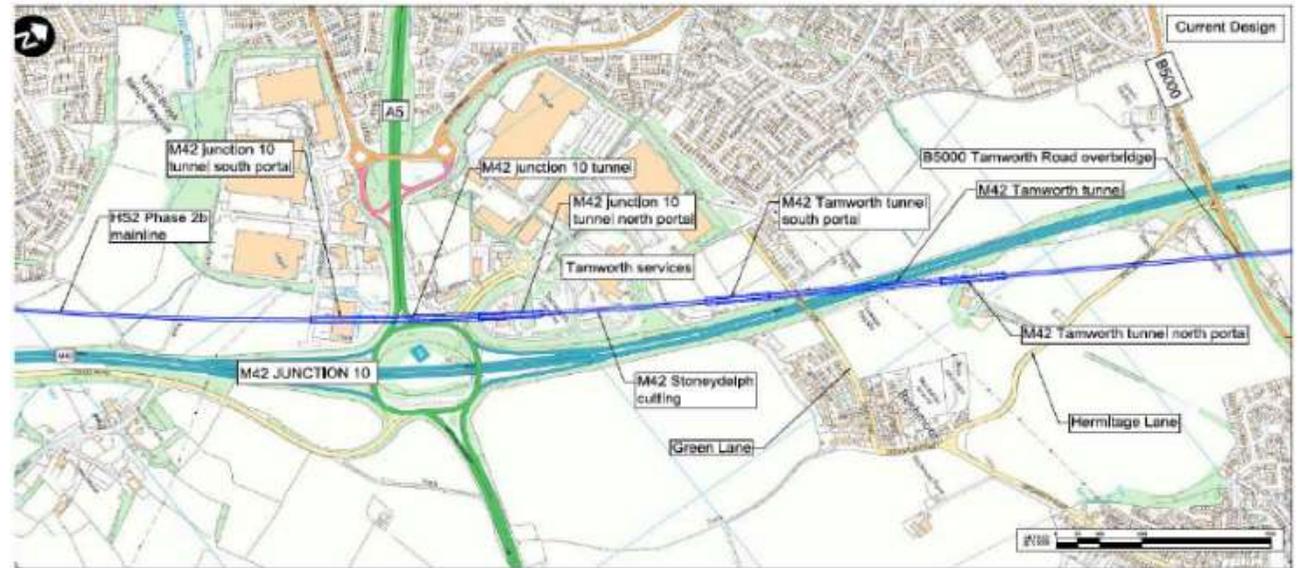
13 weeks

Closed
6 Sept 2019

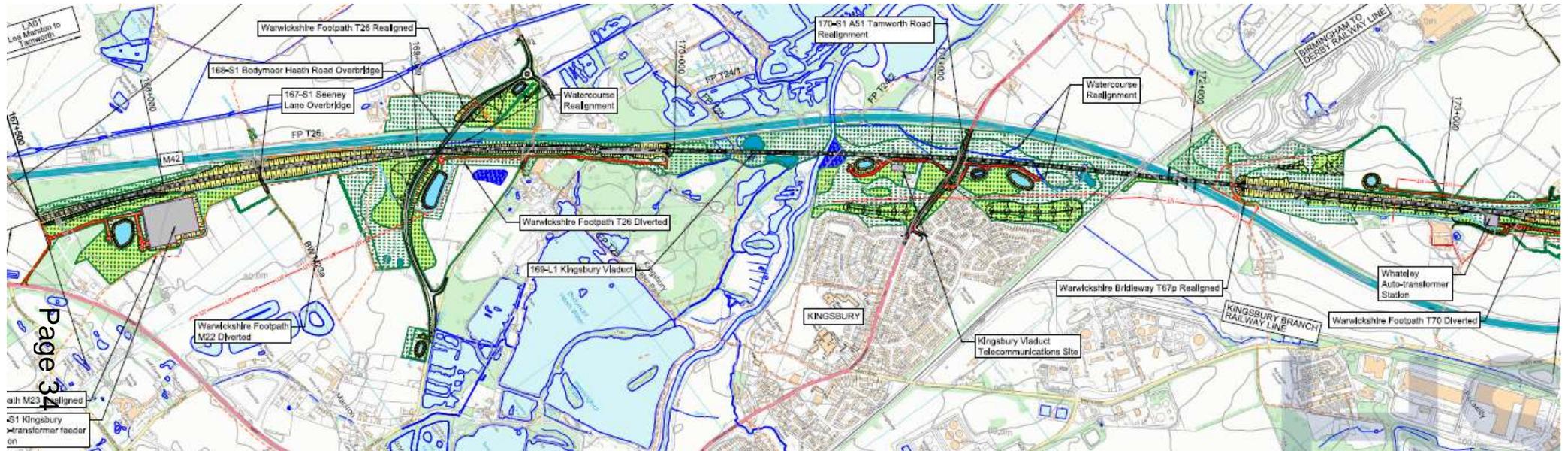


Route realignment at M42 Junction 10

- 2km twin bored tunnel
- Avoids direct impact on A5 and J10
- Avoids impact on services and hotel
- Avoids temporary realignment of M42
- Reduces impacts on strategic road network in the area
- Avoids long-term closure of Green Lane
- Route moves 20m further into Kingsbury Water Park



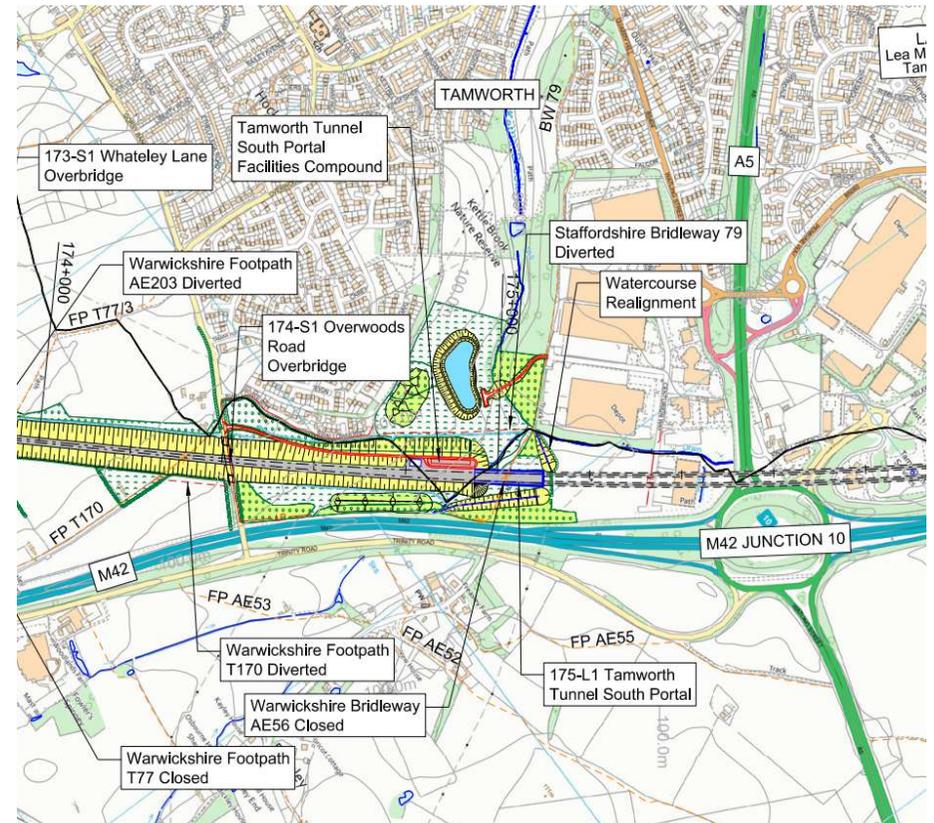
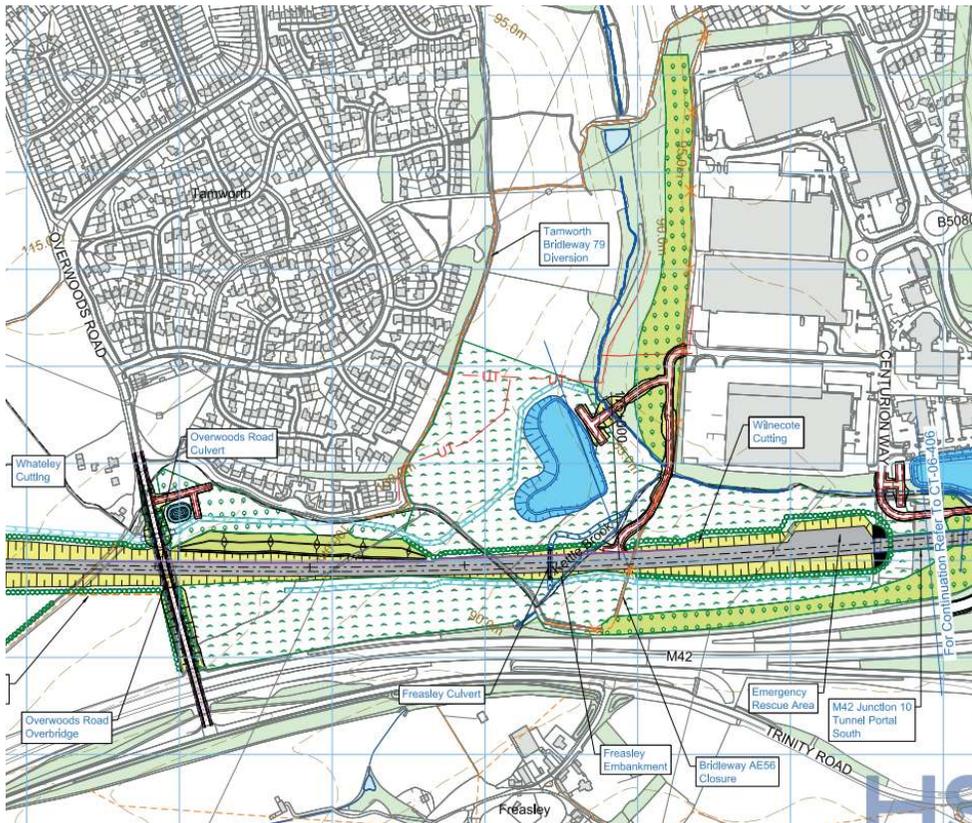
Route realignment at M42 Junction 10



- Alignment shift of 20m east into Kingsbury Water Park to accommodate track crossover sections on straight section of track
- Route deepens just south of Whateley in order gain necessary depth under J10

Working Draft Environmental Statement & Design Refinement Consultation

Page 35



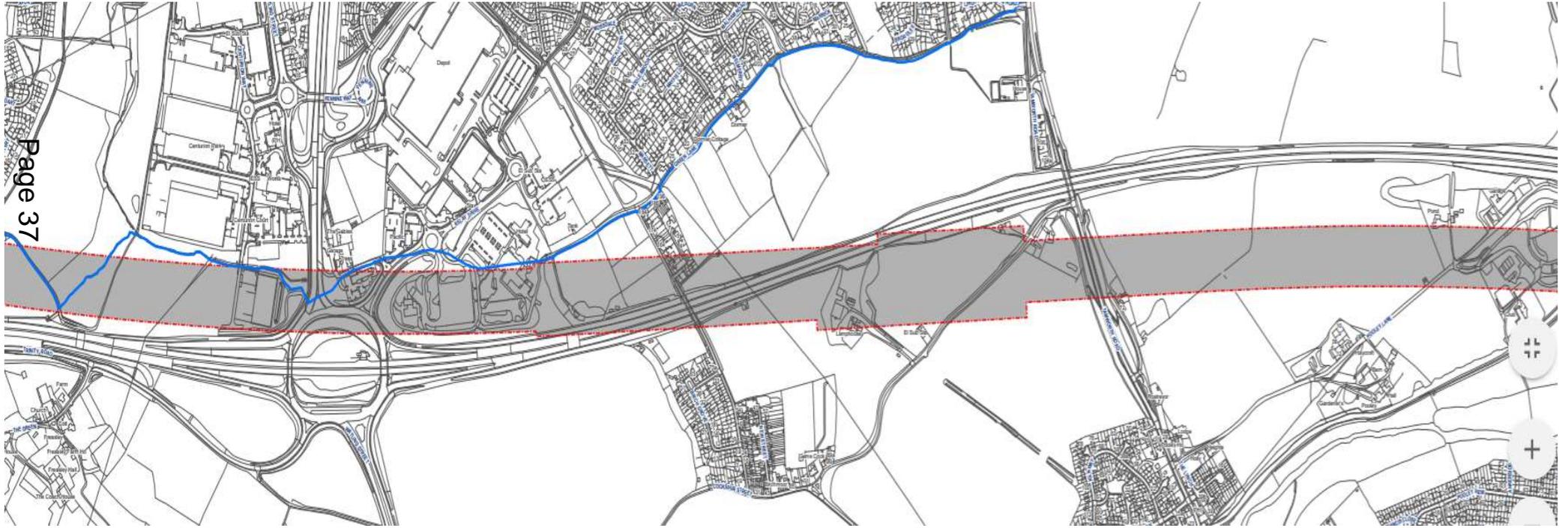
HS2

Safeguarding

Page 36



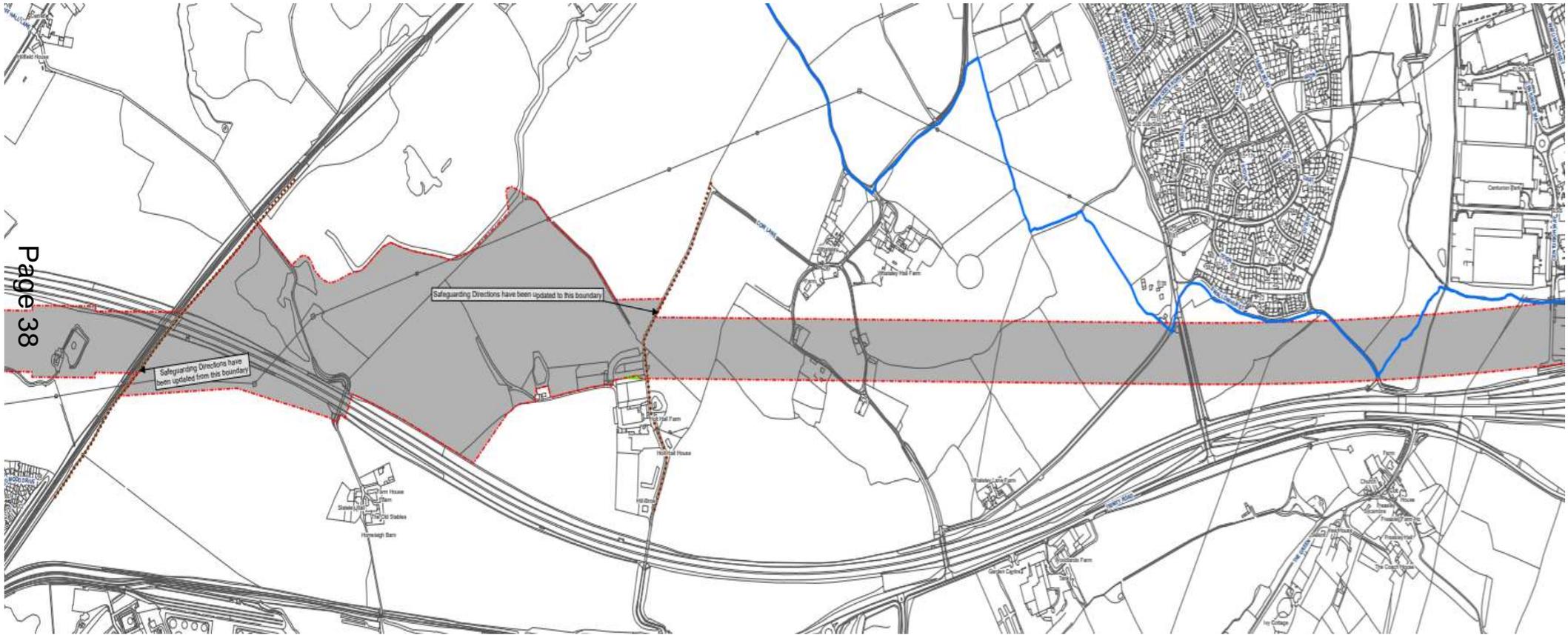
Junction 10



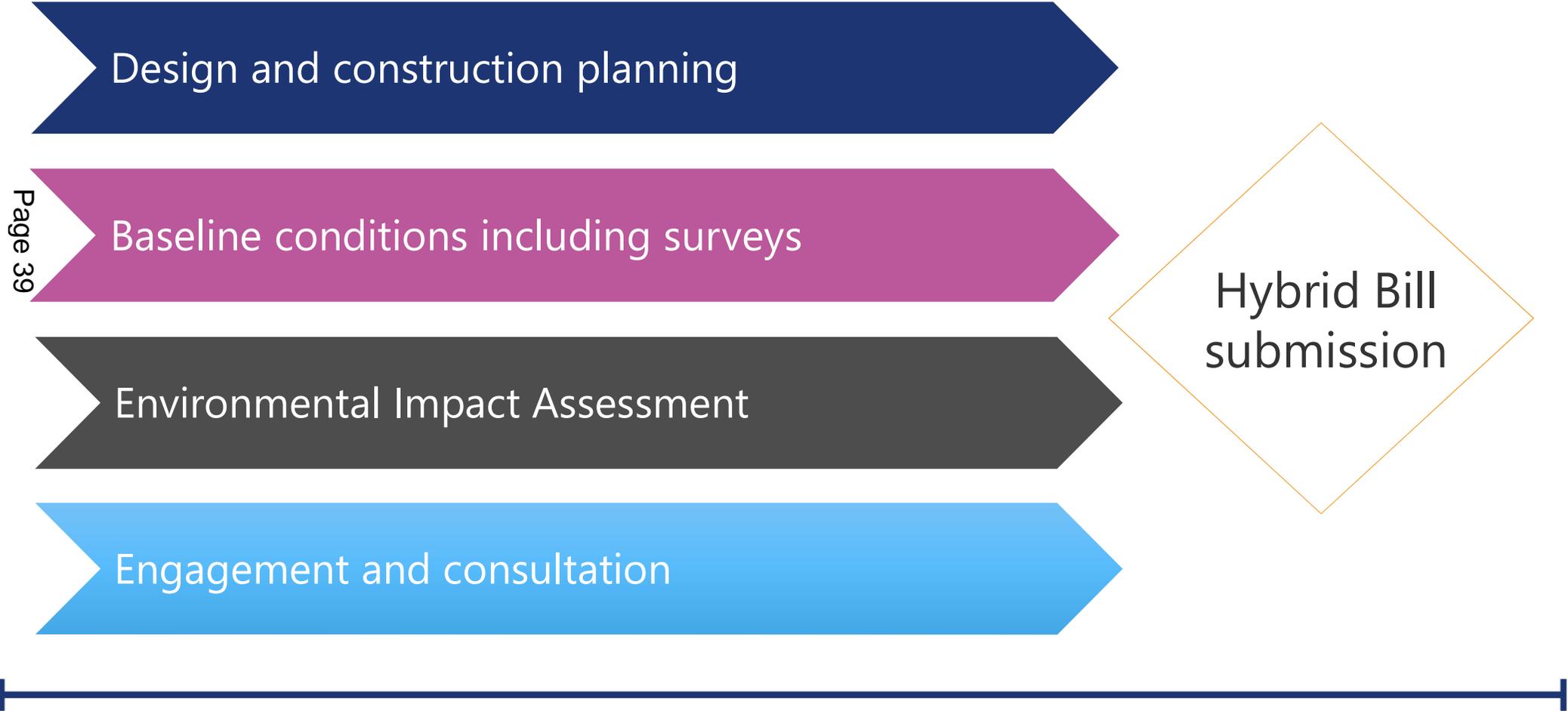
Page 37



Whateley and Tamworth



Development Phase 2019 - 2020



Questions?

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Page 41

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