

**Minutes of the Countryside and Rights of Way Panel Meeting held on 13
November 2020**

Present: Mark Winnington (Chairman)

Attendance	
Alan Dudson	Paul Snape
David Smith	

PART ONE

12. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

13. Minutes of meeting held on 7 August 2020

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

14. Wildlife and Countryside Act 1981, Section 53 - Application for Public Bridleway from Church Farm, High Lane Halmer end via the disused Railway to Apedale Road then continuing to Blackbank Road, Knutton

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 Church Farm, High Lane Halmer End via the disused Railway to Apedale Road, then continuing to Blackbank Road, Knutton.

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) Open Cast – Temporary Rights of Way Closure 1987; (vi) 2005 DMMO & Decision Report; (vii) Landowner Submissions; (viii) 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 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 A-B-C-D-S-T-W-X 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 A-B-C-D-S-T-W-X on Plan 1 attached at **Appendix A**, to the Definitive Map and Statement of Public Rights of Way.

15. Wildlife and Countryside Act 1981, Section 53 - Application for Public Bridleway from High Lane in the Parish of Audley 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 High Lane in the Parish of Audley to Apedale Road.

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) Late Submission of user evidence forms ;

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 N-M-L-J-H-G 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 N-M-L-J-H-G on Plan 1 attached at **Appendix A**, to the Definitive Map and Statement of Public Rights of Way.

16. Wildlife and Countryside Act 1981, Section 53 - Application for Public Bridleway from Audley Road along Springwood Lane 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 Audley Road along Springwood Lane to Apedale Road.

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 C-Z-Y on Plan 1 attached at Appendix A to this report and;

(c) 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 F-C on Plan 1 attached at Appendix A to this report, however there is a conflict of credible evidence, suggesting the existence of locked gates and barriers, therefore it would be appropriate to allow the evidence to be tested through the full Order process.

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

Chairman