

Minutes of the Countryside and Rights of Way Panel Meeting held on 8 October 2021

Present: Mark Winnington (Chairman)

Attendance	
David Smith	Jill Waring

Apologies: Paul Snape & Jak Worthington

Also in Attendance: Mike Worthington

PART ONE

30. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

31. Minutes of meeting held on 17 September 2021

RESOLVED – That the minutes of the meeting held on 17 September 2021 be confirmed and signed by the Chairman.

32. Wildlife and Countryside Act 1981 - Application for an alleged Public Footpath from Jolpool Lane Near Hardwick Grove to the B5027 Near Whitehouse Lane, Sandon

The Panel considered a report of the Director of Corporate Services regarding an application from Mr M Reay for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for a Public Footpath from Jolpool Lane Near Hardwick Grove to the B5027 Near Whitehouse Lane, Sandon.

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) plan of the claimed route (ii) Application and associated letters and documents provided by applicant (iii) Finance Act 1910 Map and Book of Reference (iv) Parish Survey Card (v) Draft Definitive map and Statement.

The Panel decided that the available evidence was sufficient to conclude that based on a reasonable allegation test that a Public Footpath from Jolpool Lane Near Hardwick Grove to the B5027 Near Whitehouse Lane, Sandon subsisted and therefore should be added to the Definitive Map and Statement of Public Rights of Way as such.

DECISION - That (a) the evidence submitted by the applicant and that discovered by the County Council was sufficient based upon the reasonable allegation test that the alleged Public Footpath from Jolpool Lane Near Hardwick Grove to the B5027 Near Whitehouse Lane, Sandon subsisted on the route marked A to B map attached at Appendix B in the report.

(b) an Order be made to add the alleged right of way shown on the lines marked A to B on the plan attached at Appendix B in the report to the Definitive Map and Statement of Public Rights of Way for the parish of Sandon and Burston in the Borough of Stafford as a Public Footpath.

33. Wildlife and Countryside Act 1981 - Application for Alleged Public Footpath between Weston Road and Tixall Road Stafford

The Panel considered a report of the Director of Corporate Services regarding an application from Mr D A Luker and Mrs P Luker for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for a Public Footpath between Weston Road and Tixall Road Stafford.

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) plan of the claimed route (ii) Application and associated letters and documents provided by applicant (iii) Salient Points (iv) Landowner Response Forms (v) Evidence Discovered by Staffordshire County Council (vi) Responses from statutory Consultees (vii) Plan Affixed to Bundle.

The Panel decided that the available evidence was sufficient to conclude on the balance of probabilities that A Public Footpath between Weston Road and Tixall Road Stafford subsisted and therefore should be added to the Definitive Map and Statement of Public Rights of Way as such.

DECISION - That (a) the evidence submitted by the applicant and that discovered by the County Council was sufficient to show that the alleged public footpath between Weston Road and Tixall Road Stafford subsisted on the lines marked A to B on the map attached at Appendix B in the report.

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

34. Wildlife and Countryside Act 1981 - Application for an alleged Public Footpath at the rear of Ox Pastures, Cheddleton

The Panel considered a report of the Director of Corporate Services regarding an application from Cheddleton Parish Council for a modification order under Section 53 of

the Wildlife and Countryside Act 1981 for a Public Footpath at the rear of Ox Pastures, Cheddleton.

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) plan of the claimed route (ii) User evidence forms (iii) Table of Usage (iv) Copies of the landowner's responses (v) Copies of the comments of the User Groups/Councils.

Councillor Worthington, as the Local Member advised that he was in support of the recommendations in the report as he was familiar with the site and had seen that it had been used as per the application.

The Panel decided that the available evidence was sufficient to conclude that on the balance of probabilities A Public Footpath at the rear of Ox Pastures, Cheddleton subsisted and therefore should be added to the Definitive Map and Statement of Public Rights of Way as such.

DECISION - That (a) the evidence submitted by the applicant and that discovered by the County Council was sufficient to show that the alleged public footpath Public Footpath at the rear of Ox Pastures, Cheddleton subsisted on the lines marked A to B on the map attached at Appendix B in the report.

(b) an Order be made to add the alleged right of way shown on the lines marked A to B on the plan attached at Appendix B in the report to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands as a Public Footpath.

35. 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.

36. Exempt minutes of the meeting held on 17 September 2021

(Exemption paragraph 2, 6a & 6b)

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

(Exemption paragraph 2, 6a & 6b)

Chairman