

Minutes of the Countryside and Rights of Way Panel Meeting held on 10 December 2021

Present: Mark Winnington (Chairman)

Attendance

Jak Abrahams
David Smith

Paul Snape
Jill Waring

PART ONE

47. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

48. Minutes of meeting held on 12 November 2021

RESOLVED – That the minutes of the meeting held on 12 November 2021 be confirmed and signed by the Chairman.

49. 08 November 2019 meeting item no 119.

The Panel were advised of an error in the minutes of the meeting held on 8 November 2019, item number 119. The minutes read:

“RESOLVED – That consideration of the report be deferred until a future meeting pending investigation of further evidence submitted by the applicant for a Modification Order under Section 53 of the Wildlife and Countryside Act 1981, after publication of the Agenda for the meeting. ”

The Panel were informed that further evidence was submitted by the Landowner rather than the applicant.

RESOLVED – That the error be noted.

50. Wildlife and Countryside Act 1981 - Application for an alleged Public Bridleway between Trent Walk and Fiddlers lodge

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 Bridleway between Trent Walk and Fiddlers Lodge.

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) Original copy of the Quarter Session Order dated 1801 and accompanying map (iii) Transcript of the Quarter Session Order dated 1801 (iv) Justice Order Plan 1801 Routes overlaid on the Definitive Map (v) Ingestre Estate Diversion Plan (vi) Copy of Public Path Order – Creation Order 1994 – creation of public bridleway (vii) Copies of correspondence from statutory consultees (viii) Copy of correspondence from Dr Fowkes – archive consultant and historical researcher (ix) Copy of Mr Tavernor’s comments on draft report and officer response.

The Panel decided that the available evidence was sufficient to conclude that a Public Bridleway between Trent Walk and Fiddlers Lodge 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 Public Bridleway between Trent Walk and Fiddlers Lodge subsisted.

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

51. Wildlife and Countryside Act 1981 - Application for the addition of a Public Bridleway from Byway No 3 north of Stable Farm to Trent Walk, Ingestre

Item Deferred.

52. Wildlife and Countryside Act 1981 - Application for the addition of a Public Bridleway from Hanyards Lane to Ingestre and to upgrade Public Footpath 0.1630(b) to a Public Bridleway

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 Bridleway from Hanyards Lane to Ingestre and to upgrade Public Footpath 0.1630(b) to a Public 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) plan of the claimed route (ii) Copy of Quarter Session Order and accompanying map dated 1801 (iii) Transcript of text from the Quarter Session Order dates 1801 (iv) Map of Justice Order Plan 1801 routes overlaid on the Definitive Map of Public Rights of Way (v) Copy of correspondence from statutory consultees (vi) Copy of correspondence from Dr Fowkes (vii) Copy of correspondence from International Design Ltd and copy of officer's response (viii) Copy of correspondence from applicant regarding report and copy of officer's response.

The Panel decided that the available evidence was sufficient to conclude that a Public Bridleway from Hanyards Lane to Ingestre 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 a Public Bridleway from Hanyards Lane to Ingestre which is not shown on the Definitive Map and Statement subsists.

(b) an Order be made to add the alleged Right of Way shown on the plan attached at Appendix B and marked E to F to the Definitive Map and Statement of Public Rights of Way for the District of Stafford as a Public Bridleway.

53. 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.

54. Exempt minutes of the meeting held on 12 November 2021

RESOLVED – That the exempt minutes of the meeting held on 12 November 2021 be confirmed and signed by the Chairman.

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

(Exemption paragraph 2, 6a & 6b)

Chairman