

## **Minutes of the Countryside and Rights of Way Panel Meeting held on 28 January 2022**

Present: Mark Winnington (Chairman)

<b>Attendance</b>	
David Smith	Jill Waring
Paul Snape	

**Apologies:** Jak Abrahams

### **PART ONE**

#### **57. Declaration of Interest in accordance with Standing Order 16.2**

There were no Declarations of Interest on this occasion.

#### **58. Minutes of meeting held on 10 December 2021**

**RESOLVED** – That the minutes of the meeting held on 10 December 2021 be confirmed and signed by the Chairmen.

#### **59. 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**

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 Byway No 3 north of Stable Farm to Trent Walk, Ingestre.

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 dated 1801; (iv) Map of Justice Order Plan 1801 routes overlaid on the Definitive Map of Public Rights of Way; (v) Copy of Ingestre Estate Plans; (vi) Copy of correspondence from Dr Fowkes; (vii) Copy of documents provided by the applicant produced by Staffordshire County

Council showing the alignment of the route between points C to D; (viii) Copy of correspondence received from owners of 3, 15 and 17 Home Farm Court in response to report and a copy of officer's response to owners.

The Panel decided that the available evidence was sufficient to conclude that a Public Bridleway from Byway No 3 north of Stable Farm to Trent Walk, 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 Byway No 3 north of Stable Farm to Trent Walk, 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 C to D to the Definitive Map and Statement of Public Rights of Way for the District of Stafford as a Public Bridleway.

**60. Wildlife and Countryside Act 1981 - Application for the addition of an alleged Public Bridleway from Trent Walk Bridge to the public road at the south east corner of Home Farm**

The Panel considered a report of the Director of Corporate Services regarding an application from Mr M Beddall for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for a Public Bridleway from Trent Walk Bridge to the public road at the south east corner of Home Farm.

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) Copy of Quarter Session Order dated 1801; (iv) Table of Usage; (v) Copy of correspondence from statutory consultees; (vi) Copy of letter from landowners, Mr Travernor, Mrs Eccleshall and Ms Davies with response to draft report and copy of officer's response

The Panel decided that the available evidence was sufficient to conclude that a Public Bridleway from Trent Walk Bridge to the public road at the south east corner of Home Farm 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 Trent Walk Bridge to the public road at the south east corner of Home Farm 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 G to H to the Definitive Map and Statement of Public Rights of Way for the District of Stafford as a Public Bridleway.

### **61. Wildlife and Countryside Act 1981 - Application to upgrade Public Footpath 21 Hixon 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 to upgrade Public Footpath 21 Hixon 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 Colwich Inclosure Awar 1791; (iii) Copy of Quarter Session Order dated 1801.

The Panel decided that the available evidence was sufficient to conclude that a Public Bridleway along the lines of Public Footpath 21 Hixon 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 along the lines of Public Footpath 21 Hixon subsisted.

(b) Public Footpath 21 Hixon be upgraded to a public bridleway on the Definitive Map and Statement of Public Rights of Way for the District of Stafford.

### **62. 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 12 A (as amended) of the Local Government Act 1972 indicated below.

**63. Exempt minutes of the meeting held on 10 December 2021**

**RESOLVED** – That the exempt minutes of the meeting held on 10 December 2021 be confirmed and signed by the Chairman.

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

(Exemption paragraph 2, 6a & 6b)

The Panel received an exempt oral report from the Director of Corporate Services updating them on the progress being made by the County Council to resolve the backlog of applications for Modification Orders under Section 53 of the Wildlife and Countryside Act 1981.

**RESOLVED** – That the update be noted.

**Chairman**