

Minutes of the Countryside and Rights of Way Panel Meeting held on 17 June 2022

Present: Mark Winnington (Chairman)

Attendance

David Smith
Paul Snape

Jill Waring

Apologies: Jak Abrahams, Philip Hudson and Robert Pritchard

PART ONE

2. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

3. Minutes of meeting held on 11 March 2022

RESOLVED – That the minutes of the meeting held on 11 March 2022 be confirmed and signed by the Chairman.

4. Wildlife and Countryside Act 1981 - Application for the addition of a Public Bridleway along Glass House Lane from Public Footpath 56 by the road at Glass Houses, Loggerheads.

Item deferred.

5. Wildlife and Countryside Act 1981 - Application for an Alleged Public Footpath from PF11 to Drointon Lane in Stowe, Stowe-by-Chartley Parish

The Panel considered a report of the Director for Corporate Services regarding an application for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for a Public Footpath from PF11 to Drointon Lane in Stowe, Stowe-by-Chartley Parish.

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) Map of the claimed route; (ii) Traced copy of the Stowe Inclosure award map of 1791 together with separate note of narrative; (iii) Traced copy of a Tithe map of 1850 with note of award written on tracing; (iv) Estate map of land in Colwich and Stowe from the 19th Century; (v) Note with a coloured key and plan showing noteworthy fields from Tithe and Inclosure maps and the Applicant's interpretation of the claimed route; (vi) 1st, 2nd and 3rd edition Ordnance Survey map from 1890, 1901 & 1924; (vii) County Series 2nd and 3rd edition Ordnance Survey map dates 1901 & 1923; (viii) Screen copy of an Ordnance survey first edition dates 1836 and; (ix) Ordnance Surveys National Grid map of 1971 & 1972.

The Panel Decided that that the available evidence was not sufficient to conclude that a Public Footpath Public Footpath from PF11 to Drinton Lane in Stowe, Stowe-by-Chartley Parish subsisted and therefore should not 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 not sufficient to conclude that the alleged Public Footpath which is not shown on the Definitive Map and Statement subsisted along the route marked A to B on the map attached at Appendix B and so should not be added to the Definitive Map and Statement of Public Rights of Way as such.

(b) an Order should not be made to add the alleged route shown marked A to B on the map attached at Appendix B to the Definitive Map and Statement of Public Rights of Way.

6. Wildlife and Countryside Act 1981 - Application for Alleged Public Footpath Between A525 Keele Road and Lymes Road, Keele

The Panel considered a report of the Director for Corporate Services regarding an application for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for a Public Footpath between A525 Keele Road and Lymes Road, Keele.

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) Map of the claimed route; (ii) Quarter Sessions Order 1814; (iii) Annotated Plan from Applicant; (iv) Quarter Sessions Orders 1814-47; (v) Tithe Map; (vi) Knights Solicitors & Mike Taylor Consultants Report (vii) Landowner Response Forms; (viii) Newcastle-under-Lyme Borough Council Letter; (ix) Statutory Consultation Responses; (x) Revised Plan and Notes of

Affected Properties; (xi) Relevant legal cases; (xii) Responses to Knights Solicitors Report; (xiii) Cllr Responses to draft report and; (xiv) Letter from Ralph Sneyd.

The Panel Decided that that the available evidence was sufficient to conclude that a Public Footpath between A525 Keele Road and Lymes Road, Keele 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 conclude that on the balance of probabilities the alleged Public Footpath which is not shown on the Definitive Map and Statement subsisted along the route marked A to D on the map attached at Appendix B and so should not be added to the Definitive Map and Statement of Public Rights of Way as such.

(b) an Order should be made to add the alleged route shown marked A to D on the map attached at Appendix B to the Definitive Map and Statement of Public Rights of Way.

7. 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.

8. Exempt minutes of the meeting held on 11 March 2022

RESOLVED – That the exempt minutes of the meeting held on 11 March 2022 be confirmed and signed by the Chairman.

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

(Exemption paragraphs 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