

Minutes of the Countryside and Rights of Way Panel Meeting held on 15 July 2022

Present: Mark Winnington (Chairman)

Attendance

David Smith

Apologies: Philip Hudson, Robert Pritchard, Paul Snape and Jill Waring

PART ONE

11. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

12. Minutes of meeting held on 17 June 2022

RESOLVED – That the minutes of the meeting held on 15 July 2022 be confirmed and signed by the chairman.

13. Wildlife and Countryside Act 1981 - Application for upgrading Public Footpath 52 Swynnerton to a Public Bridleway

The Panel considered a report of the Director of Corporate Services regarding an application for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for upgrading Public Footpath 52 Swynnerton 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) Map of the claimed route; (ii) Copy of user evidence forms; (iii) Table of usage; (iv) Copy of 1910 Finance Act plans; (v) Copy tracing of Swynnerton Tithe map; (vi) Copy of OS map dater Early 1876, 2820s and 1800s; (vii) Copy of J&C Walkers map of Staffordshire of the 1850s; (viii) Copy of the Wright and Charrington's Motoring, Cycling and Touring map of the early 1900s; (ix) Copy of the Deposited Railway Plan and Johnson and Bacons Road Atlas of 1940, reprinted in 1961; (x) Copy of Swynnerton

Parish Survey map, Greenwood map 1820 and Teesdale map 1832 and; (xi) Copy of letter from Russell Poole Chartered Surveyor dated 25 October 2000.

The Panel Decided that that the available evidence was not sufficient to conclude that a Public Bridleway 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 insufficient to show that, on a balance of probabilities, public bridle rights existed along Public Footpath No 52 Swynnerton.

(b) Public Footpath No 52 Swynnerton which was subject to the claim remains as a footpath as currently shown on the Definitive Map and Statement of Public Rights of Way for the District of Stafford.

(c) no Order be made to upgrade the alleged right of way shown on the plan attached at Appendix B to the Definitive Map and Statement of Public Rights of Way for the District of Stafford.

14. Wildlife and Countryside Act 1981 - Application for a Public Footpath from Public Footpath 15, Milwich, to Public Footpath 2, Leigh

The Panel considered a report of the Director of Corporate Services regarding an application for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for a Public Footpath from Public Footpath 15, Milwich, to Public Footpath 2, Leigh.

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) Application Plan; (ii) User evidence; (iii) Landowner Response forms; (iv) Statutory Consultee responses and; (v) Evidence for alternative route.

The Panel Decided that that the available evidence was sufficient to conclude that a Public Footpath from Public Footpath 15, Milwich, to Public Footpath 2, Leigh subsisted and therefore should be added to the Definitive Map and Statement of Public Rights of Way as such. The Panel discussed that the path should be no wider than one meter.

DECISION – That (a) the evidence submitted by the applicant at Appendix A was sufficient to show that a Public Footpath which is not shown on the

Definitive Map and Statement subsisted on the balance of probabilities along the route marked A to B on the plan attached at Appendix B in the report and should therefore be added to the Definitive Map and Statement of Public Rights of Way as such.

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

15. Wildlife and Countryside Act 1981 - Application for the addition of three alleged footpaths at Hixon airfield, Stafford

The Panel considered a report of the Director of Corporate Services regarding an application for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for three Public Footpaths at Hixon airfield, 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 footpaths; (ii) Additional documentary evidence submitted by the Applicants; (iii) Applicants Certificates of Service; (iv) Landowner evidence forms; (v) User evidence spreadsheet and forms and; (vi) Emails with comments from Statutory consultees.

The Panel Decided that that the available evidence was sufficient to conclude that the three Public Footpaths at Hixon airfield 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 applicants and that discovered by the County Council was sufficient to show that three alleged public footpaths, two of which are along the disused runways and a third which bisects both runways at Hixon airfield, Stafford are reasonably alleged to subsist along the routes marked A to B (Airfield Route 1) C to D (Airfield Route 2) and E to F (Airfield Route 3) on the plan attached at Appendix B.

(b) an Order be made to add the alleged public footpaths along each of the two disused runways of Hixon airfield at Hixon, together with a third alleged public footpath which crosses both runways to the Definitive Map and Statement of Public Rights of Way for the Borough of Stafford.

16. 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.

Chairman