

Minutes of the Countryside and Rights of Way Panel Meeting held on 5 August 2022

Present: Mark Winnington (Chairman)

Attendance

Robert Pritchard
David Smith

Paul Snape
Jill Waring

Apologies: Jak Abrahams and Philip Hudson

Part one

18. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

19. Minutes of meeting held on 15 July 2022

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

20. Wildlife and Countryside Act 1981 - Application for a Public Footpath from Hulme Close Across the Field to outer perimeter of Keele Golf Course

Item deferred.

21. Wildlife and Countryside Act 1981 - Proposed agreement with Shropshire County Council under Section 101 of the Local Government Act 1972 - Application for the addition of an alleged Public Bridleway from the junction of PF6 with Six Ashes Lane to the County Boundary with Shropshire, Bobbington Parish

The Panel considered a report of the Director for Corporate Services regarding a proposed agreement with Shropshire County Council under Section 101 of the Local Government Act 1972 for the discharge of functions from one local authority to another in relation to the matter of determining a Definitive Map Modification Order made under Section 53 of the Wildlife and Countryside Act 1981 which straddles the County Boundary for the application for the addition of an alleged Public Bridleway from the junction of PF6 with Six Ashes Lane to the County Boundary with Shropshire, Bobbington Parish.

Decided – That (a) an agreement be entered into with Shropshire County Council under Section 101 of the Local Government Act 1972 for Shropshire County Council to delegate its powers to Staffordshire County Council to determine an application made under Section 53 of the Wildlife and Countryside Act 1981 as the alleged right of way in a continuous route that crosses the Staffordshire/ Shropshire County Border

(b) in accordance with such arrangements as may from time to time be agreed between the Director for Corporate Services and the appropriate officer of Shropshire County Council.

22. Wildlife and Countryside Act - Application for the addition of an alleged Public Footpath from Tenement Farm to Edgewells Farm, Ramshorn and Farley

The Panel considered a report of the Director for Corporate Services for the addition of an alleged Public Footpath from Tenement Farm to Edgewells Farm, Ramshorn and Farley.

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) 1910 Finance Act plans and field books; (iii) 3rd edition Ordnance Survey Sheet; (iv) Farley and Ramshorn Parish Survey Cards; (v) Documentation relating to the objection of the routes onto the Definitive map, including map of objection and Schedule of Objections; (vi) Landowner questionnaire; (vii) Copy of owner and occupied evidence form and (viii) copy of letters from East Staffordshire Borough Council and Staffordshire Moorlands District Council.

The Panel decided that the available evidence was sufficient to conclude that the Public Footpath from Tenement Farm to Edgewells Farm, Ramshorn and Farley subsisted and therefore should be added to the Definitive Map and Statement of Public Rights of Way as such.

Decided – That (a) the evidence submitted by the applicant and that discovered by the County Council is sufficient to show that the alleged public footpath from Tenement Farm to Edgewells Farm, Ramshorn and Farley is reasonably alleged to subsist.

(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 to the Definitive Map and

Statement of Public Rights of Way for the Districts of East Staffordshire and Staffordshire Moorlands as a Public Footpath.

23. 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.

24. 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