

Minutes of the Countryside and Rights of Way Panel Meeting held on 14 October 2022

Present: Mark Winnington (Chair)

Attendance	
David Smith	Jill Waring
Paul Snape	

Apologies: Jak Abrahams, Philip Hudson and Robert Pritchard

Part one

31. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

32. Minutes of meeting held on 16th September 2022

Resolved – That the minutes of the meeting held on 16 September 2022 be confirmed and signed by the Chairman.

33. Wildlife and Countryside Act 1981 Section 53 application policy

The Panel considered a report of the Wildlife and Countryside Act 1981 Section 53 application policy, Report of the Director for Corporate Services.

The Panel were advised that Staffordshire County Council was the authority responsible for maintaining the Definitive Map and Statement of Public Rights of Way as laid out in section 53 of the Wildlife and Countryside Act 1981 ("the 1981 Act").

The Panel were reminded that the decision on policies to deal with applications was a matter for the Panel and was not delegated to officers.

Resolved – That the proposed policy be adopted.

34. Wildlife and Countryside Act 1981 - Application for the addition of an alleged Public Footpath from Stephens Way to Public Footpath 31 Audley

The Panel considered a report of the Director for Corporate Services for an alleged footpath leading off Stephens Way to Public Footpath 31, Audley.

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) Copy of application and associated submitted letters and documents; (ii) Plan of claimed route; (iii) Copies of user evidence forms; (iv) Table of Usage; (v) Copy of statement/letter from previous landowners; (vi) Railway Deposited Plans and Book of Reference dated 1864; (vii) Copies of maps dated 1890 and 1920; (viii) Copy of map dated 1942 and; (ix) Copy of map dated from the 1970's.

The Panel decided that the available evidence was sufficient to conclude that the Public Footpaths leading off Stephens Way to Public Footpath 31, Audley subsisted and therefore should be added to the Definitive Map and Statement of Public Rights of Way as such.

Resolved – That (a) the evidence presented by the applicants was sufficient to show that a Public Footpath which was not shown on the Definitive Map and Statement for the District of Newcastle under Lyme subsists along the route shown marked A to B on the plan attached at Appendix B and should be added to the Definitive Map and Statement of Public Rights of Way as such

(b) That 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 District of Newcastle under Lyme as a Public Footpath.

35. Wildlife and Countryside Act 1981 - Application for the addition of an alleged Public Footpath from Public Footpath 23, Ellastone along Green Lane to Public Footpath 3, Denstone

The Panel considered a report of the Director for Corporate Services for an alleged footpath leading off Public Footpath 23, Ellastone along Green Lane to Public Footpath 3, Denstone.

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) Copy of application and associated submitted letters and documents; (ii) Plan of claimed route; (iii) Ramshorn Tithe Map dated 1847; (iv) Prestwood Tithe Map dated 1844; (v) Deposited Railway Plan dated 1845; (vi) 1910 Finance Act Plans & Field Book; (vii) Ordnance Survey Maps & Wright & Charrington Motoring Cycling and Touring Map of the early 1900's; (viii) Yates Map dated 1775; (ix) Plan of the Earl of Shrewsbury and Earl of Talbot Estate; (x) Letter from JC Bamford Excavators Ltd; (xi) Letters from Denstone Parish Council; (xii) Copies of correspondence from statutory consultees and; (xiii) Copy of correspondence from landowners' solicitors (Bamford) in response to draft report and officers response.

The Panel decided that the available evidence was sufficient to conclude that the Public Bridleway leading off Public Footpath 23, Ellastone along Green Lane to Public Footpath 3, Denstone subsisted and therefore should be added to the Definitive Map and Statement of Public Rights of Way as such.

Resolved – (a) That the evidence submitted by the applicant was sufficient to show that a Public Bridleway which was not shown on the map has been reasonably claimed to subsist along the route that was showed on the plan attached at Appendix B to this report and should be added to the Definitive Map and Statement of Public Rights of way as such, rather than the claimed for Public Footpath.

(b) That an Order be made to add the alleged right of way shown marked A-B on the plan attached at Appendix B to this report, to the Definitive Map and Statement of Public Rights of Way for the District of East Staffordshire as a Public Bridleway.

36. 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