

Minutes of the Countryside and Rights of Way Panel Meeting held on 14 July 2023

Present: Mark Winnington (Chair)

Attendance	
Jak Abrahams	Paul Snape
David Smith	

Also in attendance:

Apologies: Philip Hudson, Robert Pritchard and Jill Waring

Part One

12. Declaration of Interest

The Chairman declared that a number of Landowners referred to as making representations in relation to item no. 16 below were known to him.

13. Minutes of meeting held on 23 June 2023

Decided – That the minutes of the meeting held on 23 June 2023 be confirmed and signed by the Chairman.

14. S53 Application for upgrading to a Restricted Byway part of Public Footpath 12, Grindon Parish between Fleets Lane and BW9 Grindon

The Panel considered a report by the Director for Corporate Services on an application submitted under Section 53 of the Wildlife and Countryside Act 1981 for the upgrading of Public Footpath No. 12 between Fleets Lane and BW9 Grindon to a Restricted Byway on the Definitive Map of Public Rights of Way.

The Director verbally presented various legal, documentary and historical pieces of evidence relevant to the application, explaining that the Panel was required to consider in totality all available evidence and apply relevant legal tests when deciding whether to accept or reject the application.

The Panel was presented with the following evidence:

- A. Copy of application and associated submitted letters and documents
- B. Plan of claimed route
- C. OS One inch map
- D. Ordnance Survey Manual

- E. OS 25-inch map
- F. 1929 Handover Map for Leek Rural
- G. Landowner questionnaire from Landowner No. 1
- H. Landowner questionnaire from Landowner No. 2
- I. Copy of correspondence and further evidence submitted by the applicant and copy of officer's response and copy of Parish Survey Card.

Decided –

(i) that the evidence submitted by the applicants and that discovered by the County Council is insufficient to show that Public Footpath 12 between Fleets Lane and BW9 Grindon should be regraded to a Restricted Byway.

(ii) that no Order under section 53(3)(C)(ii) be made to upgrade part of Public Footpath 12, Grindon shown on the plan attached at Appendix B to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands as a Restricted Byway.

15. S53 Application for the Addition of a Public Footpath From the B5026 to the Highway to Chebsey, Parish of Chebsey - LJ612GA

The Panel considered a report by the Director for Corporate Services on an application submitted under Section 53 of the Wildlife and Countryside Act 1981 for the addition of a Public Footpath from the B5026 to the highway to Chebsey in the Parish of Chebsey on the Definitive Map of Public Rights of Way.

The Director verbally presented various legal, documentary and historical pieces of evidence relevant to the application, explaining that the Panel was required to consider in totality all available evidence and apply relevant legal tests when deciding whether to accept or reject the application.

The Panel was presented with the following evidence:

- A. Copy of application
- B. Plan
- C. Railway Plan 1898
- D. Ordnance Survey Plans 1889 and 1901
- E. Landowner Responses
- F. Statutory Consultee Responses
- G. Parish Survey Card.

Decided –

(i) that the evidence submitted by the applicant shown as Appendix A to

the report is sufficient to show the Public Footpath may be Reasonably Alleged to subsist along the route marked A to B on the Plan submitted at Appendix B to the report.

(ii) that an Order be made to add the right of way shown marked A to B on the plan attached at Appendix B to the Definitive Map and Statement of Public Rights of Way for the Borough of Stafford; the minimum width for the right of way to be 1.5 metres where it was formerly a field edge route and 1 metre where it was formerly a cross field route.

16. S53 Application for the Addition of a Public Footpath from B5026 to the Highway at Oxleasows, Chebsey - LJ612GB

The Panel considered a report by the Director for Corporate Services on an application submitted under Section 53 of the Wildlife and Countryside Act 1981 for the addition of a Public Footpath from the B5026 to the highway at Oxleasows, Chebsey on the Definitive Map of Public Rights of Way.

The Director verbally presented various legal, documentary and historical pieces of evidence relevant to the application, explaining that the Panel was required to consider in totality all available evidence and apply relevant legal tests when deciding whether to accept or reject the application.

The Panel was presented with the following evidence:

- A. Copy of application
- B. Plan
- C. Railway Plan 1898
- D. Ordnance Survey Plan 1901
- E. Landowner Responses
- F. Statutory Consultee Responses

Decided –

(i) that the evidence submitted by the applicant shown as Appendix A to the report is sufficient to show the Public Footpath may be Reasonably Alleged to subsist along the route marked A to B on the Plan submitted at Appendix B to the report.

(ii) that an Order be made to add the right of way shown marked A to B on the plan attached at Appendix B to the Definitive Map and Statement of Public Rights of Way for the Borough of Stafford; the minimum width of the right of way to be 1.5 metres throughout its length.

17. S53 Application for the Addition of a Public Footpath from the B5026 to the Public Path at the Railway Boundary, Chebsey - LJ612GC

The Panel considered a report by the Director for Corporate Services on an application submitted under Section 53 of the Wildlife and Countryside Act 1981 for the addition of a Public Footpath from the B5026 to the public path at the railway boundary, Chebsey on the Definitive Map of Public Rights of Way.

The Director verbally presented various legal, documentary and historical pieces of evidence relevant to the application, explaining that the Panel was required to consider in totality all available evidence and apply relevant legal tests when deciding whether to accept or reject the application.

The Panel was presented with the following evidence:

- A. Copy of application
- B. Plan
- C. Railway Plan 1898
- D. Ordnance Survey Plan 1889
- E. Landowner Responses
- F. Statutory Consultee Responses
- G. Realignment of PF11 (detail)

In considering the application, members queried the legal position when documentary evidence showed a Public Footpath to have been likely to exist but the line of that footpath had been lost due to development such as rail lines. It was explained that in such circumstances the possible extinguishment of any section of a newly defined Public Footpath would be dealt with as an Order was being progressed.

Decided –

(i) that the evidence submitted by the applicant shown as Appendix A to the report is sufficient to show that a Public Footpath is Reasonably Alleged to subsist along the route marked A to B on the Plan submitted at Appendix B to the report.

(ii) that an Order be made to add the right of way shown marked A to B on the plan attached at Appendix B to the Definitive Map and Statement of Public Rights of Way for the Borough of Stafford; the minimum width of the right of way to be 1 metre throughout its length.

18. S53 Application for the Addition of a Public Footpath from the Highway to Chebsey to the Highway to Norton Bridge, Chebsey - LJ612GD

The Panel considered a report by the Director for Corporate Services on an application submitted under Section 53 of the Wildlife and Countryside Act

1981 for the addition of a Public Footpath from the highway to Chebsey to the highway to Norton Bridge Chebsey on the Definitive Map of Public Rights of Way.

The Director verbally presented various legal, documentary and historical pieces of evidence relevant to the application, explaining that the Panel was required to consider in totality all available evidence and apply relevant legal tests when deciding whether to accept or reject the application.

The Panel was presented with the following evidence:

- A. Copy of application
- B. Plan
- C. Railway Plan 1872
- D. Ordnance Survey Plan 1880
- E. Parish Survey Card and Plan 1951
- F. Statutory Consultee Responses
- G. Extract from Book

Decided –

(i) that the evidence submitted by the applicant shown at Appendix A to the report is sufficient to show the Public Footpath may be Reasonably Alleged to subsist along the route marked A to B on the Plan submitted at Appendix B to the report.

(ii) that an Order be made to add the right of way shown marked A to B on the plan attached at Appendix B, to the Definitive Map and Statement of Public Rights of Way for the Borough of Stafford; the minimum width of the footpath to be 1 metre throughout its length.

Chair