

Minutes of the Countryside and Rights of Way Panel Meeting held on 10 November 2023

Present: Mark Winnington (Chair)

Attendance	
David Smith	Paul Snape

Apologies: Jak Abrahams, Philip Hudson, Robert Pritchard and Jill Waring

Part One

28. Declaration of Interest

There were no declarations of interest on this occasion.

29. Minutes of meeting held on 15th September 2023

Resolved – That the minutes of the meeting held on 15 September 2023 be confirmed and signed by the Chairman.

30. Wildlife and Countryside Act 1981 - Proposed additional footpath from Beacon Farm to Lowerhouse Farm in Hopton and Coton

The Panel considered a report from the Director of Corporate Services of the Wildlife and Countryside Act 1981 for an application for the addition of an alleged Public Footpath from Public Footpath 6 Beacon Farm to Lowerhouse Farm in Hopton & Coton.

The report was presented verbally to take Members through the various legal documentary and historical evidence relevant to the application. 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:

- Copy of Application and associated letters and documents submitted
- Plan of claimed route
- Copy of 1932 Rights of Way Act register and map (part of Ingestre Estate Plan)
- Copy of Stopping up Order dated 1959
- Copy of Parish Survey Card
- Copy of correspondence from RAF Stafford
- Copy of correspondence from statutory consultees

The Panel decided to accept the application based upon the reasons contained in the report and outlined above and to decide to make an

Order to add the alleged route to the Definitive Map and Statement of Public Rights of Way from points A-B on the map attached at Appendix B but to decide not to make an Order to add the alleged route to the Definitive Map and Statement of Public Rights of Way from points C-D on the map attached at Appendix B.

It was also decided that the route to be added at points A-B should be 1.5 metres in width.

Decided – That:

- (a) the evidence submitted by the applicant and that discovered by the County Council was sufficient to conclude that a Public Footpath which was not shown on the Definitive Map and Statement 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.
- (b) the evidence submitted by the applicant and that discovered by the County Council was insufficient to conclude that a Public Footpath which was not shown on the Definitive Map and Statement subsists along the route shown marked C to D attached at Appendix B and should not be added to the Definitive Map and Statement of Public Rights of Way.
- (c) an Order should be made to add the alleged route shown on the plan attached at Appendix B marked A to B to the Definitive Map and Statement of Public Rights of Way for the District of Stafford as a Public Footpath.
- (d) an Order should not be made to add the alleged route shown on the plan attached at Appendix B marked C to D to the Definitive Map and Statement of Public Rights of Way for the District of Stafford as a Public Footpath
- (e) the route to be added at points A-B should be 1.5 metres in width.

31. Wildlife and Countryside Act 1981 - Application for upgrade PF20 Betley Parish to a Bridleway

The Panel considered a report from the Director for Corporate Services of the Wildlife and Countryside Act 1981 for an application for Upgrade PF20 Betley Parish to a public Bridleway.

The report was presented verbally to take Members through the user and historical evidence relevant to the application. 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:

- Copy of application and associated submitted letters and documents
- Plan of claimed route
- User evidence forms
- Landowner correspondence

- Statutory consultees correspondence
- Evidence discovered by SCC

The Panel decided that the user evidence submitted with the application for an upgrade to a Public Bridleway of the current PF20 Betley at Appendix A and that received from the Ramblers Association and also discovered by the County Council is not sufficient to show that the public footpath currently on the Definitive Map and Statement subsists as a public bridleway along the route marked A to B on the plan attached at Appendix B.

Decided – That:

(a) the user evidence submitted with the application for an upgrade to a Public Bridleway of the current PF20 Betley at Appendix A and that received from the Ramblers Association and also discovered by the County Council is not sufficient to show that the public footpath currently on the Definitive Map and Statement subsists as a public bridleway along the route marked A to B on the plan attached at Appendix B.

(b) the relevant section to be satisfied for an upgrade of the public footpath to a public bridleway is that of section 53(3)(c)(ii) and the required test to be satisfied is the balance of probabilities.

(c) the evidence submitted by the Applicant and that discovered by the County Council is not sufficient to show that on the balance of probabilities PF20 should be shown as a highway of a different description, namely a public bridleway to the Definitive Map and Statement of Public Rights of Way.

(d) an Order should not be made under Section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981 to upgrade the route shown from A to B on the plan attached at Appendix B to the Definitive Map and Statement of Public Rights of Way for the District of Newcastle-under-Lyme.

32. Exclusion of the Public

“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”.

Chair