

Minutes of the Countryside and Rights of Way Panel Meeting held on 8 December 2023

Present: Mark Winnington (Chair)

Attendance
David Smith

Apologies: Jak Abrahams, Robert Pritchard, Paul Snape, Carolyn Trowbridge and Jill Waring

Part One

33. Declaration of Interest

There were no declarations of interest on this occasion.

34. Minutes of meeting held on 10 November 2023

Resolved – That the minutes of the meeting held on 10 November 2023 be confirmed and signed by the Chairman.

35. Definitive Map Modification Order Backlog

The Panel were presented with a report from the Director for Corporate Services updating the position regarding the Definitive Map Modification Order application backlog and it was reported that the number of applications had increased in recent years, but the number of outstanding directed applications is decreasing. However, there were a number of appeals and public inquiries which impact the County Councils ability to process the outstanding applications.

The Panel were also informed that one report had been determined using delegated powers, and that work was ongoing in relation to ICT solutions and alternative resolutions which were intended to reduce officer time in processing applications, and a further update will be reported to Panel at a future meeting.

The Panel queried if the reason for the backlog was a lack of resource. In response, the Committee were informed that it was. The Panel agreed for the Chairman to invite the Cabinet Member for Communities and Culture to a meeting discuss the backlog and next steps.

Resolved – That (a) the report be noted.

(b) the Chairman invite the Cabinet Member for Communities and Culture to discuss the backlog of Definitive Map and Modification Orders and next steps.

36. Application to upgrade Public Footpath 18, Quarnford to a Restricted Byway

The Panel considered a report from the Director for Corporate Services for an application to upgrade Public Footpath 18, Quarnford to a Restricted Byway.

The report was presented verbally to take Members through the 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.
- 1929 Handover Map for the parish of Quarnford.
- Landowner questionnaire dated December 2018
- Copies of statutory consultee responses
- Copy of Parish Survey Card for Public Footpath 18, Quarnford.
- Copy of applicant's response and further evidence to draft report and copy of officer's response.
- Copy of applicant's further letter and comments regarding evidence, including further OS maps.

The Panel decided that the available evidence was not sufficient to conclude that Public Footpath 18, Quarnford, should be upgraded to a Restricted Byway and should not be upgraded 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 was not sufficient to show that Public Footpath 18, Quarnford has the status of a Restricted Byway.

(b) an Order should not be made to upgrade Public Footpath 18 as shown on the plan attached at Appendix B and marked A to B to a Restricted Byway to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

37. Application for the addition of a Byway Open to All Traffic from Clayalders Bank to Footpath 62 Eccleshall

The Panel considered a report from the Director for Corporate Services for an application for the addition of a Byway Open to All Traffic from

Clayalders Bank to Footpath 62 Eccleshall.

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:

- Plan of claimed Route
- Copy of application
- Copy of 1910 Finance Act Plan
- Copy of Podmore Tithe Map dated 1838
- Copy of O.S. Map dated 1817
- Copy of Teesdale Map dated 1832
- Landowner Evidence Form and Plan showing the extent of their land
- Comments received from Statutory Consultees

The Panel decided that the available evidence was not sufficient to conclude that a public right of way of any status from Clayalders Bank to Footpath 62 Eccleshall subsisted and should not be added to the Definitive Map and Statement of Public Rights of Way as such.

Decided – That (a) the evidence submitted by the applicant was not sufficient to reasonably allege that a public right of way of any status which is not shown on the Definitive Map and Statement, shown marked A to B on the plan attached at Appendix A to this report exists.

(b) an order should not be made to add the alleged public right of way, shown A to B on the plan attached at Appendix A, to the Definitive Map and Statement of Public Rights of Way as a byway open to all traffic, or as a public right of way of any other status.

38. Application to Add a Public Footpath From Basford Lane to Existing Public Footpath 33, Cheddleton

The Panel considered a report from the Director of Corporate Services for an application for the addition of an alleged Public Footpath from Basford Lane to existing Public Footpath 33, Cheddleton.

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:

- Application
- Plan

- Highways Diversion Order 1852
- Completion Certificate 1853
- Landowner Submissions
- Statutory Consultees Responses

The Panel decided that the available evidence was sufficient to conclude that a Public Footpath from Basford Lane to existing Public Footpath 33, Cheddleton subsisted and 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 was sufficient to show that a Public Footpath subsists on the balance of probabilities along the route marked A to B as shown in the report.

(b) an Order should be made to add the right of way shown marked A to B on the plan at Appendix B to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands at the minimum width to be 1m throughout its length.

39. 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.

Chair