

Minutes of the Countryside and Rights of Way Panel Meeting held on 23 June 2023

Present: Mark Winnington (Chair)

| Attendance | |
|-------------------|------------|
| Jak Abrahams | Paul Snape |
| David Smith | |

Note by Clerk: Due to a shorter scheduled meeting time, the items were considered in a different order to that of the published agenda. The minutes below are ordered as the items were considered at the meeting. The published agenda remains the same.

Apologies: Philip Hudson, Robert Pritchard and Jill Waring

Part One

1. Declaration of Interest

Councillor Winnington declared an interest in item 7 on the agenda as he is the Local Member of the Gnosall and Doxey.

2. Minutes of meeting held on Friday 28 April 2023

Decided – That the minutes of the meeting held on 28 April 2023 be confirmed and signed by the Chairman

3. Review of the Definitive Map Modification Order Service

Members heard a report from the Team Senior (Development and Rights of Way) for the review of the Definitive Map Modification Order Service.

Decided - That the proposed Priority Scheme for the consideration of Definitive Map Modification Orders as set out at Appendix B of the report is approved and the full Council are requested to grant delegated powers to the Director for Corporate Services to exercise the County Councils Discretion as detailed in section 3 of the scheme; That the Panel support the proposed measures set out in paragraph 27 of the report aimed at reducing officer time spent on certain stages of the Definitive Map Modification Order process.

4. Delegation of Surveying Authority Functions/Update to Scheme of Delegation

The Panel heard a report for the Delegation of Surveying Authority

Functions/Update to the Scheme of Delegation.

Decided - That, pursuant to Section 101 of the Local Government Act 1972, Staffordshire County Council delegates to Derbyshire County Council its functions as surveying authority in respect of an application made to Staffordshire County Council pursuant to section 53 of the Wildlife and Countryside Act 1981 to add to the Definitive Map of Public Rights of Way a public footpath which commences in Staffordshire, runs along the county boundary between the parish of Stapenhill in Staffordshire and the parish of Bretby in Derbyshire and then crosses into Derbyshire, and is shown A-B on the plan at Appendix 2; That the Panel supports the proposal to authorise the Director for Corporate Services to delegate this Council's surveying authority powers in respect of any cross-boundary application to the appropriate neighbouring Council as and when such action would prove beneficial both in terms of the effective use of resources and processing of the S53 application; That Members also agreed to delete the word 'properly' from the scheme of delegation due to the reasons contained within the report.

5. S53 Application for Upgrading Public Footpath 60 Waterhouses

The Panel considered a report from the Director for Corporate Services of the Wildlife and Countryside Act 1981 Section 53 for an application to upgrade Public Footpath 60 Waterhouses to a restricted Byway.

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; (ii) Plan of Claimed Route; (iii) Definitive Map; (iv) Copy Map; (v) National Library of Scotland Map; (vi) E-Petition; (vii) Photographs of Claimed Route; (viii) Parish Survey Cards (a) National Parks and Access to the Countryside Memorandum (b) Waterhouses Parish Survey Map (c) The British Horse Society paper on RUPPS; (ix) Cauldon Tithe Map; (x) Public Inspectorate Decision; (xi) Finance Act Map 1910; (xii) Ordnance Survey Map 1897; (xiii) Letter from SCC to the Department of the Environment 2/11/1979; (xiv) Handover Map, schedule key and table; (xv) User Evidence & Matrix.

Decided – The Panel considered a report of the Director for Corporate Services for the upgrading of Public Footpath 60 Waterhouses.

The Panel agreed unanimously that the evidence submitted with the

application for an upgrade to Footpath 60 Waterhouses was insufficient to show that Public Footpath 60 Waterhouses should be added as a highway of a different description namely a restricted Byway, to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

That no order be made to upgrade the alleged right of way shown on the plan attached marked A to B at Appendix B to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

6. S53 Wildlife and Countryside Act Application for an alleged footpath from Wadden Lane to Old 518 Weston

The Panel considered a report from the Director for Corporate Services of the Wildlife and Countryside Act 1981 Section 53 for an application for the addition of an alleged Public Footpath from Wadden Lane to Old A518, Weston.

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) S53 Application Form 1; (ii) Plan of Claimed Route; (iii) Deposited Railway Plan and Record Book; (iv) Weston Tithe Map; (v) Ordnance survey map (1836); (vi) Various Old Maps Yates 1775 map, Cary 1806 & 1832 map, Tessdale 1831-2 map, Wright & Charrington Motoring, Cycling and Touring Road Atlas of the early 1900's; (vii) Estate Map (Chartley Estate Plan 1904); (viii) Finance Act Map 1901; (ix) Ordnance Survey Maps 1887-1971; (x) Aerial photograph of the land dated 1945; (xi) Landowner Evidence Forms; (xii) Defence Estates Response; (xiii) Landowner Email April 2023; (xiv) Byways and Bridleways trust Response to Consultation.

Decided – The Panel considered a report of the Director for Corporate Services for the addition of an alleged footpath from Wadden Lane to Old A518, Weston

The Chair abstained from voting on this application due to being contacted by the Landowner, the remaining three Members agreed unanimously that the evidence submitted with the application for an alleged Public Footpath from Wadden Lane to Old A518, Weston was sufficient to show that Public Footpath from Wadden Lane to Old A518, Weston should be added to the Definitive Map and Statement of Public

Rights of Way for the District of Stafford.

That an Order should be made to add the route marked A to B on the plan at Appendix B to the Definitive Map and Statement of Public Rights of Way for the Parish of Weston in the District of Stafford.

7. S53 Application for an Alleged Public Footpath from A51 to B5404 in the Parishes of Swinfen and Packington, and Wigginton and Hopwas

The Panel considered a report from the Director for Corporate Services of the Wildlife and Countryside Act 1981 Section 53 for an application for an alleged Public Footpath from A51 to B5404 in the Parishes of Swinfen and Packington, and Wigginton and Hopwas.

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) Application and Plan; (ii) Claimed route marked A to B; (iii) Applicant's supporting documentation; (iv) User evidence forms; (v) Landowner evidence forms and other documentation received from Landowners; (vi) Evidence received from Statutory Consultees; (vii) Evidence discovered by SCC.

Decided – The Panel considered a report of the Director for Corporate Services for an alleged Public Footpath from A51 to B5404 in the Parishes of Swinfen and Packington, and Wigginton and Hopwas.

The Panel agreed unanimously that the evidence submitted by the Applicant at Appendix A and that discovered by the County Council is sufficient to show that a Public Footpath which is not shown on the Definitive Map and Statement can be reasonably alleged to subsist along the route marked A to B on the plan attached at Appendix B.

That an Order should be made to add the route marked A to B on the plan at Appendix B to the Definitive Map and Statement of Public Rights of Way for the Parish of Swinfen and Packington, and Wigginton and Hopwas in the District of Lichfield.

8. S53 Application for Addition of a Public Footpath From Corporation Street to Gaol Square

The Panel considered a report from the Director for Corporate Services

of the Wildlife and Countryside Act 1981 Section 53 for an application for a Public Right of Way between Corporation Street and Gaol Square, Stafford.

The report was presented verbally to take Members through the various legal documentary and user 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) Application; (ii) Plan; (iii) User Evidence Forms (47); (iv) Matrix of Relevant Users (14); (v) Matrix of Non-Relevant Users (33); (vi) Landowner Responses; (vii) Evidence discovered by SCC; (viii) Submission from Ramblers Association; (ix) Additional Properties.

Decided – The Panel considered a report of the Director for Corporate Services for a Public Right of Way between Corporation Street and Gaol Square, Stafford

The Panel agreed unanimously That the evidence submitted by the Applicant and that discovered by the County Council at Appendix "A" is sufficient to show that a public footpath subsists on the balance of probabilities, along the route marked "A" to "B" on the plan attached at Appendix "B" to this report and should therefore be added to the Definitive Map and Statement of Public Rights of Way as such.

That an Order should 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 Borough of Stafford.

9. S53 Application for an Addition of a Public Bridleway between the A519 and Public Bridleways 8 & 28, Forton Parish

Note by clerk – Note by clerk: Councillor Winnington vacated the Chair during the consideration of the item. Councillor Smith took the Chair

The Panel considered a report from the Director for Corporate Services of the Wildlife and Countryside Act 1981 Section 53 for an application for an addition of a Public Bridleway between the A519 and Public Bridleways 8 & 28, Forton Parish.

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) Deposited Canal Plan 1826; (iv) Ordnance Survey Map dated 1834 (1-inch to 1-mile); (v) Photograph Deposited Canal Plan and Reference book for information purposes; (vi) 1836 Tithe Map and record book for the Parish of Forton; (vii) Landowner A Response Form; (viii) Landowner B Response Form; (ix) Consultee Report.

On the motion of the Vice-Chairman, and without any debate it was:-

Decided that - The Panel considered a report of the Director for Corporate Services for the addition of a Public Bridleway between the A519 and Public Bridleways 8 & 28, Forton Parish.

The Panel agreed unanimously that the evidence submitted with the application for an addition of a Public Bridleway between the A519 and Public Bridleways 8 & 28, Forton Parish, was insufficient to show that a Public Bridleway which is not shown on the Definitive Map and Statement subsists or can be reasonably alleged to subsist along the route marked A to B on the map attached at Appendix B and so should not be added to the Definitive Map and Statement of Public Rights of Way as such.

That no order be made to upgrade the alleged right of way shown on the plan attached marked A to B on the map Appendix B to the Definitive Map and Statement of Public Rights of Way for the Parish of Forton.

Note by Clerk – Councillor Winnington retook the Chair.

10. S53 Application for an alleged Public Footpath between Deep Haye and Crownpoint, Cheddleton

The Panel considered a report from the Director for Corporate Services of the Wildlife and Countryside Act 1981 Section 53 for an application for an alleged Public Footpath between Deep Haye and Crownpoint, Cheddleton.

The report was presented verbally to take Members through the various legal documentary and user 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) User evidence forms dated 1987; (iv) Correspondence from Staffordshire County Council to Cheddleton Historical & Archaeological Society; (v) User evidence forms dated 1989; (vi) User evidence forms dated 1990; (vii) User evidence forms dated 1998; (viii) Tables of Usage; (ix) Owner/occupier evidence from Landowner 2; (x) Owner/occupier evidence from Landowner 3; (xi) Owner/occupier evidence from Landowner 4; (xii) Correspondence from Staffordshire County Council (Landowner 1); (xiii) Correspondence from statutory consultees.

Decided – The Panel considered a report of the Director for Corporate Services for the addition of Public Footpath between Deep Haye and Crownpoint, Cheddleton.

The Panel agreed unanimously that the evidence submitted with the application for an alleged Public Footpath between Deep Haye and Crownpoint, Cheddleton, was insufficient to show that Public Footpath from between Deep Haye and Crownpoint, Cheddleton, should be added to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

That no Order should be made to add the alleged right of way shown on the plan attached at Appendix B and marked A to B and C to D to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands as a Public Footpath.

11. S53 Application for a Public Bridleway from Birdsley Farm to Portway Lane, Wigginton

The Panel considered a report from the Director for Corporate Services of the Wildlife and Countryside Act 1981 Section 53 for an application for a Public Bridleway from Birdsley Farm to Portway Lane, Wigginton.

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) Form 1; (ii) Plan; (iii) Inclosure Award (1771) and 2 x Ordnance Survey Plans (1834 & 1884); (iv) Landowner Response; (v) Statutory Consultees Response.

Decided – The Panel considered a report of the Director for Corporate

Services for a Public Bridleway from Birdsley Farm to Portway Lane, Wigginton.

The Panel agreed unanimously that the evidence submitted by the Applicant in the Application at Appendix "A" is sufficient to show that a right of way with the status of a Public Bridleway is reasonably alleged to subsist between points A to B on the plan attached at Appendix "B" of this report.

That an Order be made to add the alleged route as a Public Bridleway to the Definitive Map and Statement of Public Rights of Way for the District of Lichfield.

Chair