

**Minutes of the Countryside and Rights of Way Panel Meeting held on 19 March 2021**

Present: Mark Winnington (Chairman)

<b>Attendance</b>	
Alan Dudson	Paul Snape
David Smith	

**PART ONE**

**45. Declaration of Interest in accordance with Standing Order 16.2**

There were no Declarations of Interest on this occasion.

**46. Minutes of meeting held on 12 February 2021**

**RESOLVED** – That the minutes of the meeting held on 12 February 2021 be confirmed and signed by the Chairman.

**47. Wildlife and Countryside act 1981 Section 53 - Application for Upgrading of Public Footpaths 67 and 68 Madeley and Footpath 15 Keele to Bridleways**

The Panel considered a report of the Director of Corporate Services regarding an application by Mr M Reay for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for the Upgrading of Public Footpaths 67 and 68 Madeley and Footpath 15 Keele to Bridleway status.

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) a plan of the claimed route; (ii) Deposited Railway Plan 1858; (iii) Highways Diversion Order; (iv) Highways Stopping Up Order; (v) Finance Act 1910; (vi) Parish Survey and (vii) County Map and details 1830s-1880s.

The Panel decided that the available evidence was not sufficient to conclude that Public Footpaths 67 & 68 in Madeley and Footpath 15 in Keele should be added as a highway of a different description, namely to a Bridleway to the Definitive Map and Statement of Public Rights of Way.

**RESOLVED** – That (a) the evidence submitted by the applicant and that discovered by the County Council is not sufficient to show, on a balance of probabilities, that Public

Footpaths 67 & 68 in Madeley and Footpath 15 in Keele should be added as a highway of a different description, namely a Bridleway to the Definitive Map and Statement of Public Rights of Way for the District of Newcastle Rural.

(b) an Order should not be made to add the alleged right of way shown on the plan attached at Appendix B and marked A-B, C-D, E-F to the Definitive Map and Statement of Public Rights of Way for the District of Newcastle, Newcastle Rural.

#### **48. Wildlife and Countryside Act 1981 Section 53 - Application for Upgrading of Public Footpath 73 Audley Rural Parish to a Public Bridleway and the addition of a Public Bridleway, Newcastle**

The Panel considered a report of the Director of Corporate Services regarding an application by Mrs P J Whalley for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for the upgrade of Public Footpath 73 Audley Rural Parish to Bridleway Status and the Addition of a Public Bridleway, Newcastle.

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) Plan of claimed route; (ii) User evidence; (iii) Landowner reply from British Coal and Mr Pepper; (iv) Clarification of Route; (v) Evidence Letters; (vi) Statutory consultee reply – Audley Rural Parish Council and Newcastle under Lyme Borough Council.

The Panel decided that the available evidence was sufficient to conclude that a Public Bridleway, which was not currently shown on the Definitive Map and Statement, subsisted along the claimed route.

**RESOLVED** – That (a) the evidence submitted by the applicant, in the application at Appendix A is sufficient to show that a Public Bridleway subsists along the route marked A to B along PF73 Audley Rural Parish and that a Public Bridleway may be reasonably alleged to subsist along the route marked C to D, Newcastle on the same 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.

(b) 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 and C to D to the Definitive Map and Statement of Public Rights of Way for the Borough of Newcastle under-Lyme.

#### **49. 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.

**50. Exempt minutes of meeting held on 12 February 2021**

**RESOLVED** – That the exempt minutes of the meeting held on 12 February 2021 be confirmed and signed by the Chairman.

**Chairman**