

**Minutes of the Countryside and Rights of Way Panel Meeting held on  
12 November 2021**

Present: Mark Winnington (Chairman)

<b>Attendance</b>	
David Smith	Jill Waring
Paul Snape	

**Apologies:** Jak Abrahams

**PART ONE**

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

There were no Declarations of Interest on this occasion.

**40. Minutes of meeting held on 08 October 2021**

**RESOLVED** – That the minutes of the meeting held on 08 October 2021 be confirmed and signed by the Chairman.

**41. Wildlife and Countryside Act 1981 - Application for the addition of an Alleged Public Right of Way from Ivetsey Road to Bellhurst Lane, Wheaton Aston**

Item Deferred.

**42. Wildlife and Countryside Act 1981 - Application for the upgrading of Public Footpath 34 Grindon to a Restricted Byway**

The Panel considered a report of the Director of Corporate Services regarding an application from Mr B Smith for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for the upgrade of Public Footpath 34 Grindon 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) plan of the claimed route (ii) Cary map dated 1787 (iii)

Ordinance Survey map (iv) Various old maps (v) Grindon Tithe Award dated 1839 (vi) Waterfall Tithe Award dated 1846 (vii) Bartholomew map dated 1902 and 1924 (viii) Statement accompanying the draft map (ix) Grindon Parish Record Card dated 1952 (x) Landowner questionnaire (xi) Letter of objection from Grindon Parish Council and landowners.

The Panel decided that the available evidence was sufficient to conclude that on the balance of probabilities a Restricted Byway along the line of Public Footpath No 34 Grindon subsisted and therefore should be added to the Definitive Map and Statement of Public Rights of Way as such.

**DECISION** - That (a) the evidence submitted by the applicant and that discovered by the County Council was sufficient to show that, on the balance of probabilities, a Restricted Byway exists along the line of Public Footpath No 34 Grindon

(b) an Order be made to add the alleged Restricted Byway to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

#### **43. 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.

#### **44. Exempt minutes of the meeting held on 08 October 2021**

(Exemption paragraph 2, 6a & 6b)

#### **45. Wildlife and Countryside Act 1981, Section 53 Modification Order Applications - Update**

(Exemption paragraph 2, 6a & 6b)

**Chairman**