

Minutes of the Countryside and Rights of Way Panel Meeting held on 11 March 2022

Present: Mark Winnington (Chairman)

Attendance

Jak Abrahams
David Smith

Paul Snape

Apologies: Jill Waring

PART ONE

2. Declaration of Interest in accordance with Standing Order 16.2

Councillor Winnington declared a personal interest in item 7 as he is a Member of the Country Landowners Association.

3. Minutes of meeting held on 18 February 2022

RESOLVED – That the minutes of the meeting held on 18 February 2022 be confirmed and signed by the chairman.

4. Wildlife and Countryside Act 1981 - Public Footpath from Public Bridleway 25 to Public Bridleway 13, Colwich Parish

The Panel considered a report of the Director of Corporate Services regarding an application for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for a Public Footpath from Public Bridleway 25 to Public Bridleway 12, Colwich 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) Map of the claimed route; (ii) Stafford and Rugby Railway plans and extract from the Book of Reference; (iii) Ordnance Survey map dated 1817, 1894, 1902 and 1924; (iv) Applicants typed notes from Staffordshire Records office; (v) Beau Desert Estate map; (vi) Birketts representation on behalf of Landowner and (vii) emails from Ramblers Association and Byways and Bridleways Trust.

The Panel Decided that that the available evidence was not sufficient to conclude that a Public Footpath from Public Bridleway 25 to Public Bridleway 12, Colwich Parish subsisted and therefore should not 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 not sufficient to conclude that the alleged Public Footpath which is not shown on the Definitive Map and Statement subsisted 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.

(b) an Order should not be made to add the alleged route shown marked A to B on the map attached at Appendix B to the Definitive Map and Statement of Public Rights of Way.

5. 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 12 A (as amended) of the Local Government Act 1972 indicated below.

6. Exempt minutes of the meeting held on 18 February 2022

RESOLVED – That the exempt minutes of the meeting held on 18 February 2022 be confirmed and signed by the Chairman.

7. Wildlife and Countryside Act 1981, Section 53 Modification Order Applications - Update

(Exemption paragraphs 2, 6a & 6b)

Chairman