

Local Members' Interest	
Cllr Victoria Wilson	South Staffordshire- Kinver

Countryside and Rights of Way Panel -

Wildlife and Countryside Act 1981- Proposed agreement with Shropshire County Council under Section 101 of the Local Government Act 1972

Application for the addition of an alleged Public Bridleway from the junction of PF6 with Six Ashes Lane to the County Boundary with Shropshire, Bobbington Parish

Report of the Director for Corporate Services

Purpose of Report

1. To seek authority to enter into an Agreement with Shropshire County Council under Section 101 of the Local Government Act 1972 for the discharge of functions from one local authority to another in relation to the matter of determining a Definitive Map Modification Order made under s.53 of the Wildlife and Countryside Act 1981, which straddles the County Boundary.

Recommendation

1. That an agreement be entered into with Shropshire County Council under Section 101 of the Local Government Act 1972 for Shropshire County Council to delegate its powers to Staffordshire County Council to determine an application made under Section 53 of the Wildlife and Countryside Act 1981 as the alleged right of way is a continuous route that crosses the Staffordshire/Shropshire county border.
2. In accordance with such arrangements as may from time to time be agreed between the Director for Corporate Services and the appropriate officer of Shropshire County Council.

Background

1. An application has been made to Staffordshire County Council under Section 53 of the Wildlife and Countryside Act 1981 for the addition of a Public Bridleway from the junction of PF6 with Six Ashes Lane to the County Boundary in the parish of Bobbington. A copy of a plan showing the route, marked A-B, which is the subject of the application, is attached at Appendix A to this report. The application was submitted by a Mr M Reay.

2. An application has been made to Shropshire County Council under Section 53 of the Wildlife and Countryside Act 1981 for the addition of an alleged public bridleway from Bobbington to the County Road near Home Farm via Gatacre and for the addition of an alleged public bridleway from Public Bridleway 106 Claverley- near the Rookery through Gatacre Park Farm to join the alleged public bridleway from Bobbington. The application was submitted by a Ms A Williams. The application falls within the Parish of Claverley, Shropshire. A copy of the plan showing the alleged public bridleways, marked C-D and E-F is attached at Appendix B to this report.
3. The applications lodged with Staffordshire County Council and Shropshire County Council form one continuous route.
4. An anomaly, therefore, would occur if Staffordshire County Council were to determine the application lodged with them in favour of the applicant and therefore resulting in the addition of a public bridleway before Shropshire County Council were able to make a decision on the application for the addition of public bridleways on their side of the county border.
5. Following discussions, Shropshire County Council have agreed in principle to delegate their powers to Staffordshire County Council in determining the part of the above-mentioned continuous route which is in the County of Shropshire. Shropshire County Council will request formal delegation via their committee. A copy of correspondence with Shropshire County Council is attached at Appendix C to this report.
6. Staffordshire County Council have been directed by the Secretary of State to determine this application, following a directions request made by the applicant, Mr Reay. The Inspector acting on behalf of the Secretary of State acknowledged that the alleged route is a cross border route and therefore stated: "it would be sensible for one authority to deal with the entirety of the route". We understand that a directions request has not been made by the applicant, Ms Williams and therefore Shropshire County Council have not specifically been directed to determine the application routes made on their side of the county border. A copy of the correspondence from the Planning Inspectorate is attached at Appendix D.
7. Historical evidence has been submitted in support of both applications. Whilst the applications have been submitted by two separate members of the public, on review, the historical documentation submitted by both parties is very similar and some pieces of documentation are identical.
8. The decision to act on behalf of Shropshire County Council and to receive the delegated powers of their Committee under Section 53 of the Wildlife and Countryside Act 1981 in relation to the application referred to, is one which is a matter for the Panel.

Conclusion

9. To conclude, officers seek approval from the Panel to enter into an agreement with Shropshire County Council to obtain delegated authority to determine the above mentioned s.53 applications, as the applied for

routes form a continuous route across the Staffordshire/Shropshire border and Staffordshire County Council has been directed by the Secretary of State to determine the application.

Resource and Financial Implications

10. The costs to Staffordshire County Council will be met from existing budgetary provision.

Equal Opportunity Implications

11. There are no direct equality implications arising from this report.

J Tradewell

Director for Corporate Services

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Background File: LN650G

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Appendix A	Copy of plan submitted showing alleged route in Staffordshire
Appendix B	Copy of plan showing alleged routes in Shropshire
Appendix C	Copy of correspondence with Shropshire County Council
Appendix D	Copy of correspondence from the Planning Inspectorate- response to Directions request