

Minutes of the Countryside and Rights of Way Panel Meeting held on 16 September 2022

Present: Mark Winnington (Chair)

Attendance	
David Smith	Jill Waring
Paul Snape	

Apologies: Robert Pritchard

Part one

26. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

27. Minutes of meeting held on 5 August 2022

Resolved – That the minutes of the meeting held on 5 August 2022 be confirmed and signed by the Chairman.

28. Wildlife and Countryside Act 1981 - Application for two alleged footpaths leading off Sandon and Burston Footpath 25

The Panel considered a report of the Director for Corporate Services for two alleged footpaths leading off Sandon and Burston Footpath 25.

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 routes; (ii) Landowner evidence forms; (iii) photograph of Inclosure Aware and map; (iv) Relevant pages from the Sandon Act 1814; (v) Parish Survey Cards; (vi) Ordnance Survey map 1887; (vii) Tithe Map and (viii) Email from Byways and Bridleways trust.

The Panel decided that the available evidence was sufficient to conclude that the Public Footpaths leading of Sandon and Burston Footpath 25 subsisted and therefore should be added to the Definitive Map and Statement of Public Rights of Way as such.

Decided – That (a) the evidence submitted with the application at Appendix A, and that discovered by the County Council was sufficient to conclude that the two alleged Public Footpaths, one of which was between Jolpool Lane and Sandon and Burston PF25, and the second of which leads from Sandon and Burston PF25 to the B5027 which were not shown on the Definitive Map and Statement are reasonably alleged to subsist along the routes marked A to B and C to D on the plan attached in the report at Appendix B.

(b) an Order be made to add the two routes shown as A to B and C to D on the plan attached at Appendix B to the Definitive Map and Statement of Public Rights of Way as Public Footpaths.

29. Wildlife and Countryside Act 2981 - Application for a Public Footpath from Hulme Close Across the Field to Outer Perimeter of Keele Golf Course

The Panel considered a report of the Director for Corporate Services for a Public Footpath from Hulme Close across the Field to Outer Perimeter of Keele Golf Course.

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) User evidence forms; (iii) Salient points table and (iv) Applicants Confirmation of plan.

The Panel decided that the available evidence was not sufficient to conclude that a Public Footpath from Hulme Close across the Field to Outer Perimeter of Keele Golf Course subsisted and therefore should not be added to the Definitive Map and Statement of Public Rights of Way as such.

Decided – That (a) the evidence submitted by the applicant at Appendix A, and that discovered by the County Council was not sufficient to conclude that a Public Footpath which was not shown on the Definitive Map and Statement subsists on the balance of probabilities or was reasonably alleged to subsist along the route marked A to B on the plan attached at Appendix B to the report and 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 route shown as A to B on the plan attached at Appendix B to the Definitive Map and Statement of Public Rights of Way as a Public Footpath.

30. 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.

Chairman