

Minutes of the Countryside and Rights of Way Panel Meeting held on 9 December 2022

Present: Mark Winnington (Chair)

Attendance	
Robert Pritchard	Paul Snape
David Smith	

Apologies: Jak Abrahams, Philip Hudson and Jill Waring

Part one

41. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

42. Minutes of meeting held on 11 November 2022

Resolved – That the minutes of the meeting held on 11 November 2022 be confirmed and signed by the Chairman.

43. Wildlife and Countryside Act 1981, Application to upgrade FP76 Waterhouses to a Restricted Byway, (Stoney Lane to Main Road A523)

The Panel considered a report from the Director for Corporate Services of the Wildlife and Countryside Act 1981 Section 53 for an application to upgrade FP76 Waterhouses to a restricted Byway, (Stoney Lane to Main Road A523).

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) Copy of Application; (ii) Plan of Claimed Route; (iii) Evidence in support of application; (iv) Evidence discovered by your officers; (v) Evidence received from the Landowner and Tenants; (vi) Emails from Waterhouse Parish Council and Ramblers Association.

The Panel decided that the available evidence was insufficient to conclude that the application to upgrade FP76 Waterhouses to a restricted Byway, (Stoney Lane to Main Road A523) should go ahead.

Resolved – That the evidence submitted with the application for an upgrade to a Restricted Byway of the current PF76 Waterhouses at Appendix A, and that discovered by the County Council was insufficient to show that, on the balance of probabilities, the footpath currently on the Definitive Map and Statement subsists as a Restricted Byway along the route marked A to B on the plan attached at Appendix B.

(b) That an order should not be made under Section 53 (3)(c)(ii) of the Wildlife and Countryside Act 1981 to upgrade the route shown at A to B on the plan attached at Appendix B to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

44. Exclusion of the public

Resolved – That the public be excluded from the meeting for the following items of business which involved 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