

Minutes of the Countryside and Rights of Way Panel Meeting held on 20 January 2023

Present: Mark Winnington (Chair)

Attendance

Jak Abrahams

David Smith

Apologies: Philip Hudson, Robert Pritchard, Paul Snape and Jill Waring

Part one

45. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

46. Minutes

a) Minutes of meeting held on 9 December 2022

Resolved – That the minutes of the meeting held on 9 December 2022 be confirmed and signed by the Chairman.

b) Minutes of meeting held on 11 November 2022

The Panel were made aware that Subsequent to the signing of the minutes of the meeting held on 11 November 2022 an error had been identified in minute 40 in that reference to Councillor "Worthington" should in fact have read Councillor "Winnington". The Panel's approval was requested to make the amendment to the signed minutes.

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

47. S53 Wildlife and Countryside Act Application for the Upgrading of Public Footpath No. 41, 84 and 0.1791 Leekfrith to a Bridleway

The Panel considered a report from the Director of Corporate Services of the Wildlife and Countryside Act 1981 Section 53 for an application to upgrade Public Footpath No 41,84 and 0.1797 Leekfrith to a Bridleway.

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) Handwritten letter received from Local Councillor; (iv) User Evidence Forms; (v) Letter from Staffordshire Moorland Bridleways Group, dated 27th August 2019; (vi) User Evidence Matrix; (vii) Extract of Peakland Roads and Pathways 2nd Edition by A E Dodd and E M Dodd; (viii) Extract from British History Online – A history of the County of Stafford Volume 7 Published by Victoria County History 1996; (ix) Emanuel Bowen map extract of Staffordshire dated 1749; (x) Public Footpath 41 Parish Survey Cards dated 1951; (xi) Path Creation Agreement Public Footpath 84 Leekfrith; (xii) S.o.R.o.W. book and objection map and records sheet Public Footpath 01791; (xiii) Rights of Way hearing held on 20 July 1956; (xiv) Peak District National Park landowner evidence form 2002; (xv) Staffordshire Wildlife Trust Landowner Evidence Form; (xvi) Landowner response email 2019.

Resolved – The Panel considered a report of the Director for Corporate Services for the upgrading of Public Footpath No 41, 84 and 0.1791 Leekfrith.

The Panel agreed unanimously that the evidence submitted with the application for an upgrade to part of Footpath 41, 84 and 0.1791 Leekfrith is insufficient to show that part of public footpath 41, public footpath 84 and public footpath 0.1791 Leekfrith Parish should be added as a highway of a different description, namely a Bridleway, to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

That no Order be made to upgrade the alleged right of way shown on the plan attached at Appendix B to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

48. S53 Application For the Upgrade of Public Footpaths 13 & 77 Endon & Stanley to Public Bridleways

The Panel considered a report from the Director of Corporate Services of the Wildlife and Countryside Act 1981 Section 53 for an application to upgrade Public Footpaths 13 and 77, Endon and Stanley to Public Bridleways.

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) Application; (ii) Plan; (iii) User Evidence Forms; (iv) Supportive Letters (7); (v) OS Maps and Plans; (vi) Salient Points From User Evidence Forms; (vii) Landowner Responses Forms; (viii) Statutory Consultee Responses.

Resolved – The Panel considered a report of the Director for Corporate Services for the upgrading of Public Footpath No 13 and 77, Endon and Stanley to Public Bridleways.

That the evidence that was submitted with the application for an upgrade to Footpath No 13 and 77, Endon and Stanley is sufficient to conclude that Public Bridleway's subsisted along the Public Footpaths No 13 and 77, Endon and Stanley subsisted and therefore should be added to the Definitive Map and Statement of Public Rights of Way as such.

That an Order be made to add the alleged rights of way shown on the plan attached at Appendix Band marked A to B and C to D to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

The Panel concluded that the width of the route shall be to the standard minimum width of 3 metres in respect of Footpath 77 and 2 metres in respect of Footpath 13. It was also noted that this is will not be a byway open to all traffic and will remain as intended.

49. S53 Wildlife and Countryside Act 1981 - Application for the upgrading of Public Footpath 35, Ipstones to a Bridleway

The Panel considered a report from the Director of Corporate Services of the Wildlife and Countryside Act 1981 Section 53 for an application to upgrade Public Footpath No 35, Ipstones to a Public Bridleway.

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 and associated submitted letters and documents; (ii) Plan of claimed route; (iii) Copy of Ordnance Surveyors Drawing circa 1840; (iv) Copy of Cary's map of 1787; (7); (v) Copy of C. Smith's map of 1801; (vi) Copy of Countryside Act 1968 Definitive Map; (vii) Copy of Bradnop Inclosure Award of 1769; (viii) Copy of correspondence from SMBG with comments in response to draft report and copy of officer's response; (ix)

Resolved – The Panel considered a report of the Director for Corporate Services for the upgrading of Public Footpath No 35, Ipstones

That the evidence submitted by the applicant and that discovered by the County Council was insufficient to show that there was enough evidence to upgrade Public Footpath No 35, Ipstones to a Public Bridleway.

Councillor Winnington made a query where on page 338 it showed there were Bridle gates and asked why they were there if this is not in fact a Bridleway. The Officer advised the information they had was that the Bridle gates were erected unlawfully.

Councillor Winnington asked the Members on their thoughts to whether Public Footpath No 35, Ipstones should be upgraded to a Bridleway.

Councillor Smith and Councillor Abrahams were both in agreement to go against Officer's recommendations and therefore Public Footpath No 35, Ipstones should be upgraded to a Bridleway.

A vote took place to clarify whether the Panel should go against the Officer's recommendation, the results of this were unanimous in favour to upgrade Public Footpath No 35, Ipstones.

That Public Footpath No 35 Ipstones which is subject to the claim is upgraded as a Bridleway and is added and shown on the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

50. 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.

51. Wildlife and Countryside Act 1981, Section 53 Modification Order Applications - Update (Exemption Paragraph 2, 6a and 6b)

(Exemption Paragraph 2, 6a and 6b)

The panel received an exempt oral report from the Director of Corporate Services updating them on the progress being made by the County Council to resolve the backlog of applications for Modification Orders under Section 53 of the Wildlife and Countryside Act 1981.

Resolved – That the update be noted.

Chairman

