

Minutes of the Countryside and Rights of Way Panel Meeting held on 22 January 2021

Present: Mark Winnington (Chairman)

Attendance

David Brookes
Alan Dudson

David Smith
Paul Snape

PART ONE

28. Apologies

29. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

30. Minutes of meeting held on 4 December 2020

RESOLVED – That the minutes of the meeting held on 4 December 2020 be confirmed and signed by the Chairman

31. Wildlife and Countryside Act 1981, Section 53 - Application for Public Footpath from Grindley Lane, to F.P. 29 Stowe

The Panel considered a report of the Director of Corporate Services regarding an application by Mr M Reay for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for a Public Footpath from Grindley Lane to F.P. 29 Stowe.

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) a plan of the claimed route; (ii) Deposited Railway Plan 1845; (iii) Ordnance Survey Map 1884; (iv) Letter from Stafford Borough Council; (v) Letter from the Ramblers Association.

The Panel decided that the available evidence was sufficient to conclude that a Public Footpath, which was not currently shown on the Definitive Map and Statement, subsided along the claimed route.

RESOLVED – That (a) the report be received and noted;

(b) the evidence submitted by the applicant and that discovered by the County Council is sufficient to conclude that Public Footpath at Grindley Lane to Footpath 29 at Stowe, subsists;

(c) an Order be made under Section 53(c)(i) of the Wildlife and Countryside Act 1981 to add the right of way, shown on the plan attached at Appendix B and marked A to B to the Definitive Map and Statement of Public Rights of Way for the District of Stafford as a Public Footpath.

32. Wildlife and Countryside Act 1981, Section 53 - Application for Public Footpath between Keele Road and Paris Avenue, Westlands, Newcastle-under-Lyme

The Panel considered a report of the Director of Corporate Services regarding an application by Mr P Martin for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for a Public Footpath between Keele Road and Paris Avenue, Westlands, Newcastle-under-Lyme.

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) a plan of the claimed route; (ii) User and Landowner Evidence Forms and Photographs; (iii) Table of Usage; (iv) Bye Laws Evidence Forms; (v) Applicants response to Report. Applicants Request to withdraw the application & Formal confirmation of new applicant; (vi) Response to report form current Landowner.

The Panel decided that the available evidence was not sufficient to conclude that a Public Footpath, which was not currently shown on the Definitive Map and Statement, subsisted along the claimed route.

RESOLVED – That (a) the report be received and noted;

(b) the evidence submitted by the applicant and that discovered by the County Council is not sufficient to conclude that Public Footpath between Keele Road and Paris Avenue, Westlands, Newcastle-under-Lyme, subsists along the route marked A to B on the plan attached at Appendix B to this report and should not therefore be added to the Definitive Map and Statement of Public Rights of Way;

(c) an Order should not be made under Section 53(c)(i) of the Wildlife and Countryside Act 1981 to add the right of way, shown on the plan attached at Appendix B and marked A to B to the Definitive Map and Statement of Public Rights of Way for the District of Newcastle-under-Lyme.

33. 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.

34. Exempt minutes of meeting held on 4 December 2020

(Exemption paragraph 2, 6a and 6b)

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

(Exemption paragraph 2, 6a & 6b)

Chairman