

Minutes of the Countryside and Rights of Way Panel Meeting held on 12 February 2021

Present: Mark Winnington (Chairman)

Attendance	
David Brookes	David Smith
Alan Dudson	Paul Snape

Also in attendance: Victoria Wilson

PART ONE

36. Apologies

37. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

38. Minutes of meeting held on 22 January 2021

RESOLVED – That the minutes of the meeting held on 22 January 2021 be confirmed and signed by the Chairman

39. Wildlife and Countryside Act 1981, Section 53 - Application for Public Footpath between Kingsford Lane and Compton Road

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 between Kingsford Lane and Compton Road.

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) Kinver Compton Common Inclosure Award 1774; (iii) Title Award 1856; (iv) Landowner questionnaire from Mr Ives dated 27 July 1998.

Councillor Wilson, as the Local Member advised that she had no objections to the application.

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, 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 sufficient to conclude that Public Footpath at Kingsford Lane to Compton Road, Kinver 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 to the Definitive Map and Statement of Public Rights of Way for the District of Stafford as a Public Footpath.

40. Wildlife and Countryside Act 1981, Section 53 - Application for the upgrade of Public Footpath 26, Seighford Parish to Bridleway Status

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 the upgrade of Public Footpath 26, Seighford Parish to Bridleway Status.

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 Surveyors of Highways Report Book, ii) Auction Particulars (1813), iii) Finance Act (1910), iv) Seighford/Worston Tithe Map, v) County Maps 1798-late 1800's.

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, subsisted along the claimed route, however discussed that the route should be no wider than 2 meters.

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 26, Seighford Parish which is shown along to route marked A to B on the plan attached at Appendix B to this report should be upgraded to bridleway status and added to the Definitive Map and Statement of Public Rights of Way, however the route should be no wider than 2 meters;

(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 division of Stafford Borough.

41. 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.

42. Exempt minutes of meeting held on 22 January 2021

(Exemption paragraph 2, 6a and 6b)

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

(Exemption paragraph 2, 6a & 6b)

Chairman