

Minutes of the Countryside and Rights of Way Panel Meeting held on 9 April 2021

Present: Mark Winnington (Chairman)

Attendance	
Alan Dudson	Paul Snape
David Smith	

PART ONE

52. Declaration of Interest in accordance with Standing Order 16.2

Name of Member	Nature of Association
Mark Winnington	Personal interest in Item 4 as he knows the landowner – Wildlife and Countryside Act 1981 Section 53 – Application for the addition of an alleged Public Footpath at Eccleshall Road to the Footbridge over the River Sow, Creswell

Due to the nature of Councillor Mark Winnington's Declaration of Interest, he indicated that he would vacate the Chair for item 4 and leave the room for the debate.

53. Minutes of meeting held on 19 March 2021

RESOLVED – That the minutes of the meeting held on 19 March 2021 be confirmed and signed by that Chairman.

Note by Clerk: Councillor Mark Winnington left the room during the consideration for the following item. Councillor David Smith took the Chair.

54. Wildlife and Countryside act 1981 Section 53 - Application for the addition of an alleged Public Footpath at Eccleshall Road to the Footbridge over the River Sow, Creswell

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 addition of an alleged Public Footpath at Eccleshall Road to the Footbridge over the River Sow, Creswell.

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) The 1910 Finance Act materials,

including Field Book and Plan; (iii) Extract from a book about the River Sow; (iv) 1888, 1902 and 1925 Ordnance Survey Maps; (v) Owner evidence questionnaires; and (vi) Correspondence from Solicitors in response to the draft report and officers response.

The Panel decided that the available evidence was sufficient to conclude that the alleged public footpath at Eccleshall Road to the Footbridge over the river Sow should be added to the Definitive Map and Statement of Public Rights of Way as such.

RESOLVED - That (a) the evidence submitted by the applicant and that discovered by the County Council was sufficient to show that the alleged public footpath at Eccleshall Road to the Footbridge over the River Sow, Creswell subsists along the route shown marked A to B on the plan attached at Appendix B and should be added to the Definitive Map and Statement of Public Rights of Way as such.

(b) an Order made be made to add the alleged 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 Borough Council as a Public Footpath.

Note by Clerk – Councillor Mark Winnington retook the Chair.

55. Wildlife and Countryside Act 1981 Section 53 - Application for upgrading of Public Footpath No 8 Caverswall to Bridleway status

The Panel considered a report of the Director of Corporate Services regarding an application by Ms C A Howell for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for the upgrade of Public Footpath No 8 Caverswall 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 plan of the claimed route; (ii) User Evidence Forms; (iii) Salient Points of User Evidence Forms; (iv) M Rowley Letter; (v) 1978 Inquiry; (vi) 1980 Report; (vii) Staffordshire Moorlands Bridleways Preservation Group letter; (viii) DLA Solicitors Letter and (ix) North Staffordshire Bridleways Association Letter.

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

RESOLVED – That (a) the evidence submitted with the application at Appendix A was sufficient to show that a Public Bridleway subsists along the route marked A to B on the plan attached at Appendix B to this report and should therefore be added to the Definitive Map and Statement of Public Rights of Way as such.

(b) an Order should be made to add the alleged 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 Staffordshire Moorlands, Caverswall.

56. 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.

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

(Exemption paragraph 2, 6a & 6b)

Chairman