

Minutes of the Countryside and Rights of Way Panel Meeting held on 18 June 2021

Present: Mark Winnington (Chairman)

Attendance	
Jak Abrahams	Paul Snape
David Smith	

Apologies: Jill Waring

PART ONE

2. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

3. Minutes of meeting held on 9 April 2021

RESOLVED – That the minutes of the meeting held on 9 April 2021 be confirmed and signed by the Chairman.

4. Wildlife and Countryside Act 1981 - Application to Upgrade Public Bridleway 29 Bradnop and Cawdry to a Restricted Byway

The Panel considered a report of the Director of Corporate Services regarding an application by Mr B Smith for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for the upgrading Public Bridleway 29 Bradnop and Cawdry to a Restricted Byway.

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) Inclosure Award transcript 1769; (iii) Smith's Map 1801; (iv) Copy of Inclosure Award and May 1769; (v) Parish Survey Card, Public Bridleway 29 Bradnop; and (vi) Landowner Response Forms.

The Panel decided that the available evidence was not sufficient to conclude that Public Bridleway 29 Bradnop and Cawdry should be upgraded to a Restricted Byway and should therefore not be added to the Definitive Map and Statement of Public Rights of Way as such.

RESOLVED - That (a) the evidence submitted by the applicant at Appendix A was not sufficient to show that a Restricted Byway subsists along the route marked B to C along

Public Bridleway 29, Bradnop and Cawdry and shown on the attached plan at Appendix B in the report

(b) an Order should not be made to upgrade the right of way shown marked B to C on the plan at Appendix B in the report to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

5. Wildlife and Countryside Act 1981 - Application to Upgrade Public Footpath 30 Bradnop and Cawdry to a Restricted Byway

The Panel considered a report of the Director of Corporate Services regarding an application by Mr B Smith for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for the upgrading Public Footpath 30 Bradnop and Cawdry to a Restricted Byway.

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) Inclosure Award transcript 1769; (iii) Smith's Map 1817 & Greenwoods Map 1818; (iv) Copy of Map of Maintainable Roads (undated); (v) Parish Survey Card for Public Footpath 30 Bradnop; (vi) Inclosure Award – Originating Document and (v) Landowner Response Forms.

The Panel decided that the available evidence was not sufficient to conclude that Public Footpath 30 Bradnop and Cawdry should be upgraded to a Restricted Byway and should therefore not be added to the Definitive Map and Statement of Public Rights of Way as such.

The Panel decided that the available evidence was sufficient to conclude that Public Footpath 30 Bradnop and Cawdry should be upgraded to a Public Bridleway and should be added to the Definitive Map and Statement of Public Rights of Way as such.

RESOLVED - That (a) That the evidence submitted by the applicant at Appendix A in the report was not sufficient to show that a Restricted Byway subsists along the route marked A to B along Public Footpath 30, Bradnop and Cawdry and shown on the attached plan at Appendix B.

(b) an Order should not be made to upgrade the right of way to a Restricted Byway shown marked A to B on the plan attached at Appendix B in the report to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

(c) the evidence submitted by the applicant at Appendix A in the report was sufficient to show that a Public Bridleway subsists along the route marked A to B along Public Footpath 30, Bradnop and Cawdry and shown on the attached Plan at Appendix B.

(d) an Order should be made to upgrade the right of way to a Public Bridleway shown marked A to B on the plan attached at Appendix B in the report to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

6. Wildlife and Countryside Act 1981 - Application to upgrade Public Footpath 14 Cheadle to a Restricted Byway

Item deferred.

7. 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.

8. Exempt minutes from the meeting held on 9 April 2021

(Exemption paragraph 2, 6a & 6b)

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

(Exemption paragraph 2, 6a & 6b)

Chairman