

Minutes of the Countryside and Rights of Way Panel Meeting held on 16 July 2021

Present: Mark Winnington (Chairman)

Attendance	
David Smith	Paul Snape

Apologies – Jill Waring and Jak Abrahams

PART ONE

11. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

12. Minutes of meeting held on 18 June 2021

RESOLVED – That the minutes of the meeting held on 18 June 2021 be confirmed and signed by the Chairman.

13. Wildlife and Countryside Act 1981 - Application for Public Footpath from B5027 to the Footpath at The Bents (PF34) Leigh Parish

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 B5027 to the Footpath at The Bents (PF34 Leigh Parish.

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 a plan of the claimed route and Deposited Railway Plans.

The Panel decided that the available evidence was sufficient to conclude that A Public Footpath from B5027 to the Footpath at The Bents (PF34 Leigh Parish subsisted and therefore 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 at Appendix A was sufficient to conclude that a Public Footpath, which is not shown on the Definitive Map and Statement subsisted 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 right of way shown on the plan attached as Appendix B and marked A to B to the Definitive Map and Statement of Public Rights of Way for the District of East Staffordshire as a Public Footpath.

14. Wildlife and Countryside Act 1981 - Application to upgrade Public Footpath 14 Cheadle 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 14 Cheadle 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) Copy of Inclosure Award and map dated 1831; (iii) Copy of letter and appendices from Staffordshire Moorlands Bridleways Group in response to draft report and (iv) Officers response to draft report comments.

The Panel decided that the available evidence was not sufficient to conclude that Public Footpath 14 Cheadle 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 and that discovered by the County Council was not sufficient to show that, on a balance of probabilities, a restricted byway existed along the lines of Public Footpath No 14 Cheadle.

(b) an Order should not be made to upgrade Public Footpath No 14 Cheadle to a Restricted Byway and the route should remain as a Public Footpath as currently shown on the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands.

15. Wildlife and Countryside Act 1981 - Application for an alleged Public Footpath between Hollow Lane and Public Footpath No IR/2248, Cheddleton Parish

The Panel considered a report of the Director of Corporate Services regarding an application by Cheddleton Parish Council for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for a Public Footpath between Hollow Lane and Public Footpath No IR/2248 Cheddleton Parish.

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 Information Sheets; (iii) Table of Usage; (iv) Letter and owner evidence form Revd. Pred. Derek Tinsley dated 5.2.1996 and Copies of the comments of the User Groups/ Councils.

The Panel decided that the available evidence was sufficient to conclude that A Public Footpath between Hollow Lane and Public Footpath No IR/2248 Cheddleton Parish subsisted and therefore 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 conclude that a Public Footpath, which is not shown on the Definitive Map and Statement subsisted 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 right of way shown on the plan attached as Appendix B and marked A to B to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands as a Public Footpath.

16. Wildlife and Countryside Act 1981 - Application for Alleged Public Footpath from Stretton to the Highway east of Bickford Grange Farm

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 Stretton to the Highway east of Bickford Grange Farm.

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) Quarter Session Order (iii) Finance Act Material; (iv) Letter and owner evidence form Mr A S Monckton, Mr Piers Monckton, Mr Giles & Mr Brewster and Copies of the comments of the User Groups/ Councils.

The Panel decided that the available evidence was sufficient to conclude that a Public Footpath from Stretton to the Highway east of Bickford Grange Farm subsisted and therefore 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 conclude that a Public Footpath, which is not shown on the Definitive Map and Statement subsisted along the route marked A to B to C 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 right of way shown on the plan attached as Appendix B and marked A to B to C to the Definitive Map and Statement of Public Rights of Way for the District of South Staffordshire as a Public Footpath.

17. 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.

18. Exempt minutes of meeting held on 18 June 2021

RESOLVED – That the exempt minutes of the meeting held on 18 June 2021 be confirmed and signed by the Chairman.

Chairman