

Minutes of the Countryside and Rights of Way Panel Meeting held on 15 September 2023

Present:

Attendance	
Jak Abrahams	David Smith

Apologies: Philip Hudson, Robert Pritchard, Paul Snape, Jill Waring and Mark Winnington

Part One

23. Declaration of Interest

There were no declarations of interest on this occasion.

24. Minutes of meeting held on 11 August 2023

Resolved – That the minutes of the meeting held on 11 August 2023 be confirmed and signed by the Chairman.

25. Wildlife and Countryside Act 1981 - Application for an alleged Public Footpath from Fradswell Lane to FP0.1410 (A) Fradswell

The Panel considered a report from the Director of Corporate Services of the Wildlife and Countryside Act 1981 Section 53 for an application for an alleged Public Footpath from Fradswell Lane to FP0.1410 (A) Fradswell.

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:

- S53 Application Form
- Plan of claimed route
- Proposed Staffordshire and North Midland Junction Railway Plan and Record Book
- Fradswell Tithe Map and Award
- Ordnance survey maps (1879, 1836-40, 1901)

- Byways and Bridleway Trust Letter
- Landowner Evidence Form
- Landowner comments and SCC responses on report consultation

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.

Decided – That:

(a) the evidence submitted by the applicant was sufficient to show the Public Footpath may be Reasonably Alleged to subsist along the route from Fradswell Lane to FP0.1410 (A) Fradswell on the Plan submitted to the report.

(b) an Order be made to add the right of way shown marked from Fradswell Lane to FP0.1410 (A) Fradswell on the plan attached at Appendix B to the Definitive Map and Statement of Public Rights of Way for the Borough of Stafford.

26. Wildlife and Countryside Act 1981 - Application for the addition of a Public Bridleway along Glass House Lane from Public Footpath 56 by the road at Chipnall Mill to Public Footpath 71 by the road at Glass Houses, Loggerheads

The Panel considered a report from the Director of Corporate Services of the Wildlife and Countryside Act 1981 Section 53 for an application for the addition of a Public Bridleway along Glass House Lane from Public Footpath 56 by the road at Chipnall Mill to Public Footpath 71 by the road at Glass Houses, Loggerheads.

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;

- Copy of application and associated submitted letters and documents
- Plan of claimed route
- 1910 Finance Act Plans/Maps
- Deposited Railway Plan dated 1845
- Drayton in Hales Tithe Maps
- 1932 Rights of Way Act Deposit Map
- OS Maps

- Wright & Charrington Motoring Cycling & Touring Map of the early 1900's
- Correspondence from Landowner 1 and their representative
- Correspondence from statutory consultees
- Correspondence and further documents from applicant
- Correspondence from solicitors acting on behalf of Landowner 1 with objections and officers' response

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.

Decided – That:

(a) the evidence submitted by the applicant is sufficient to show the Public Bridleway is Reasonably Alleged to subsist along Glass House Lane from Public Footpath 56 by the road at Chipnall Mill to Public Footpath 71 by the road at Glass Houses, Loggerheads, on the Plan submitted to the report.

(b) an Order be made to add the right of way shown marked from Public Bridleway along Glass House Lane from Public Footpath 56 by the road at Chipnall Mill to Public Footpath 71 by the road at Glass Houses, Loggerheads on the plan attached at Appendix B to the Definitive Map and Statement of Public Rights of Way for the District of Newcastle.

Chair