

<b>Local Members' Interest</b>	
Cllr. Gill Heath	Staffordshire Moorlands

## **Countryside and Rights of Way Panel**

### **Wildlife and Countryside Act 1981**

#### **Proposed Agreement with Derbyshire County Council under section 101 of the Local Government Act 1972**

#### **Application for the upgrade of Public Footpath 41, Sheen to a Restricted Byway, Sheen**

#### **Report of the Director for Corporate Services**

### **Purpose of Report**

1. To seek authority to enter into an Agreement with Derbyshire County Council under Section 101 of the Local Government Act 1972 for the discharge of functions from one local authority to another in relation to the matter of determining a Definitive Map Modification Order made under section 53 of the Wildlife and Countryside Act 1981, which crosses the County Boundary.

### **Recommendation**

2. That an agreement be entered into with Derbyshire County Council under Section 101 of the Local Government Act 1972 for Derbyshire County Council to delegate its powers to Staffordshire County Council to determine an application made under Section 53 of the Wildlife and Countryside Act 1981 as the alleged right of way is a continuous route that crosses the Staffordshire/Derbyshire County borders in the Sheen Parish in Staffordshire and the Hartington Parish in Derbyshire.
3. In accordance with such arrangements as may from time to time be agreed between the Director for Corporate Services and the appropriate officer of Derbyshire County Council.

### **Background**

4. An application has been made to Staffordshire County Council under section 53 of the Wildlife and Countryside act 1981 for the upgrade of Public Footpath 41, Sheen to a restricted byway to the County boundary. A copy of the plan showing the route marked in red, which is subject to the application is attached at Appendix A to this report.
5. An application has also been made to Derbyshire County Council, under section 53 of the Wildlife and Countryside Act for the upgrade from the County boundary to add a restricted byway at SK11636 63308 and

upgrade existing Public Footpath 27, Hartington. A copy of the plan showing the route is attached at Appendix B to this report.

6. The applications lodged with Staffordshire County Council and Derbyshire County Council form one continuous route.
7. An anomaly, therefore, would occur **if** Staffordshire County Council were to determine the application lodged with them in favour of the Applicant before Derbyshire County Council were able to make a decision on the application on their side of the county border.
8. Following discussions, Derbyshire County Council have agreed in principle to delegate their powers to Staffordshire County Council in determining the part of the above-mentioned continuous route which is in the County of Derbyshire. Derbyshire County Council will request formal delegation via their committee.
9. Staffordshire County Council have been directed by the Secretary of State to determine this application following a directions request made by the applicant.
10. Historical evidence has been submitted in support of both applications, the Applicant is the same and the evidence submitted in respect of each county route is identical.
11. The decision to act on behalf of Derbyshire County Council and to receive the delegated powers of their Committee under section 53 of the Wildlife and Countryside Act 1981 in relation to the application referred to is one which is a matter for the Panel.

### **Conclusion**

12. Officers seek approval from the Panel to enter into an agreement with Derbyshire County Council to obtain delegated authority to determine the above-mentioned section 53 application as the applied for routes form a continuous route across the Staffordshire and Derbyshire County borders and Staffordshire County Council have been directed by the Secretary of State to determine the application made to Staffordshire County Council.

### **Resource and Financial Implications**

13. The costs of Staffordshire County Council making the necessary investigations, determinations and the Order-making process in respect of both applications will be met from existing budgetary provision.

### **Equal Opportunity Implications**

14. There are no direct equality implications arising from this report.

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J Tradewell  
Director for Corporate Services

**Background File:** 017286

## INDEX TO APPENDICES

Appendix A	Staffordshire Boundary Plan of Claimed Application Route
Appendix B	Derbyshire Boundary Plan of Claimed Application Route