



Committee and Date
Council
30 March 2023

Item

Public



**LOCAL GOVERNMENT ACT 1972, SECTION 101
 FORMAL APPLICATION TO ADD BRIDLEWAYS IN THE PARISH OF CLAVERLEY AND PARISH OF
 BOBBINGTON IN STAFFORDSHIRE
 DELEGATION TO STAFFORDSHIRE COUNTY COUNCIL TO INVESTIGATE AND DETERMINE THIS
 CROSS BORDER CLAIM**

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Cabinet Member (Portfolio Holder): Rob Gittins

1. Synopsis

Claims have been made to add a public bridleway under the provisions of the Wildlife and Countryside Act 1981 crossing the border between Shropshire and Staffordshire. Authority is therefore sought for Staffordshire County Council to undertake the investigation and determination of this cross border route.

2. Executive Summary

- 2.1. Claims have been made for a continuous bridleway to be added to the Definitive Map of public rights of way within both Shropshire Council and Staffordshire County Council areas. Authority is sought to delegate the power to investigate and determine the claimed bridleways to Staffordshire County Council under the Local Government Act 1972, Section 101.
- 2.2. Staffordshire have been directed to determine the claim on their side therefore, it would be sensible for one authority to deal with the entirety of the route. Staffordshire County Council has agreed to do so

- 2.3. Authority is sought to delegate the power to investigate and determine the claimed bridleways to Staffordshire County Council under the Local Government Act 1972, Section 101.

3. Recommendations

- 3.1. It is recommended that Shropshire Council delegates the function of determining the formal applications for bridleway additions in the Parish of Claverley in Shropshire and Bobbington in Staffordshire, to Staffordshire County Council, as the claimed routes link with each other.

Report

4. Risk Assessment and Opportunities Appraisal

- 4.1. The main risk to Shropshire Council would be if Staffordshire determine their part of the claimed route in advance of Shropshire determining the connecting claim as this would create an anomalous route on the map. As the evidence supplied in support of both the applications is either the same or similar it is sensible for one authority to determine both claims. Staffordshire have authority to determine the claim in its entirety if Shropshire formally delegates the function to them, to investigate the connecting section within Shropshire Council's area.

5. Financial Implications

- 5.1. Shropshire Council has a statutory duty to keep the Definitive Map under review and undertake the making of legal orders when required. Reasonable costs will be met by Staffordshire County Council from their existing budgetary provision to investigate and determine these claims. Shropshire Council may be asked to contribute to advertising costs if an order is subsequently published and provide officer support should any resulting order require determination this would be managed through existing revenue budgets.

6. Climate Change Appraisal

- 6.1. It is recognised that the use of the public rights of way network supports local active travel reducing the effect of motorised vehicles within local areas. These claims if successful will add to the network in this area that the general public can use. There is no effect on renewable energy.

7. Background

- 7.1. An application has been made to Shropshire Council under Section 53 of the Wildlife and Countryside Act 1981 for the addition of an alleged public bridleway from Bobbington to the County Road near Home Farm via Gatacre and for the addition of an alleged public bridleway from Public Bridleway 106 Claverley- near the Rookery through Gatacre Park Farm to join the alleged public bridleway from Bobbington. The application was submitted by a Ms A Williams. The application falls within the Parish of Claverley, Shropshire.

- 7.2. An application has also been made to Staffordshire County Council under Section 53 of the Wildlife and Countryside Act 1981 for the addition of a Public Bridleway from the junction of PF6 with Six Ashes Lane to the County Boundary in the parish of Bobbington. The application was submitted by a Mr M Reay.
- 7.3. A copy of the plan showing the alleged public bridleways, in both Shropshire and Staffordshire is attached at Appendix 1. A plan showing the general location of the claimed routes is attached at Appendix 2.
- 7.4. The applications lodged with Staffordshire County Council and Shropshire Council form one continuous route.
- 7.5. An anomaly, therefore, would occur if Staffordshire County Council were to determine the application lodged with them in favour of the applicant which would result in the addition of a public bridleway before Shropshire Council were able to make a decision on the application for the addition of public bridleways on Shropshire Council's side of the county border.
- 7.6. Staffordshire County Council have been directed by the Secretary of State to determine the application, which is within their area, following a directions request made by the applicant, Mr Reay. The Inspector acting on behalf of the Secretary of State acknowledged that the alleged route is a cross border route and therefore stated: "it would be sensible for one authority to deal with the entirety of the route". Shropshire Council have not specifically been directed to determine the application routes made on Shropshire Council's side of the county border.
- 7.7. Historical evidence has been submitted in support of both applications. Whilst the applications have been submitted by two separate members of the public, on review, the historical documentation submitted by both parties is very similar and some pieces of documentation are identical.
- 7.8. Therefore, officers are recommending that the Council delegates the function to investigate and determine the formal application on the Shropshire side to Staffordshire County Council. This is considered to be the most practicable and efficient way of dealing with the claims which if successful form a continuous cross border route.
- 7.9. Under Article 11 of Shropshire Council's Constitution, The Council or Cabinet, in order to promote the economic, social, or environmental well-being of its area, may:
- (a) enter into arrangements or agreements with any person or body;
 - (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body;
 - and
 - (c) exercise on behalf of that person or body any functions of that person or body.
- 7.10. The power to delegate non-Cabinet functions (which these are) is reserved to Council under Article 11.4 of the Council's Constitution.
- 7.11 This report is to delegate to Staffordshire County Council the function relating to the Formal Application in the Parish of Claverley in the interests of expediency, so that the claim, under the Wildlife and Countryside Act 1981, can be determined at the same time as the connecting claim in Staffordshire.

8. Conclusions

8.1. The most expedient way to progress these cross border bridleway claims, is for one, authority to undertake the full procedure. This report seeks a formal delegation to Staffordshire County Council to be able to determine the above mentioned s.53 applications, as the applied for routes form a continuous route across the Staffordshire/Shropshire border and Staffordshire County Council has been directed by the Secretary of State to determine their application.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Local Member: *Cllr Elliott Lynch*

Appendices [Please list the titles of Appendices]

Appendices

Appendix 1 – Plan showing routes claimed

Appendix 2 – Location Plan