

## Record of officer decision

<b>Decision title:</b>	Application for Modification Order in the Parish of Stoke Prior M341
<b>Date of decision:</b>	11 September 2019
<b>Decision maker:</b>	Acting Assistant Director Highways & Transport
<b>Authority for delegated decision:</b>	<p>Directorate scheme of delegation: updated 1 November 2018  Directorate: Economy and Place, section 69.  To act on behalf of the council in respect of the legislation specified in the foregoing:  Traffic Management Act 2004, Road Traffic Act 1988 Acting Assistant Director for Highways and Transport (Traffic Manager designate) and The Traffic Manager may in making arrangements to ensure that the authority has: (a) determined specific policies or objectives in relation to different roads or classes of road in their road network; (b) monitored the effectiveness of – 117</p>
<b>Ward:</b>	Hampton
<b>Consultation:</b>	The Local Ward Member Councillor Harrington was sent a copy of the draft investigation report and consulted for his views on 3 <sup>rd</sup> July 2019. At the same time, Stoke Prior Parish Council and the affected landowners were also consulted, and the landowners sent Questionnaires. The Parish noted the report. A summary of the completed landowner questionnaires and additional comments are set out in appendix 3.
<b>Decision made:</b>	An order be made under the provisions of section 53(2)(b) of the Wildlife and Countryside Act 1981, in consequence of an event under section 53(3)(b) and section 53(3)(C)(i) of that Act to Add a Restricted Byway, with an average width of four metres, to the Definitive Map and Statement along the route shown A-B-C-D-E on the Plan in Appendix 1.
<b>Reasons for decision:</b>	To seek a decision to make a Definitive Map Modification Order to record a Restricted Byway in the parish of Stoke Prior in consequence of the duty set out in section 53(2)(b) and 53(3)(c)(i) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) to keep the Council’s Definitive Map and Statement under continuous review.
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	<p><b>Community Impact</b></p> <p>Whilst there is considered to be no adverse community impact in respect of this decision, it cannot be a relevant consideration under section 53 of the 1981 Act.</p> <p><b>Equality Duty</b></p> <p>Whilst there are considered to be no equality implications, this is not a relevant consideration under section 53 of the 1981 Act.</p> <p><b>Financial Implications</b></p> <p>This is not a relevant consideration under section 53 of the 1981 Act. The council cannot take financial considerations into account in determining Definitive Map applications. Following the making of the order it will be advertised as required by Schedule 15, paragraph 3 of the Act 1981. Should the route be added to the Definitive Map in due course, it would be publicly maintainable which would place an additional burden on the public rights of way budget although this is</p>

	<p>likely to be very minimal. Any future management, maintenance and improvements will be prioritised in accordance with the criteria set out in the Public Realm Annual Plan and the Council's Rights of Way Improvement Plan.</p> <p><b>Legal Implications</b></p> <p>If the council receives objections to any Order it makes, which are not subsequently withdrawn, it must submit the Order to the Secretary of State for confirmation as required by the provisions of Schedule 15(7)(1) of the 1981 Act. This may result in the holding of a public inquiry or hearing.</p> <p><b>Risk Management</b></p> <p>Given the outcome of the initial consultations on this application, it is possible that an Order to record the route would receive objections from the affected landowners and may, therefore, have to be submitted to the Secretary of State for confirmation. As stated above, this could result in a public inquiry or an informal hearing or the matter might be determined by written representations. This is part of the normal, legal procedure for dealing with applications under section 53 of the 1981 Act.</p>
<p><b>Details of any alternative options considered and rejected:</b></p>	<p>There are no alternative options. The decision is whether, on the balance of probabilities, public rights subsist (or are reasonably alleged to subsist). In determining this matter, the council is carrying out a quasi-judicial function in accordance with the provisions of section 53 of the 1981 Act.</p>
<p><b>Details of any declarations of interest made:</b></p>	

I am an officer delegated to make the decision

Signed:

Print Name:

Clive Hall

Job Title:

Acting Assistant Director Highways & Transport