

Public Rights of Way Committee

Agenda

Date:	Tuesday, 21st September, 2010
Time:	2.00 pm
Venue:	Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Minutes of Previous meeting** (Pages 1 - 13)

To approve the minutes of the meeting held on 10 June 2010 as a correct record.

4. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Members of the public should provide 3 clear working days notice, in writing, if they wish to ask a question at the meeting, in order for an informed answer to be given. It is not required to give notice of the intention to make use of public speaking provision; however, as a matter of courtesy, a period of 24 hours notice is encouraged.

For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

Contact: Rachel Graves

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5. **Highways Act 1980 - Section 119: Application for the Diversion of Public Footpath No. 2 (Part) Parish of Lea** (Pages 14 - 19)

To consider the application for the diversion of Public Footpath No. 2 (part) in the parish of Lea.

6. **Higways Act 1980 - Section 119: Proposed Diversion of Public Footpath Nos. 33 and 34 (Parts) Parish of Gawsworth; Highways Act 1980 - Section 118: Proposed Extinguishment of Public Footpath No. 41 Parish of Sutton** (Pages 20 - 27)

To consider the application for the diversion of Public Footpath Nos. 33 and 34 (part) in the parish of Gawsworth and the application for the extinguishment of Public Footpath No. 41 in the parish of Sutton

7. **Highways Act 1980 - Section 119: Application for the Diversion of Public Footpath No.13 Spurstow (Part) and No. 5 Brindley (Part)** (Pages 28 - 33)

To consider the application for the diversion of Public Footpath No. 13 Spurstow (part) and No. 5 Brindley (part)

8. **Highways Act 1980 - Section 119: Application for the Diversion of Public Footpath No. 17 (Part) Parish of Dodcott cum Wilkesley** (Pages 34 - 39)

To consider the application for the diversion of Public Footpath No. 17 (part) in the parish of Dodcott cum Wilkesley

9. **Highways Act 1980 - Section 119: Application for the Diversion of Public Footpath No. 16 Parish of Lower Withington** (Pages 40 - 45)

To consider the application for the diversion of Public Footpath No. 16 in the parish of Lower Withington

10. **Highways Act 1980 - Section 119: Application for the Diversion of Public Footpath No. 70 (Part) Parish of Congleton** (Pages 46 - 51)

To consider the application for the diversion of Public Footpath No. 70 (part) in the parish of Congleton

11. **Highways Act 1980 - Section 119: Application for the Diversion of Public Footpath Nos. 14 and 15 (Parts) Parish of Mobberley** (Pages 52 - 58)

To consider the application for the diversion of Public Footpath Nos. 14 and 15 (parts) in the parish of Mobberley

12. **Draft Cheshire East Rights of Way Improvement Plan Strategy 2011-2026** (Pages 59 - 118)

To consider a report on the draft Cheshire East Rights of Way Improvement Plan (ROWIP) Strategy 2011-2026

PART 2 - THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Public Rights of Way Committee**
held on Thursday, 10th June, 2010 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor S Wilkinson (Chairman)
Councillor R Walker (Vice-Chairman)

Councillors Rhoda Bailey, R Cartlidge, S Davies and S Jones

OFFICERS PRESENT

Mark Wheelton, Leisure Services and Greenspace Manager
Mike Taylor, Greenspace Manager
Amy Rushton, Public Rights of Way Manager
Genni Bulter, Acting Countryside Access Development Officer
Hannah Flannery, Acting Public Rights of Way Officer
Rachel Goddard, Solicitor
Rachel Graves, Democratic Services Officer

1 APOLOGIES FOR ABSENCE

Apoloiges were received from Councillors D Cannon and J Wray.

2 DECLARATIONS OF INTEREST

Councillors R Walker and S Davies both stated that they would not be participating in the debate or voting for Item 14 – Creation Agreement for a New Public Bridleway in the Parishes of Nantwich and Wistaston, as they were members of the Southern Planning Committee and did not wish to predetermine any related planning applications and would leave the meeting prior to consideration of this item.

Councillor Rhoda Bailey declared a personal interest in the meeting proceedings by virtue of her membership of CPRE. In accordance with the code of conduct, she remained in the meeting during consideration of all items of business.

3 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 1 March 2010 be approved as a correct record and signed by the Chairman.

4 PUBLIC SPEAKING TIME/OPEN SESSION

Christine Peat addressed the Committee in support of Item 5 – Creation Agreement for a New Public Bridleway in the Parish of Bollington, whilst Andrew Roberts and Patrick Dawson spoke in opposition to the proposal.

5 HIGHWAYS ACT 1980 - SECTION 25: CREATION AGREEMENT FOR A NEW PUBLIC BRIDLEWAY IN THE PARISH OF BOLLINGTON

The Chairman reported that he had received a letter and photographs from Hilary Beech and a letter from Andrew Roberts, copies of which had been circulated to members of the Committee.

The Committee received a report which detailed a proposal to establish a bridleway to connect Redway in Kerridge to an existing public bridleway in Rainow parish and for the Council to enter into a Creation Agreement with the landowners who had agreed to dedicate the route as a public bridleway.

Under section 25 of the Highways Act 1980, the Council had the power to enter into an agreement with any person having the capacity to dedicate a public right of way. The Highways Act 1980 required the authority to have regard to the needs of agriculture and forestry, and to the desirability of conserving flora, fauna and geographical and physiographical features. Under section 25 there was no statutory right for objection to the proposal.

The majority of the route ran along an existing concrete track over which ran public footpath no. 17 in the town of Bollington. Following a site meeting in October 2008, attended by the landowners of the proposed route, lessors of the land either side of the proposed route, adjacent landowners who have a right of vehicular access along the concrete track, a Public Rights of Way Officer from the former Cheshire County Council, the North West Regional Bridleway Officer from the British Horse Society and the Project Manager of the Kerridge Ridge and Ingersley Vale Countryside and Heritage Project, it was agreed that a 90m section of the proposed route would be created away from the track in order to avoid a tight and steep corner. Further concerns about safety would be addressed through the provision of a verge alongside the concrete track onto which a rider could move should a vehicle approach.

RESOLVED:

That a Creation Agreement under Section 25 of the Highways Act 1980 be entered into with the appropriate persons with capacity to dedicate to create a new public bridleway in the Parish of Bollington, as illustrated in Plan No. HA/009/Outline, and that public notice be given of these agreements.

6 PUBLIC RIGHTS OF WAY ANNUAL REPORT 2009/10 AND WORK PROGRAMME 2010/11

The Committee received a report which detailed the achievements of the Public Rights of Way service during 2009/10 and set out the proposed work programme for 2010/11.

The Public Rights of Way Manager reported that during 2009/10

- the Legal Orders Team had processed more Orders this year than the previous year. However, there was still a backlog of 28 Public Path Orders and 24 Definitive Map Orders and an officer was being recruited on a one year fixed term contract to address this backlog, the cost of this being covered by the income generated.
- Since the disaggregation of the path network into East and West, the Maintenance and Enforcement Team were responsible for an additional 90km each but had not received any corresponding increase in their budget.
- There were no dedicated staff to carry out path inspections under section 58² of the Highways Act 1980 and this was a risk to the Council as previously evidence of surveys being carried out had helped defend against claims for personal injury.
- Random survey results had shown 84% found the footpath network easy to use which was higher than pre Local Government Review survey results.
- One public inquiry had been held, which had found in favour of the Council and the seven Orders which had been referred to the Planning Inspectorate had been successful.
- The budget was falling short of meeting current and future maintenance demands on the network. It was also insufficient budget to permit the recruitment to cover maternity leave in the Legal Orders Team.

The Committee commended the staff in the Public Rights of Way team for the work they had undertaken, which at times was under difficult circumstances.

RESOLVED:

The Annual Report for 2009/10 be noted and the proposed Work Programme for the Public Rights of Way Team 2010/11 be approved.

7 UPDATE ON DEVELOPMENT OF THE RIGHTS OF WAY IMPROVEMENT PLAN (2011 - 2026)

The Committee received a report on the development of the Rights of Way Improvement Plan (ROWIP) 2011-2026.

The current ROWIP covering Cheshire East was prepared by Cheshire County Council and expires in March 2011. A new ROWIP was being developed to reflect the new geographic area of Cheshire East and

coincide with the preparation of the new Local Transport Plan, into which the ROWIP must be fully integrated.

A Project Board and Steering Group have been established to assist with the process of developing the plan. The Project Board consisted of a broad range of officers from different Council services who contributed their expertise and knowledge in helping define the scope and focus of the new ROWIP as well as improving links between departments. The Steering Group consisted of elected Members from the Public Rights of Way Committee, together with the Portfolio Holder for Health and Wellbeing. The Group's role was to direct the project programme and monitor progress against the project time plan.

An extensive consultation process for the ROWIP and the Local Transport Plan had been developed spanning the spring, summer and autumn of this year. This would include engagement through Town and Parish Councils, the Local Area Partnerships, web based consultation and direct contact with user groups and the wider public.

It was intended that the ROWIP strategy would be presented to the Committee at its September meeting seeking recommendations to the Portfolio Holder for approval.

RESOLVED:

That the report be noted.

8 TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO. 24 (PART) PARISH OF DISLEY

The Committee received a report which detailed an application from United Utilities (the applicant) requesting the Council to make an Order under Section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No. 24 in the parish of Disley.

Section 257 of the Town and Country Planning Act 1990 allowed the Council to make and confirm Orders authorising the stopping up or diversion of a footpath if they were satisfied that it was necessary to do so in order to enable development to be carried out in accordance with planning permission granted.

Planning permission has been granted to the applicant in January 2010 for a new Reservoir Spillway, Barrow Pit area for obtaining spill material use in the embankment stability work, new permanent road access, new fisherman's hut and temporary road access from Red Lane. This work would ensure the safety of the Reservoir during times of flooding.

Part of the current line of Footpath No. 24 Disley lay directly under the site of the construction of part of the new spillway. Also the access road was

being moved and fenced off. Part of the existing footpath ran along the access road and would fall within the fenced off area. The footpath diversion was required to provide public access outside of the United Utilities operational area.

The proposed route would move the footpath to the north of its current location, out of the area of construction and across a pasture field. A kissing gate would be required at its joining with Footpath No. 22.

The Committee noted that no objections had been received. It was considered that the legal test for the making and confirming of a Diversion Order under section 257 of the Town and Country Planning Act 1990 were satisfied.

RESOLVED:

- (1) An Order be made under Section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No. 24 Disley, as illustrated on Plan No. TCPA/002, on the grounds that the Borough Council is satisfied that it is necessary to do so to allow development to take place.
- (2) Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- (3) In the event of objections to the Order being received and not resolved, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

9 TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257: REQUEST TO FORMALLY ABANDON "THE CHESHIRE COUNTY COUNCIL (FOOTPATH NO.49 (PART) PARISH OF HASLINGTON, BOROUGH OF CREWE AND NANTWICH) PUBLIC PATH DIVERSION ORDER 2009"

The Committee received a report which sought approval to formally abandon a diversion order for Footpath No. 49 (part) in the parish of Haslington following a request from Land Recovery Limited, c/o Mineral Planning Group (the applicant).

Cheshire County Council had made an Order on 29 January 2009, following an application from The Mineral Planning Group on behalf of Mr Beecroft of White Moss Quarry to divert Public Footpath No. 49 (part). The diversion related to planning consent no. 7/2008/CCC/8 to develop an aggregate recycling and storage operation at White Moss Quarry and it was believed that Footpath No. 49 would be affected by the proposal.

The diversion order had attracted a large number of objections from local people, largely due to the fact that the original line was an attractive 'green lane' and had perceived high wildlife value. The original line of the path was open and available on the ground and has not, in fact, been affected by the quarry development, as the applicant has undertaken other work to meet other planning obligations which ultimately mitigated against any adverse effect on the path. The applicant's agent had therefore requested that the diversion order be abandoned as it was no longer required.

RESOLVED:

That the diversion order "The Cheshire County Council (Footpath No. 49 (part) Parish of Haslington, Borough of Crewe and Nantwich) Public Path Diversion Order 2009" be abandoned in accordance with the request of the applicant through their agent.

10 HIGHWAYS ACT 1980 - SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO. 29 (PART) PARISH OF BRERETON

The Committee received a report which detailed an application from Mrs Emma Bromley-Devenport (the applicant) of Long Lane Farm, Davenport Lane, Brereton requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath No. 29 in the Parish of Brereton.

In accordance with Section 119(1) of the Highways Act 1980 it was within the Council's discretion to make an Order if it appeared to the Council to be expedient to do so in the interests of public or of the owners, lessee or occupier of the land crossed by the path.

The applicant owned the land over which the current path and proposed alternative route ran. The existing line of Public Footpath Brereton No. 29 ran through the applicant's garden and extremely close to the applicant's house. The definitive line of the footpath had been partially obstructed for a number of years (before the applicant purchased the property) and diverting the footpath would deal with this long standing issue.

The proposed diversion would leave the driveway and pass through a small wooded area before entering the field south east of Long Lane Farm. It would then run in a south westerly direction along the field boundary and then in a westerly direction across the field to join the existing line of the footpath. The proposed diverted route was slightly longer than the current route; however, it passed through open countryside providing better views than the current route. Moving the footpath out of the garden and away from the house would provide a less intimidating route for users and be of huge benefit to the landowner in terms of privacy and security.

The Committee noted that there were no objections to the proposals and considered that the new route was not substantially less convenient than

the existing route and would be of huge benefit to the landowner. Moving the footpath away from the house and house would allow the applicant to improve her privacy and security considerably and would also deal with the long standing issue of the legal line of the footpath being partially obstructed. It was therefore considered that the proposed route would be more beneficial than the current route and the legal tests for making and confirming of a diversion order were satisfied.

RESOLVED:

- 1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of Public Footpath No. 29 Brereton, by creating a new section of public footpath and extinguishing the old part, as illustrated on Plan No. HA/016 on the grounds that it is expedient in the interests of the owner of the land crossed by the path.
- 2 Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of powers conferred on the Council by the said Acts.
- 3 In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

11 HIGHWAYS ACT 1980 - SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO. 8 (PARTS) PARISH OF BADDINGTON

The Committee received a report which detailed an application from Messrs Williamson (the applicant) via their Agents – Hibberts LLP Nantwich, requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath No. 8 in the parish of Baddington.

In accordance with Section 119(1) of the Highways Act 1980 it was within the Council's discretion to make an Order if it appeared to the Council to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path.

The applicants owned the land over which the current path and the proposed alternative routes ran. The first section (A-B) of the current line of Public Footpath No. 8 Baddington to be diverted ran across land which was currently used as a driveway and which the applicant intended to turn back into garden, by realigning the driveway to the property. The applicant had received planning permission for the driveway alteration (reference P09/0004). The proposed new route of the footpath followed the realigned driveway.

The second section (C-D) of Footpath No. 8 to be diverted took a slight diagonal line across the length of a paddock and was undesirable in terms of land management and was problematic from the point of view of the applicant's wish to possibly extend gardens along the length of part of all of the paddock, from the farm buildings which may be converted into dwellings at a future date. The proposed new route for this section takes a straight line along a wide grass track to the edge of the applicant's property. It would exit into the adjacent field where the applicant would install a new kissing gate.

The Committee noted that there were no objections to the proposals and considered that the proposed routes would be as enjoyable as the existing route. The new route was not substantially less convenient than the existing route and diverting the footpath would be of benefit to the landowners, particularly in terms of current and future land use. It was therefore considered that the proposed route would be as satisfactory as the current route and that the legal tests for making and confirming of a diversion order were satisfied.

RESOLVED:

- 1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of Public Footpath No. 8, by creating a new section of public footpath and extinguishing the old part, as illustrated on Plan No. HA/015 on the grounds that it is expedient in the interests of the owner of the land crossed by the path.
 - 2 Public Notice of the making of the Order be given and in the event of there being no objections to the Order within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
 - 3 In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.
- 12 HIGHWAYS ACT 1980 - SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NOS. 3 AND 9 (PART) PARISH OF HENBURY**

The Committee received a report which detailed an application from Mr Simon Taylor (the applicant) of Henbury House, Pexhill Road, Henbury, Macclesfield requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert Public Footpath No. 3 and part of Public Footpath No. 9 in the parish of Henbury. The applicant owned the land over which the current paths and the proposed alternatives routes ran.

In accordance with Section 119(1) of the Highways Act 1980 it was within the Council's discretion to make an Order if it appeared to the Council to be expedient to do so in the interests of the public or the owner, lessee or occupier of the land crossed by the path.

Public Footpath No. 3 ran in a south westerly direction from Sandbach Farm to Public Footpath No. 1 Henbury. If the diversion order for Public Footpath No. 9 Henbury was successful this would result in Footpath No. 3 becoming a cul de sac route. It was therefore proposed to divert Footpath No. 3 concurrently with Footpath No. 9.

The proposed route for Footpath No. 3 would run across open pasture, north of Sandbach Farm and would create a link between Footpath No. 9 and Footpath No. 5 (Lingards Farm) where none existed before. It would exit the field approximately 120 metres north of Lingards Farm on Fanshawe Lane. Leaving the field at this point avoided users having to traverse a steep bank down onto Fanshawe Lane.

The section of Public Footpath No. 9 Henbury to be diverted followed the driveway to Sandbach Farm, passing through the farmyard, very close to the house and then across the field to Henbury Moss. Planning permission had recently been granted (application no. 08/1005P) to redevelop Sandbach Farm. The Farm would be reconstructed, together with a new pond and equestrian facilities. The line of the existing footpath would pass through the garden and pond of the new property and very close to the equestrian facilities, where breeding and training of horses would take place.

The proposed route would leave the driveway north of Sandbach Farm, running in a generally south easterly direction across a field to join Public Footpath No. 3. It would cross slightly higher ground than the existing route and provided much improved views of the Cheshire countryside. It would run adjacent to a new landscaped area of woodland. Moving the footpath away from the house and yard would allow the applicant to significantly improve the privacy and security of the property. It would also be a benefit in terms of farm management and avoid any risk of accidents between members of the public and the horses.

The Committee noted that there were no objections had been received and considered that the proposed footpaths would be more enjoyable than the existing routes, providing a much improved open views of the Cheshire countryside. The new routes were not substantially less convenient than the existing routes and diverting the footpaths would be of huge benefit to the landowner, particularly in terms of security and privacy and also in terms of farm management. It was therefore considered that the proposed routes would be more beneficial than the current routes and that the legal tests for the making and confirming of a diversion order were satisfied.

RESOLVED:

- 1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert Public Footpath No. 3 and part of Public Footpath No. 9 Henbury, by creating new sections of public footpath and extinguishing the old parts, as illustrated on Plan No. HA/017 on the grounds that it is expedient in the interests of the owner of the land crossed by the path.
 - 2 Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Act.
 - 3 In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearings or public inquiry.
- 13 HIGHWAYS ACT 1980 - SECTION 25 AND SECTION 26: PROPOSAL TO ENTER A CREATION AGREEMENT AND TO MAKE A CREATION ORDER FOR A BRIDLEWAY; PUBLIC FOOTPATH NO. 6 PARISH OF EATON**

The Committee received a report which detailed a proposal to enter into a Creation Agreement and make a Creation Order for a bridleway over existing Public Footpath No. 6 Eaton.

Under Section 25 of the Highways Act 1980, the Council had the power to enter into an agreement with any person having the capacity to dedicate a public right of way. The Highways Act required the authority to have regard to the needs of agriculture and forestry and to the desirability of conserving flora, fauna and geographical and physiographical feature. Under Section 25 there was no statutory right for objection to the proposal. Section 26 of the Highways Act 1980 gave the Council the power to create footpaths or bridleways by order, imposing the path on the landowner.

Cheshire County Council had previously reached an agreement with the landowner, Fairclough Homes, to create a bridleway over Public Footpath No. 6. A formal agreement had been drawn up and signed and sealed by Fairclough Homes but was never signed and subsequently advertised by the County Council. The path had been made up to a bridleway standard on the ground and has been used and accepted by horseriders for the past 5 years.

A short section of the public footpath fell outside the ownership of Fairclough Homes and a Land Registry search had revealed it to be unregistered. This section was approximately 15 metres in length and linked the bridleway to Byway Open to all Traffic No. 8 (Havannah Lane).

It was therefore proposed that the Council entered into a new Agreement on the same basis as the previous one and that a Creation Order be made for the section of the path for which no landowner had been identified.

RESOLVED:

- (1) That a Creation Agreement be entered into under Section 25 of the Highways Act 1980 to create a new public bridleway over public footpath No. 6 in the Parish of Eaton (as shown A-B-C on plan C011A) and that public notice be given of this agreement.
- (2) That a Creation Order be made under Section 26 of the Highways Act 1980 to create a bridleway for an adjoining section of public footpath No.6 (Between point A and Boat 8 on plan C011A) on the grounds that there is a need and it is expedient that the path should be created.
- (3) Public Notice of the making of the Order be given and in the event of there being no objections with the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- (4) In the event of objections to the Creation Order being received and not resolved, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

14 HIGHWAYS ACT 1980 - SECTION 25: CREATION AGREEMENT FOR A NEW PUBLIC BRIDLEWAY IN THE PARISHES OF NANTWICH AND WISTASTON

The Committee received a report which detailed a proposal for the Council to enter into creation agreements with the landowner(s) who had agreed to dedicate part of the Connect2 Crewe to Nantwich Greenway off road cycle route as a public bridleway so that pedestrians, cyclists and horseriders could use the route.

Under Section 25 of the Highways Act 1980, the Council had the power to enter into an agreement with any person having the capacity to dedicate public rights of way. The Highways Act 1980 required the authority to have regard to the needs of agriculture and forestry and to the desirability of conserving flora, fauna and geographical and physiographical features. Under Section 25 there was no statutory right for objection to the proposal.

The proposed route ran from off the A51 roundabout (known as the Sainsbury's roundabout) in Nantwich in a north-easterly direction for a distance of approximately 2.5km to its junction with A530 Middlewich Road by Wistaston Green Road (known as the Rising Sun junction). The landowner had agreed to dedicate the proposed route as a public bridleway as part of the Connect2 Crewe to Nantwich Greenway project.

The route would be established to Sustrans' Connect2 Greenway Design Guide standards for multi-users routes: this included a tarmac surface of 2.5 – 3 metres width for cyclists and pedestrians and a verge for equestrian use of 2.5 metre. Parts of the route ran along existing tracks which would be upgraded to this standard.

Three residential properties lay adjacent to the proposed route. Each had been contacted with responses from two having been received to date. The property owners were concerned about the proposals and wished to object given the proximity of the route to their properties and felt that the proposals would reduce the seclusion and privacy of their homes and devalue the properties. The owners had suggested alternative options for the project including possible route amendments. These were being discussed with the landowner, their agents and their tenant with the aim of reaching a conclusion which was reasonably satisfactory to all parties.

RESOLVED:

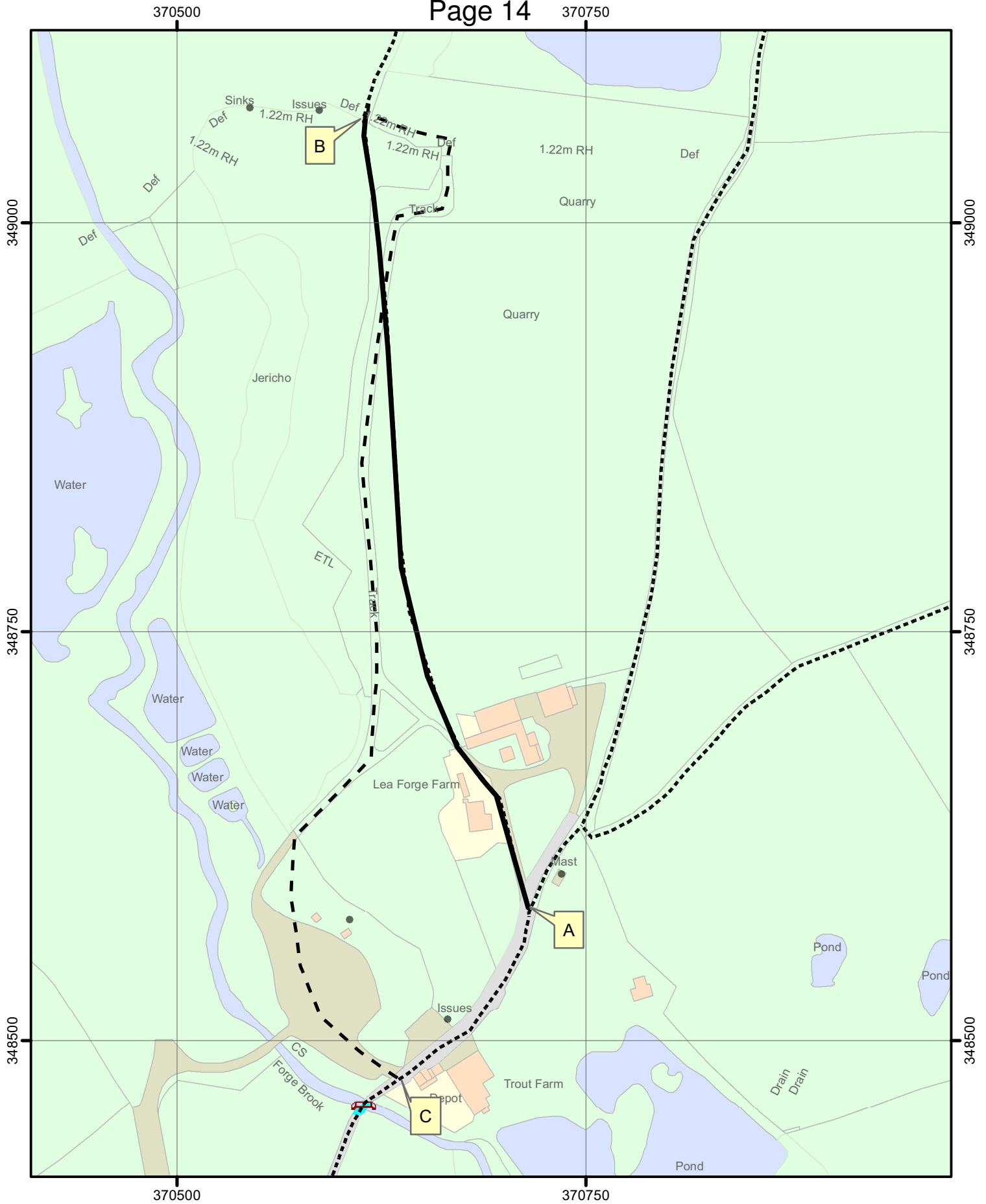
- (1) That creation agreement(s) under Section 25 of the Highways Act 1980 be entered into with the appropriate person(s) with capacity to dedicate to create a new public bridleway in the Parishes of Nantwich and Wistaston, as illustrated on Plan No. 13.10.10, and the public notice be given of these agreement(s).
- (2) The Public Rights of Way Manager be authorised to negotiate the final route of the new bridleway to be included in the creation agreement(s) as the route shown on Plan No. 13.10.10 is illustration only.

(Note: Councillors R Walker and S Davies withdrew from the meeting prior to discussion and voting on this item.)

The meeting commenced at 2.00 pm and concluded at 3.40 pm

Councillor S Wilkinson (Chairman)

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Highways Act 1980 s119
Diversion of FP2 Lea (part)

Plan No.
HA 020

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CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of meeting: 21 September 2010
Report of: Greenspaces Manager
Subject/Title: Highways Act 1980 – Section 119
Application for the Diversion of Public Footpath No. 2
(Part) Parish of Lea

1.0 Report Summary

- 1.1 The report outlines the investigation of an application to divert part of Public Footpath No. 2 in the Parish of Lea. This includes a discussion of consultations carried out in respect of the application and the legal tests for a diversion order to be made. The application has been made by the landowner's concerned. The report makes a recommendation based on that information, for quasi-judicial decision by Members as to whether or not an Order should be made to divert the footpath.

2.0 Recommendations

- 2.1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of Public Footpath No. 2 as illustrated on Plan No. HA/020 on the grounds that it is expedient in the interests of the owner of the land crossed by the path and of the public.
- 2.2 Public Notice of the making of the Order be given and in the event of there being no objections to the Order within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- 2.3 In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

3.0 Reasons for Recommendations

- 3.1 In accordance with Section 119(1) of the Highways Act 1980 it is within the Council's discretion to make the Order if it appears to the Council to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path. It is considered that the proposed diversion is in the interests of the landowners and of the public for the reasons set out in paragraphs 11.4 and 11.5 below.

3.2 Where objections to the making of an Order are made and not withdrawn, the Order will fall to be confirmed by the Secretary of State. In considering whether to confirm an Order the Secretary will, in addition to the matters discussed at paragraph 3.1 above, have regard to:

- Whether the path is substantially less convenient to the public as a consequence of the diversion.

And whether it is expedient to confirm the Order considering:

- The effect that the diversion would have on the enjoyment of the path or way as a whole.
- The effect that the coming into operation of the Order would have as respects other land served by the existing public right of way.
- The effect that any new public right of way created by the Order would have as respects the land over which the rights are so created and any land held with it.

3.3 Where there are no outstanding objections, it is for the Council to determine whether to confirm the Order in accordance with the matters referred to in paragraph 3.2 above.

3.4 Initial informal consultations have not indicated that objections to an order are likely. It is considered that the proposed footpath will be as enjoyable as the existing route. The new route is not 'substantially less convenient' than the existing route and diverting the footpath will be of benefit to the landowners, in terms of current and future land use, and of the public, in terms of accessibility. It is therefore considered that the proposed route will be as satisfactory as the current route and that the legal tests for the making and confirming of a diversion order are satisfied.

4.0 Wards Affected

4.1 Doddington

5.0 Local Ward Members

5.1 Councillor D Brickhill, Councillor R Walker and Councillor J Hammond

6.0 Policy Implications including - Climate change - Health

6.1 Not applicable.

7.0 Financial Implications

7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Once an Order is made it may be the subject of objections. If objections are not withdrawn, this removes the power of the local highway authority to confirm the order itself, which may lead to a hearing/an inquiry. It follows that the Committee decision may be confirmed or not confirmed. This process may involve additional legal support and resources.

9.0 Risk Management

9.1 Not applicable.

10.0 Background and Options

10.1 An application has been received from Halletec Environmental, 52 Cheshire Street, Market Drayton, Shropshire on behalf of their client (Anthony Construction Ltd, 'the Applicant') requesting that the Council make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath No.2 in the Parish of Lea.

10.2 Public Footpath No. 2 Lea commences at a point on Public Bridleway No.6, near Lea Forge Farm (point A). It crosses a stile and then travels in a generally northerly direction past the derelict farm buildings, and is then obstructed by the quarry workings for much of its length; the public use the track running parallel to the definitive line as an alternative route. Approximately 80m south of point B, the definitive route crosses the track used by the public, and ascends a steep grass bank to another stile, before descending again into a boggy area and crossing a stream, proceeding to point B. The total section of path to be diverted is shown by a solid black line on Plan No. HA/020 running between points A-B. The proposed diversion is illustrated with black dashed lines on the same plan, running between points C-B. It follows the existing semi-surfaced track for the majority of its length which is used by the public as an alternative to the obstructed definitive line. Towards point B, the route takes a right-angled turn to circumvent the boggy area affecting the existing route. It will be barrier-free apart from one pedestrian gate which will be installed next to the field gate at point C.

10.3 The Applicant owns the land over which the current path and the proposed alternative routes run. Under section 119 of the Highways Act 1980 the Council may accede to an applicant's request if it considers it expedient in the interests of the applicant to make an order diverting the footpath.

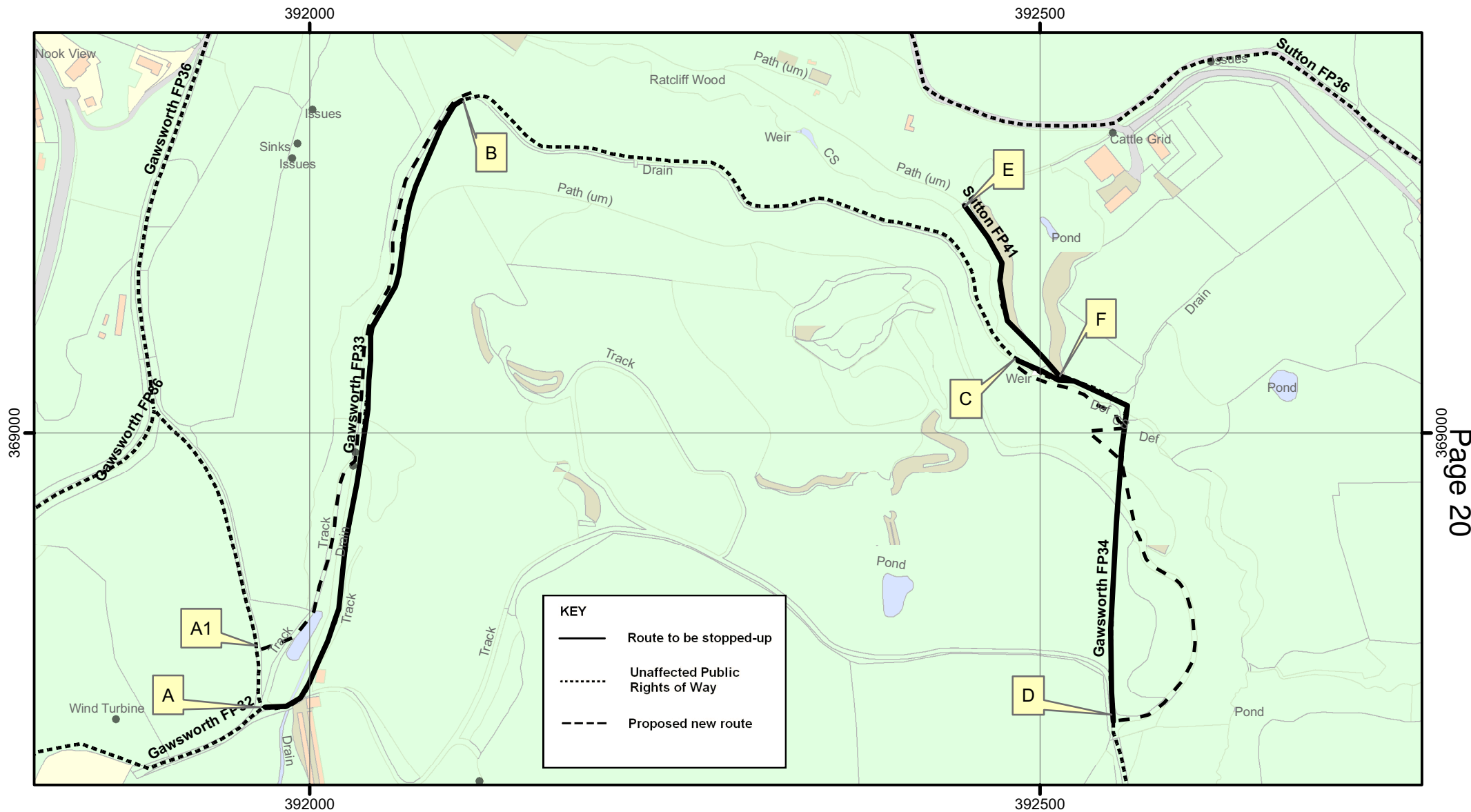
- 10.4 The section of Public Footpath No. 2 Lea to be diverted (A-B) has for some years been partially obstructed by the quarrying operation at Hough Mill Quarry. It also passes the derelict buildings of Lea Forge Farm, which are unsightly and pose a potential hazard to the public. The applicant has applied for planning permission¹ to extend the period allowed to restore the site which allows an opportunity to resolve these problems and to achieve a diversion which fits in with the proposed restoration process for the site; on completion of the restoration process, the applicant's aspiration is for the site to become a nature reserve.
- 10.5 The proposed new route (C-B) will follow a semi-surfaced track for the majority of its length and will have a minimum recorded width of 2m throughout. It will be barrier-free save for one pedestrian gate beside the field-gate at point C on the plan, whereas the current route has a stile at point A and south of point C. The existing route also has a very steep bank which poses a problem for people with mobility difficulties; the proposed new route avoids this feature and is generally more accessible in terms of gradient and terrain. It is therefore considered that the proposal is in the interests of the public as well as those of the landowner.
- 10.6 The local Councillors have been consulted about the proposal, no objections have been received.
- 10.7 Wybunbury and Hough & Chorlton Parish Councils have been consulted and no objections have been received.
- 10.9 The statutory undertakers have also been consulted and have no objections to the proposed diversion. If a diversion order is made, existing rights of access for the statutory undertakers to their apparatus and equipment are protected.
- 10.10 The user groups have been consulted and no objections have been received.
- 10.11 The Council's Nature Conservation Officer has been consulted and has raised no objection to the proposals.
- 10.12 An assessment in relation to Disability Discrimination Legislation has been carried out by the PROW Maintenance and Enforcement Officer for the area and it is considered that the proposed diversion is an improvement on the old route.

¹ 10/1149W - To be determined by Cheshire East Council's Southern Planning Committee late September 2010

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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PROW File: 111/D/403



1:3,572

Diversion of FPs 33 & 34 Gawsworth
Extinguishment of FP41 Sutton

Plan No.
HA021

This is a working copy of the definitive map
and should not be used for legal purposes



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Cheshire East Council. 100049045 2010.

CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of meeting: 21 September 2010
Report of: Greenspaces Manager
Subject/Title: Highways Act 1980 Section 119: Proposed Diversion of Public Footpath Nos. 33 And 34 (Parts) Parish of Gawsworth
Highways Act 1980 Section 118: Proposed Extinguishment of Public Footpath No.41 Parish of Sutton

1.0 Report Summary

- 1.1 The report outlines the investigation of a proposal to divert parts of Public Footpath Nos. 33 and 34 in the Parish of Gawsworth, and to extinguish the cul-de-sac path Public Footpath No.41 in the Parish of Sutton. This includes a discussion of consultations carried out in respect of the proposal and the legal tests for a diversion order and an extinguishment order to be made. The report makes a recommendation based on that information, for quasi-judicial decision by Members as to whether or not an Order should be made to divert and extinguish the footpaths.

2.0 Recommendations

- 2.1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert parts of Public Footpaths No. 33 and 34 Gawsworth as illustrated on Plan No. HA/021 on the grounds that it is expedient in the interests of the owners of the land crossed by the path and of the public.
- 2.2 An Order be made under Section 118 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to extinguish Public Footpath No.41 Sutton as illustrated on Plan No. HA/021 on the grounds that it is not needed for public use.
- 2.3 Public Notice of the making of the Orders be given and in the event of there being no objections to the Orders within the period specified, the Orders be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- 2.4 In the event of objections to the Orders being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

3.0 Reasons for Recommendations

3.1 In accordance with Section 119(1) of the Highways Act 1980 it is within the Council's discretion to make a Diversion Order if it appears to the Council to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path. It is considered that the proposed diversion is in the interests of the landowners and of the public for the reasons set out in paragraph 11.1 & 11.5 below.

3.2 Where objections to the making of an Order are made and not withdrawn, the Order will fall to be confirmed by the Secretary of State. In considering whether to confirm an Order the Secretary will, in addition to the matters discussed at paragraph 3.1 above, have regard to:

- Whether the path is substantially less convenient to the public as a consequence of the diversion.

And whether it is expedient to confirm the Order considering:

- The effect that the diversion would have on the enjoyment of the path or way as a whole.
- The effect that the coming into operation of the Order would have as respects other land served by the existing public right of way.
- The effect that any new public right of way created by the Order would have as respects the land over which the rights are so created and any land held with it.

3.3 Where there are no outstanding objections, it is for the Council to determine whether to confirm the Order in accordance with the matters referred to in paragraph 3.2 above.

3.4 Initial informal consultations indicate that there would be no objections to the diversion element of the proposal. It is considered that the proposed footpath will be more enjoyable than the existing route. The new route is not 'substantially less convenient' than the existing route and diverting the footpath will be of benefit to the landowners, in terms of current and future land use, and of the public, in terms of accessibility. It is therefore considered that the proposed route will be as satisfactory as the current route and that the legal tests for the making and confirming of a diversion order are satisfied.

3.5 In accordance with Section 118 of the Highways Act 1980, it is within the Council's discretion to make an Extinguishment Order if it appears to the Council that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use.

- 3.6 Where objections to the making of an Order are made and not withdrawn, the Order will fall to be confirmed by the Secretary of State. In considering whether to confirm an Order the Secretary will, in addition to the matters discussed at paragraph 3.5 above, have regard to:

- The extent to which it appears that the path or way would, apart from the order, be likely to be used by the public.

And

- The effect which the extinguishment of the right of way would have as respects land served by the path or way, account being taken of the provisions as to compensation contained in section 28 of the Act as applied by section 121(2).
- 3.7 Where there are no outstanding objections, it is for the Council to determine whether to confirm the Order in accordance with the matters referred to in paragraph 3.6 above.
- 3.8 Initial informal consultations have indicated that there would be one objection to the extinguishment part of the proposal, from the East Cheshire Ramblers' Association (see 11.10 below). However, it is considered that Public Footpath No.41 Sutton is not needed for public use, for the reasons described below at paragraph 11.6 and that the legal tests for the making and confirming of a diversion order are satisfied.

4.0 Wards Affected

- 4.1 Macclesfield Forest

5.0 Local Ward Members

- 5.1 Councillor M Asquith, Councillor L Smetham and Councillor H Gaddum

6.0 Policy Implications including - Climate change - Health

- 6.1 Not applicable.

7.0 Financial Implications

- 7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Once an Order is made it may be the subject of objections. If objections are not withdrawn, this removes the power of the local highway authority to confirm the order itself, which may lead to a

hearing/an inquiry. It follows that the Committee decision may be confirmed or not confirmed. This process may involve additional legal support and resources.

9.0 Risk Management

9.1 Not applicable.

10.0 Background and Options

- 10.1 There is no applicant in this case, the proposal having been sought “proactively” by the Public Rights of Way Team to resolve long-standing problems with the paths in question, and to create a more accessible, usable route on the ground for the public. There are slight benefits to the landowners involved, in terms of moving the legal line of FP33 away from the farm buildings and caravan associated with Rough Hey farm, but the principal driver for the proposal is the public interest.
- 10.2 The first section of Public Footpath No. 33 Gawsworth to be diverted commences at its junction with Public Footpath No. 32 Gawsworth, between Rough Hey Farm itself and its associated outbuildings. The legal line of the path travels in a generally northerly direction past the farm buildings and behind a caravan, and runs along the eastern side of a canal feeder. As it progresses along the canal feeder, the route becomes steeper and narrower until eventually, there is no discernable means of access on the east side of the feeder. The public tend to use the western side of the watercourse at this point instead, where there is a track.
- 10.3 The second section of Public Footpath No.33 Gawsworth to be diverted is located at the junction of Public Footpath No.33, 34 and Sutton No.41 at point C on the plan HA/021. It becomes Footpath 34 at point F near to a weir on the canal feeder. Here, the definitive line actually crosses the weir via a precarious and narrow platform, onto the weir bridge itself via a lifting handlebar. The definitive route then follows the narrow and uneven northern bank of the watercourse, before crossing sharply southwards and taking a straight line up a very steep, wooded bank. It is not possible to walking the definitive line up this bank without using one’s hands to climb up. The section to be diverted finishes at point D on plan HA/22, at the top of the slope.
- 10.3 The Public Rights of Way Team have secured the agreement to the proposal of both parties who own the land over which the current and the proposed alternative routes run. Under section 119 of the Highways Act 1980 the Council may make a Diversion Order if it considers it expedient in the interests of the public or the landowner to do so.
- 10.4 The definitive lines of FP33 and FP34 as described above are currently very difficult for the public to use by nature of the terrain and it is

possible that the paths were poorly recorded on the Definitive Map and Statement in the first place. In particular, the steepness of the slope between points F and D on plan HA/022 renders the definitive line of FP34 unusable to most people, and the weir crossing raises safety concerns.

- 10.5 The proposed new route for FP33 (A1-B) will follow an existing track to the west of the canal feeder for the majority of its length, which is already the preferred route for many walkers. It will be barrier-free save for a kissing gate to be installed beside the field-gate at point A1 on the plan HA/022, whereas the current route has a stile approximately 60m along from point A. The proposed new route for FP34 will cross a new footbridge over the canal feeder, rather than utilising the weir, and then take a line on the more level southern side of the water course. It then tacks up the slope following a more gentle gradient; this route will be subject to works to level it and shore it up where needed. From OS grid reference SJ 9255 6895 it joins (via what will be a kissing gate) an existing semi-surfaced track approximately 3m wide, all the way to point D on plan HA/0122. It is therefore considered that the proposal is in the interests of the public.
- 10.6 As the diversion proposal would leave the already “cul-de-sac” FP41 Sutton with no connecting highway at its southern end, it is proposed to extinguish this footpath on the grounds that it would not be needed for public use. The path serves no purpose at present, crosses steep terrain and there is no realistic possibility of connecting it with another highway. Furthermore, to access the footpath, the public must use the precarious weir crossing on FP33, and it is desirable that this is disposed of as part of the proposals.
- 10.7 The local Councillors have been consulted about the proposal, no objections have been received.
- 10.8 Sutton and Gawsorth Parish Councils have been consulted and no objections have been received.
- 10.9 The statutory undertakers have also been consulted and have no objections to the proposed diversion. If a diversion order is made, existing rights of access for the statutory undertakers to their apparatus and equipment are protected.
- 10.10 The user groups have been consulted and one objection has been received; the East Cheshire Group of the Ramblers’ Association requested a site visit with officers from the PROW Team to clarify the proposal on the ground. In particular, they wished to investigate the nature of FP41 Sutton and whether it could be linked to anything at its northern end. Having seen it on site, they concluded that they object to its extinguishment on the grounds that it could be used as a cul-de-sac path if it were cleared and signed and that they believe there is always the possibility of some connection in the future, which would be lost if

the path were extinguished. They do not, however, object to the diversion elements of the proposal.

10.11 The Council's Nature Conservation Officer has been consulted and has raised no objection to the proposals.

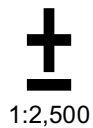
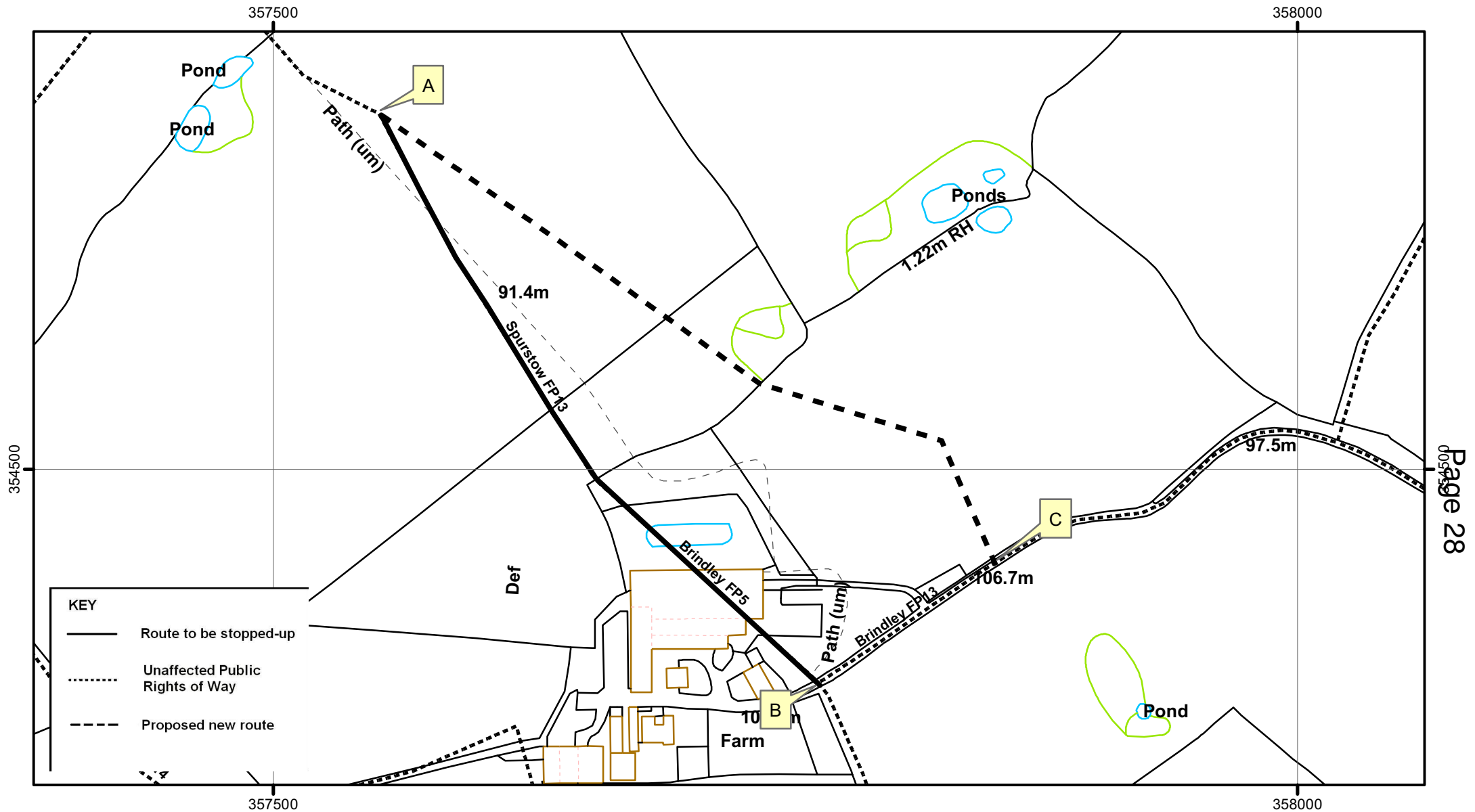
10.12 An assessment in relation to Disability Discrimination Legislation has been carried out by the PROW Maintenance and Enforcement Officer for the area and it is considered that the proposed diversion is an improvement on the old route.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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PROW File: 112/D/404

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Proposed diversion of Public Footpath No.13 Spurstow (part)
and No.5 Brindley (part)
HA80 section 119

Plan No.
HA022

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and should not be used for legal purposes



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CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of meeting: 21 September 2010
Report of: Greenspaces Manager
Subject/Title: Highways Act 1980 – Section 119
Application for the Diversion of Public Footpath No.
13 Spurstow (Part) and No.5 Brindley (Part)

1.0 Report Summary

- 1.1 The report outlines the investigation of an application to divert part of Public Footpath No. 13 in the parish of Spurstow and part of Public Footpath No.5 in the parish of Brindley. This includes a discussion of consultations carried out in respect of the application and the legal tests for a diversion order to be made. The application has been made by the landowner's concerned. The report makes a recommendation based on that information, for quasi-judicial decision by Members as to whether or not an Order should be made to divert the footpath.

2.0 Recommendations

- 2.1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of Public Footpath No. 13 in the parish of Spurstow and part of Public Footpath No.5 in the parish of Brindley as illustrated on Plan No. HA/022 on the grounds that it is expedient in the interests of the owner of the land crossed by the path.
- 2.2 Public Notice of the making of the Order be given and in the event of there being no objections to the Order within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- 2.3 In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

3.0 Reasons for Recommendations

- 3.1 In accordance with Section 119(1) of the Highways Act 1980 it is within the Council's discretion to make the Order if it appears to the Council to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path. It is considered that the proposed diversion is in the interests of the landowners for the reasons set out in paragraph 11.3 below.

3.2 Where objections to the making of an Order are made and not withdrawn, the Order will fall to be confirmed by the Secretary of State. In considering whether to confirm an Order the Secretary will, in addition to the matters discussed at paragraph 3.1 above, have regard to:

- Whether the path is substantially less convenient to the public as a consequence of the diversion.

And whether it is expedient to confirm the Order considering:

- The effect that the diversion would have on the enjoyment of the path or way as a whole.
- The effect that the coming into operation of the Order would have as respects other land served by the existing public right of way.
- The effect that any new public right of way created by the Order would have as respects the land over which the rights are so created and any land held with it.

3.3 Where there are no outstanding objections, it is for the Council to determine whether to confirm the Order in accordance with the matters referred to in paragraph 3.2 above.

3.4 Initial informal consultations have not indicated that objections to an order are likely. It is considered that the proposed footpath will be as enjoyable as the existing route. The new route is not 'substantially less convenient' than the existing route and diverting the footpath will be of benefit to the landowners, in terms of current and future land use, and of the public, in terms of accessibility. It is therefore considered that the proposed route will be as satisfactory as the current route and that the legal tests for the making and confirming of a diversion order are satisfied.

4.0 Wards Affected

4.1 Cholmondeley

5.0 Local Ward Members

5.1 Councillor R Bailey, Councillor SDavies and Councillor M Hollins

6.0 Policy Implications including - Climate change - Health

6.1 Not applicable.

7.0 Financial Implications

7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Once an Order is made it may be the subject of objections. If objections are not withdrawn, this removes the power of the local highway authority to confirm the order itself, which may lead to a hearing/an inquiry. It follows that the Committee decision may be confirmed or not confirmed. This process may involve additional legal support and resources.

9.0 Risk Management

10.1 Not applicable.

10.0 Background and Options

10.1 An application has been received from Thorn Construction Project Management on behalf of their client (High Ash Farm Ltd, 'the Applicant') requesting that the Council make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath No. 13 in the parish of Spurstow and part of Public Footpath No.5 in the parish of Brindley.

10.2 The section of path to be diverted is shown on plan HA/022 with a solid black line. The existing line of Public Footpath No. 13 Spurstow starts at a point north-west of High Ash Farm at OS grid reference SJ5755 5467 (point A on plan HA/022) and runs in a generally south-easterly direction across pasture. At the parish boundary the path becomes Footpath No.5 Brindley, and then passes through High Ash Farm, where it is obstructed by a slurry lagoon and farm buildings. It joins Footpath No.13 Brindley at OS grid reference SJ5776 5439 (point B on plan HA/022).

10.3 The proposed new route begins at the same point (point A on plan HA/022) and takes a south-easterly line across pasture fields, joining Footpath No.13 Brindley at OS grid reference SJ5785 5445 (point C on plan HA/022). It will have a natural/grass surface, a width of 2m and will be furnished with kissing gates at the 3 field boundaries it crosses. The proposed new route is shown with a dashed black line on plan HA/022.

10.4 The long-standing obstructions to the existing route were inherited by the applicant when they purchased the property recently. The applicant has planning permission to develop the farm into a high-intensity dairy facility (09/3274N & 09/3722N) and is keen to resolve the obstruction of the footpath at the same time as implementing their planning permissions. The proposed new route for the footpath

therefore takes an alignment that will keep the public well clear of the development, resolves the obstruction issues, yet still maintains a direct route to Footpath No.13 Brindley.

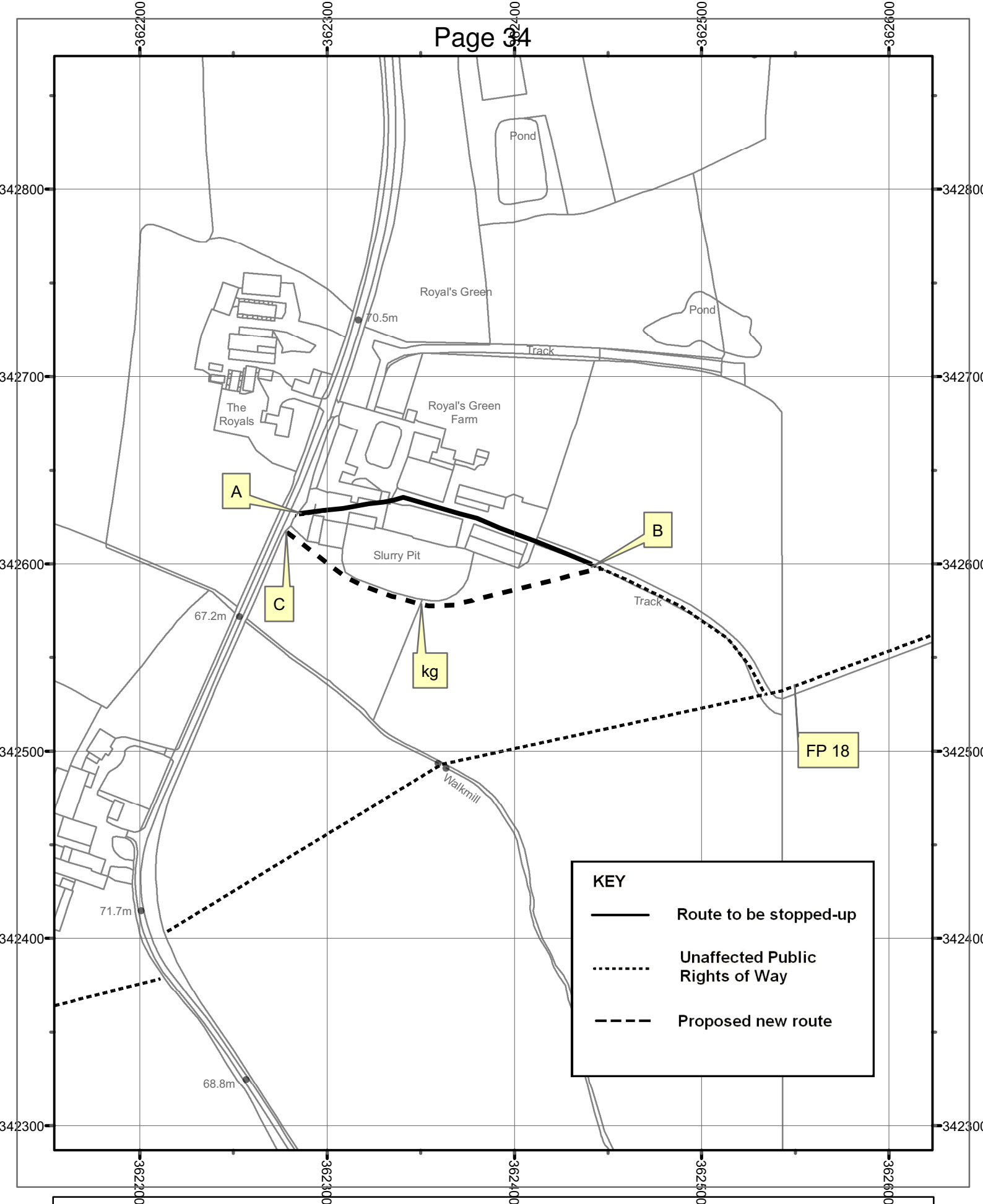
- 10.5 The applicant owns the land over which the current path and the proposed alternative routes run. Under section 119 of the Highways Act 1980 the Council may accede to an applicant's request if it considers it expedient in the interests of the applicant to make an order diverting the footpath. The proposed new route (A-C) will reduce the potential for conflict between the public and the development works whilst they are underway, and the future farm operations in general. It is therefore considered to be in the interests of the applicant for the management of the land. The existing route, notwithstanding the fact that it is obstructed, would require at least 5 stiles or structures where it crosses boundaries. The proposed new route only requires 3 structures and these are to be kissing gates. It is therefore considered that the proposed new route would be slightly more accessible than the existing route. In terms of length, the proposed diversion is approximately 130m longer than the existing route for walkers travelling south, but approximately 80m shorter for walkers travelling south then east.
- 10.6 The local Councillors have been consulted about the proposal, no objections have been received.
- 10.7 Spurstow and Brindley Parish Councils have been consulted and no objections have been received.
- 10.9 The statutory undertakers have also been consulted and have no objections to the proposed diversion. If a diversion order is made, existing rights of access for the statutory undertakers to their apparatus and equipment are protected.
- 10.10 The user groups have been consulted and no objections have been received. The Mid-Cheshire Footpaths Society asked whether a link could be provided between Footpath No. 13 Brindley and Footpath No. 14 Spurstow. This was discussed with the applicant, but they stated they could not consider this addition, due to the fact that the thrust of the diversion is in consideration of public safety in and around a newly acquired farm that will be subject to modernisation and intensification. A field of stock will also be using the field in which the proposed link would run. The request was therefore declined, but nonetheless the Mid-Cheshire Footpaths Society have not objected.
- 10.11 The Council's Nature Conservation Officer has been consulted and has raised no objection to the proposals.
- 10.12 An assessment in relation to Disability Discrimination Legislation has been carried out by the PROW Maintenance and Enforcement Officer

for the area and it is considered that the proposed diversion is a slight improvement on the old route.

11.0 Access to Information

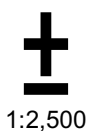
The background papers relating to this report can be inspected by contacting the report writer:

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PROW File: 110/D/402



KEY

- Route to be stopped-up
- Unaffected Public Rights of Way
- - - Proposed new route



Proposed Diversion of
Dodcott cum Wilkesley
Footpath no. 17 (part)

Plan No.
HA 026

This is a working copy of the definitive map
and should not be used for legal purposes



CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of Meeting: 21 September 2010
Report of: Greenspaces Manager
Subject/Title: Highways Act 1980 Section 119
Application for the Diversion of Public Footpath No.
17(Part), Parish of Dodcott cum Wilkesley

1.0 Report Summary

- 1.1 The report outlines the investigation to divert part of Public Footpath No.17 in the Parish of Dodcott cum Wilkesley. This includes a discussion of consultations carried out in respect of the proposal and the legal tests to be considered for a diversion order to be made. The proposal has been put forward by the Public Rights of Way Unit as an application has been made by the landowner concerned. The report makes a recommendation based on that information, for quasi-judicial decision by Members as to whether or not an Order should be made to divert the section of footpath concerned.

2.0 Recommendation

- 2.1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of Public Footpath No.17 Dodcott cum Wilkesley by creating a new section of public footpath and extinguishing the current path as illustrated on Plan No. HA/026 on the grounds that it is expedient in the interests of the owner of the land crossed by the path.
- 2.2 Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- 2.3 In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

3.0 Reasons for Recommendations

- 3.1 In accordance with Section 119(1) of the Highways Act 1980 it is within the Council's discretion to make the Order if it appears to the Council to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path. It is considered that the proposed diversion is in the interests of the landowner for the reasons set out in paragraph 10.4 & 10.5 below.

3.2 Where objections to the making of an Order are made and not withdrawn, the Order will fall to be confirmed by the Secretary of State. In considering whether to confirm an Order the Secretary will, in addition to the matters discussed at paragraph 3.1 above, have regard to:

- Whether the path is substantially less convenient to the public as a consequence of the diversion.

And whether it is expedient to confirm the Order considering:

- The effect that the diversion would have on the enjoyment of the path or way as a whole.
- The effect that the coming into operation of the Order would have as respects other land served by the existing public right of way.
- The effect that any new public right of way created by the Order would have as respects the land over which the rights are so created and any land held with it.

3.3 Where there are no outstanding objections, it is for the Council to determine whether to confirm the Order in accordance with the matters referred to in paragraph 3.2 above.

3.4 No objections to the proposal have been received through the informal consultation process. The proposed route will not be 'substantially less convenient' than the existing route and diverting the footpath will be of benefit to the landowner, particularly in terms of current farm management and future development of the barns. It is therefore considered that the proposed route will be a satisfactory alternative to the current one and that the legal tests for the making and confirming of a diversion order are satisfied.

4.0 Wards Affected

4.1 Cholmondeley Ward

5.0 Local Ward Members

5.1 Councillor S Davies, Councillor R Bailey and Councillor M Hollins

6.0 Policy Implications including - Climate change - Health

6.1 Not applicable

7.0 Financial Implications

7.1 Not applicable

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Once an Order is made it may be the subject of objections. If objections are not withdrawn, this removes the power of the local highway authority to confirm the order itself, and may lead to a hearing/an inquiry. It follows that the Committee decision may be confirmed or not confirmed. This process may involve additional legal support and resources

9.0 Risk Management

- 9.1 Not applicable

10.0 Background and Options

- 10.1 An application has been received by the Agents, Land Planning, of The Byre, Glebe Farm, Chester Road, Aldford. CH3 6HJ ('the Applicant') on behalf of the owners of Royals Green Farm, Mr & Mrs C Sutton, requesting that the Council make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath no. 17 in the Parish of Dodcott cum Wilkesley.
- 10.2 Public Footpath No. 17, Dodcott, commences at its junction with Royals Green Lane (C 513) at OS grid reference SJ 3622 3426 and runs in a generally easterly direction through the farmyard to OS grid reference 3625 3425 and its junction with public footpath no.18, Dodcott. The section of path to be diverted is shown by a solid black line on Plan No. HA/026 running between points A-B. The proposed diversion is illustrated on the same plan between points C-B.
- 10.3 Mr C Sutton owns the land over which the current path and the proposed diversion run. Under section 119 of the Highways Act 1980 the Council may accede to an applicant's request, if it considers it expedient in the interests of the landowner to make an order to divert the footpath.
- 10.4 The section of Public Footpath No. 17, Dodcott cum Wilkesley to be diverted runs through a working farm yard where cattle are often corralled and fed, especially during the winter months. This creates a hazardous environment for walkers to pass through as the ground is covered in slurry and the walker is in close confinement with large livestock. It is also a concern to the landowner as gates can be inadvertently left open. The landowner also has planning permission to convert the barns into residential dwellings. The footpath would run across the gardens and driveways of two of these units and would at that stage create a privacy and security concern for the occupants.
- 10.5 The proposed new route (C-B) would leave the road just slightly south of the current path and cross open pasture to the south of the farm buildings and enclosed slurry pit then curve gently east north easterly to rejoin the existing footpath on a track to the east of the farm. The path would have a recorded width of 2 metres throughout and would have two kissing gates; one at the road and another at a field boundary marked on the plan HA/026.
- 10.6 Ward Councillors have been consulted about the proposal and Cllr Rachel Bailey responded to express her support. No other comments were received.

- 10.7 Dodcott cum Wilkesley Parish Council has been consulted however they responded to say that they had not been consulted or invited to the initial site meeting. The agents had consulted with them prior to making the application and the Council did so again at the post application stage. It is not our practice to invite other parties to the initial site meeting in most circumstances as the proposal has yet to be formulated and it is always possible that no diversion application will be possible or forthcoming.
- 10.8 The statutory undertakers have also been consulted and have raised no objections to the proposed diversion. If a diversion order is made, existing rights of access for the statutory undertakers to their apparatus and equipment are protected.
- 10.9 The user groups have been consulted and no objections have been received.
- 10.10 The Council's Nature Conservation Officer has been consulted and has raised no objection to the proposals.
- 10.11 An assessment in relation to Disability Discrimination Legislation has been carried out by the PROW Maintenance and Enforcement Officer for the area and it is considered that the proposed diversion is an improvement on the old route.

11.0 Overview of Year One and Term One Issues

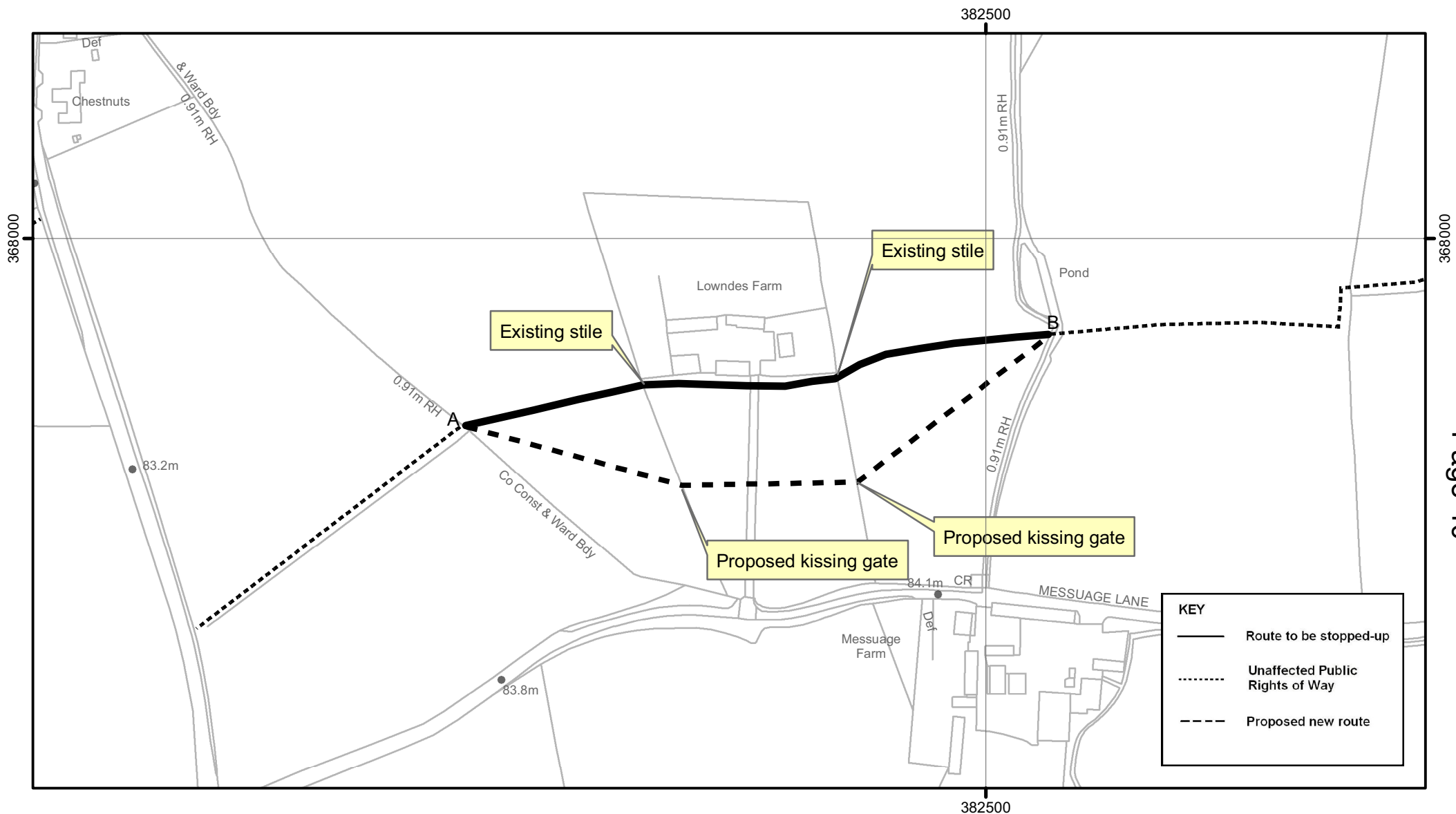
- 11.1 Not applicable

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Proposed diversion of Public Footpath
No. 16 in the parish of Lower Withington

Plan No.
HA/024

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CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of Meeting: 21 September 2010
Report of: Greenspaces Manager
Subject/Title: Highways Act 1980 Section 119
Application for the Diversion of Public Footpath No. 16,
Parish of Lower Withington

1.0 Report Summary

- 1.1 The report outlines the investigation to divert Public Footpath No. 16 in the Parish of Lower Withington. This includes a discussion of consultations carried out in respect of the proposal and the legal tests to be considered for a diversion order to be made. The proposal has been put forward by the Public Rights of Way Unit as an application has been made by the landowner concerned. The report makes a recommendation based on that information, for quasi-judicial decision by Members as to whether or not an Order should be made to divert the section of footpath concerned.

2.0 Recommendation

- 2.1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert Public Footpath No. 16 Lower Withington by creating a new section of public footpath and extinguishing the current path as illustrated on Plan No. HA/024 on the grounds that it is expedient in the interests of the owner of the land crossed by the path.
- 2.2 Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- 2.3 In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

3.0 Reasons for Recommendations

- 3.1 In accordance with Section 119(1) of the Highways Act 1980 it is within the Council's discretion to make the Order if it appears to the Council to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path. It is considered that the proposed diversion is in the interests of the landowner for the reasons set out in paragraph 10.4 & 10.5 below.

3.2 Where objections to the making of an Order are made and not withdrawn, the Order will fall to be confirmed by the Secretary of State. In considering whether to confirm an Order the Secretary will, in addition to the matters discussed at paragraph 3.1 above, have regard to:

- Whether the path is substantially less convenient to the public as a consequence of the diversion.

And whether it is expedient to confirm the Order considering:

- The effect that the diversion would have on the enjoyment of the path or way as a whole.
- The effect that the coming into operation of the Order would have as respects other land served by the existing public right of way.
- The effect that any new public right of way created by the Order would have as respects the land over which the rights are so created and any land held with it.

3.3 Where there are no outstanding objections, it is for the Council to determine whether to confirm the Order in accordance with the matters referred to in paragraph 3.2 above.

3.4 Initial informal consultations have not indicated that objections to an order are likely. The proposed route will not be 'substantially less convenient' than the existing route and diverting the footpath will be of benefit to the landowner in terms of privacy and security. It will also benefit walkers in terms of accessibility. It is therefore considered that the proposed route will be a satisfactory alternative to the current one and that the legal tests for the making and confirming of a diversion order are satisfied.

3.0 Wards Affected

4.1 Alderley.

5.0 Local Ward Members

5.1 Councillor C Andrews and Councillor F Keegan.

6.0 Policy Implications including - Climate change - Health

6.1 Not applicable

7.0 Financial Implications

7.1 Not applicable

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Once an Order is made it may be the subject of objections. If objections are not withdrawn, this removes the power of the local highway authority to confirm the order itself, and may lead to a hearing/an inquiry. It follows that the Committee decision may be confirmed or not confirmed. This process may involve additional legal support and resources

9.0 Risk Management

- 9.1 Not applicable

10.0 Background and Options

- 10.1 An application has been received from Mr and Mrs G C Brook of Lowndes Farm, Lower Withington, Macclesfield, SK11 9HT ('the Applicant') requesting that the Council make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath No. 16 in the Parish of Lower Withington.
- 10.2 Public Footpath No. 16 Lower Withington commences at its junction with Public Footpath Swettenham No. 16 at OS grid reference SJ 8223 6789 and runs in a generally easterly direction to OS grid reference SJ 8251 6794 and its junction with Public Footpath No.10 Marton. The section of path to be diverted is shown by a solid black line on Plan No. HA/024 running between points A-B. The proposed diversion is illustrated on the same plan again between points A-B.
- 10.3 The applicant owns part of the land over which the current route and proposed route run. Mr C R Kennerly owns the field to the west and east of Lowndes Farm over which part of the current path lies and part of the proposed diversion would lie. He has provided written consent and support for the proposal. Under section 119 of the Highways Act 1980 the Council may accede to an applicant's request if it considers it expedient in the interests of the landowner or landowners to make an order diverting the footpath.
- 10.4 The existing line of Public Footpath No. 16 Lower Withington passes directly alongside the windows of the main living room of Lowndes Farm, allowing walkers unrestricted views into the applicant's home.
- 10.5 The proposed route would enter the applicant's land approximately 50 metres south of the existing route. It would provide easier access for walkers, the two stiles which users currently have to negotiate would be replaced with two kissing gates, paid for by the applicant. The new route would have a width of 2 metres, except for where it is restricted by the kissing gates to 1.2 metres. The surface is very similar to the existing route, for the most part grass/pasture, with the exception of where it crosses the driveway to Lowndes Farm. Although the new route is slightly longer than the existing route at 305 metres (the existing route is 286 metres), diverting the footpath would benefit the applicants in terms of privacy and security and walkers in terms of accessibility.

- 10.6 Ward Councillors have been consulted about the proposal. No comments have been received.
- 10.7 Lower Withington Parish Council have been consulted and have responded to state that they have no objection to the proposal.
- 10.8 The statutory undertakers have also been consulted and have raised no objections to the proposed diversion. If a diversion order is made, existing rights of access for the statutory undertakers to their apparatus and equipment are protected.
- 10.9 The user groups have been consulted. Both the Ramblers Association and the Peak and Northern Footpaths Society have responded to state that they have no objection to the proposal.
- 10.10 The Council's Nature Conservation Officer has been consulted and has raised no objection to the proposals.
- 10.11 An assessment in relation to Disability Discrimination Legislation has been carried out by the PROW Maintenance and Enforcement Officer for the area and it is considered that the proposed diversion is an improvement on the old route.

11.0 Overview of Year One and Term One Issues

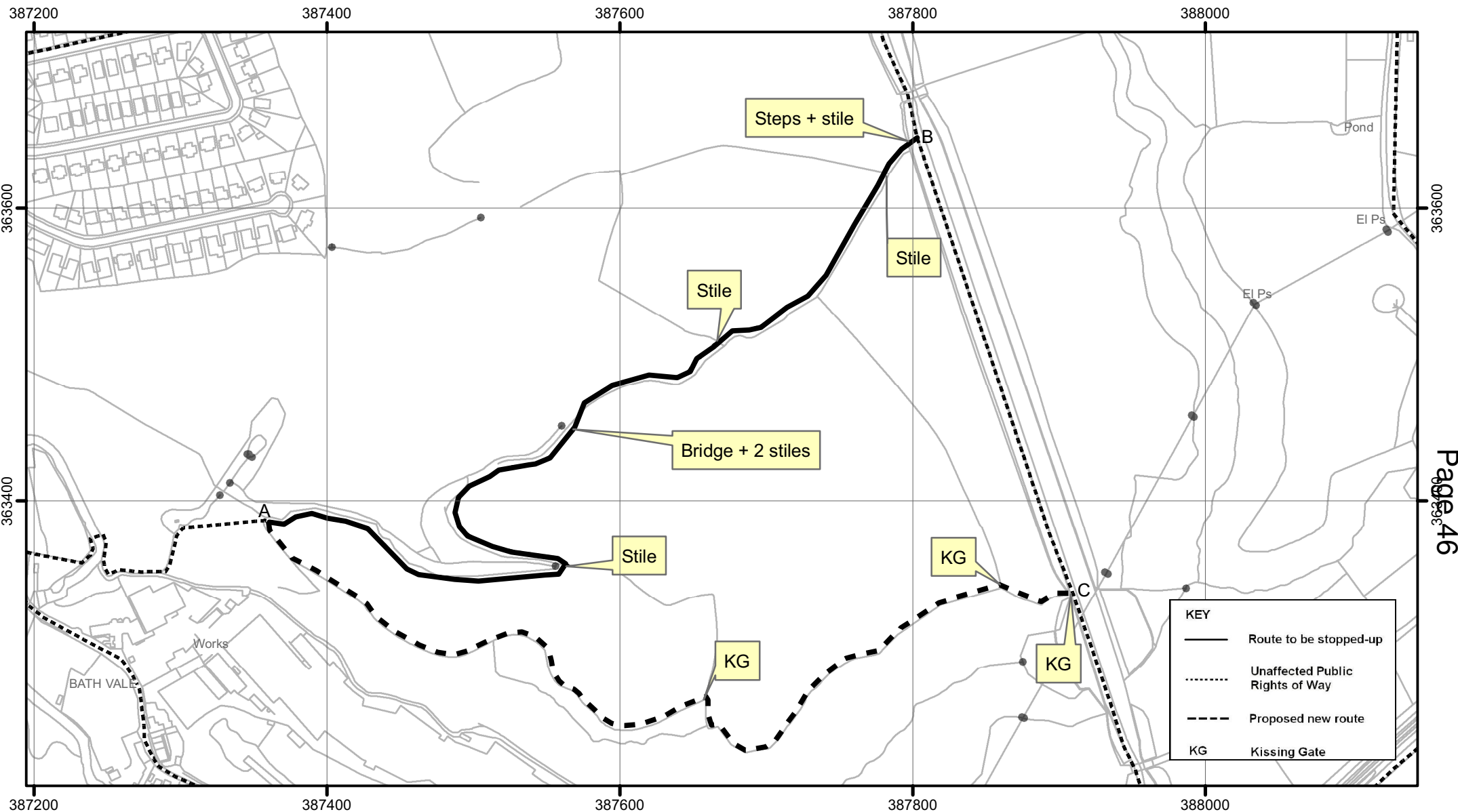
- 11.1 Not applicable

12.0 Access to Information

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Proposed diversion of Public Footpath
No. 70 (Part) in the Parish of Congleton

Plan No.
HA/025

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CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of Meeting: 21 September 2010
Report of: Greenspaces Manager
Subject/Title: Highways Act 1980 S119
Application for the Diversion of Public Footpath No. 70
(Part), Parish of Congleton

1.0 Report Summary

- 1.1 The report outlines the investigation to divert Public Footpath No. 70 in the Parish of Congleton. This includes a discussion of consultations carried out in respect of the proposal and the legal tests to be considered for a diversion order to be made. The proposal has been put forward by the Public Rights of Way Unit in the interests of the public. The report makes a recommendation based on that information, for quasi-judicial decision by Members as to whether or not an Order should be made to divert the section of footpath concerned.

2.0 Recommendation

- 2.1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of Public Footpath No. 70 Congleton by creating a new section of public footpath and extinguishing the current path as illustrated on Plan No. HA/025 on the grounds that it is expedient in the interests of the public.
- 2.2 Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- 2.3 In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

3.0 Reasons for Recommendations

- 3.1 In accordance with Section 119(1) of the Highways Act 1980 it is within the Council's discretion to make the Order if it appears to the Council to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path. It is considered that the proposed diversion is in the interests of the public for the reasons set out in paragraph 10.4 & 10.5 below.
- 3.2 Where objections to the making of an Order are made and not withdrawn, the Order will fall to be confirmed by the Secretary of State. In considering

whether to confirm an Order the Secretary will, in addition to the matters discussed at paragraph 3.1 above, have regard to:

- Whether the path is substantially less convenient to the public as a consequence of the diversion.

And whether it is expedient to confirm the Order considering:

- The effect that the diversion would have on the enjoyment of the path or way as a whole.
- The effect that the coming into operation of the Order would have as respects other land served by the existing public right of way.
- The effect that any new public right of way created by the Order would have as respects the land over which the rights are so created and any land held with it.

3.3 Where there are no outstanding objections, it is for the Council to determine whether to confirm the Order in accordance with the matters referred to in paragraph 3.2 above.

3.4 Initial informal consultations have not indicated that objections to an order are likely. Diverting the footpath onto the proposed route would create a more accessible footpath for users and open up a route that has been unavailable for many years. It would also provide a scenic and picturesque route for walkers and lead to considerable savings for the public purse. It is therefore considered that the proposed route will be a satisfactory alternative to the current one and that the legal tests for the making and confirming of a diversion order are satisfied.

3.0 Wards Affected

4.1 Congleton Town East.

5.0 Local Ward Members

5.1 Councillor D Brown, Councillor PMason and Councillor AThwaite.

6.0 Policy Implications including - Climate change - Health

6.1 Not applicable

7.0 Financial Implications

7.1 Not applicable

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Once an Order is made it may be the subject of objections. If objections are not withdrawn, this removes the power of the local highway authority to confirm the order itself, and may lead to a hearing/an inquiry. It follows that the Committee decision may be confirmed or not confirmed. This process may involve additional legal support and resources

9.0 Risk Management

- 9.1 Not applicable

10.0 Background and Options

- 10.1 The agreement of the landowner to the diversion of part of Public Footpath No. 70 in the parish of Congleton has been obtained following negotiations. Under Section 119 of the Highways Act 1980 the County Council may make a Diversion Order if it considers that it is expedient in the interests of the public.
- 10.2 Public Footpath No. 70 Congleton commences at its junction with Bath Vale at OS grid reference SJ 8718 6337 and runs in a generally easterly and then north easterly direction to OS grid reference SJ 8780 6364 and its junction with Public Footpath No. 58 Congleton. The section of path to be diverted is shown by a solid black line on Plan HA/025 running between points A-B. The proposed diversion is illustrated on the same plan between points A-C.
- 10.3 Mr Peter Hudson owns the land over which the current route and the proposed route would run. He has provided written consent and support for the proposal.
- 10.4 The existing line of Public Footpath No. 70 has been unavailable for many years, obstructed by mature hedges, and re-instating the footpath on the original alignment would be very expensive for the public purse. A bridge, six stiles or gates, plus steps down a steep bank to the canal towpath would be required.
- 10.4 The proposed route follows field boundaries in a westerly direction to the canal towpath (Public Footpath Congleton No. 58), providing a scenic and picturesque route for walkers, with pleasant views of the countryside. It would provide an increased width for users of 2 metres (except for where it is restricted by the kissing gates to 1.2 metres). Three kissing gates, as opposed to six on the original route plus a bridge and steps, would be required, providing improved accessibility for walkers.
- 10.6 Ward Councillors have been consulted about the proposal. No comments have been received.
- 10.7 Congleton Town Council have been consulted. No comments have been received.

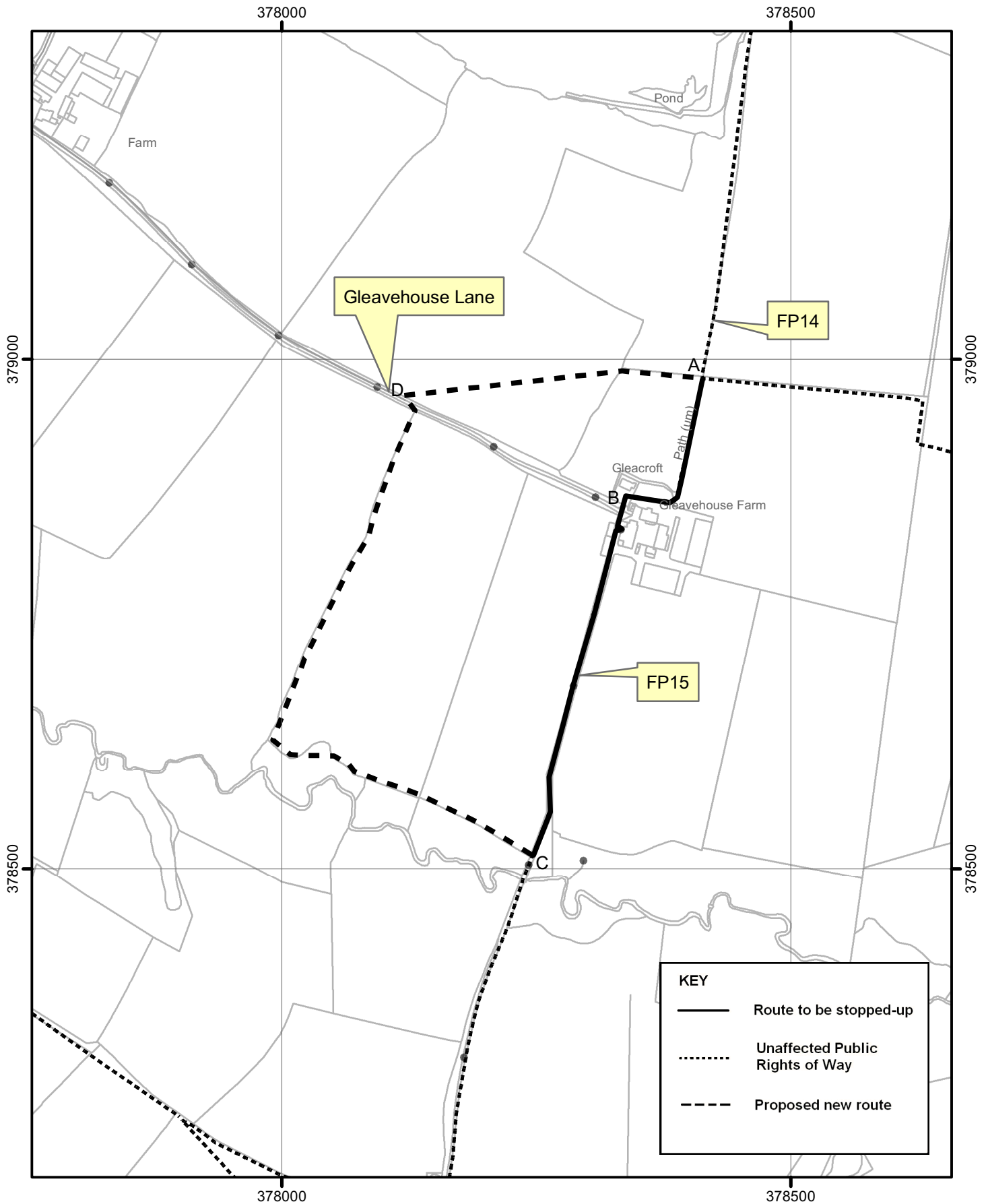
- 10.8 The statutory undertakers have also been consulted and have raised no objections to the proposed diversion. If a diversion order is made, existing rights of access for the statutory undertakers to their apparatus and equipment are protected.
- 10.9 The user groups have been consulted. Both the Ramblers Association and the Peak and Northern Footpaths Society have responded to state that they have no objection to the proposal.
- 10.10 The Council's Nature Conservation Officer has been consulted and has raised no objection to the proposals.
- 10.11 An assessment in relation to Disability Discrimination Legislation has been carried out by the PROW Maintenance and Enforcement Officer for the area and it is considered that the proposed diversion is an improvement on the old route.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Proposed diversion of Public Footpath
Nos. 14 and 15 (Parts)
in the Parish of Mobberley

Plan No.
HA/027

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CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of Meeting: 21 September 2010
Report of: Greenspaces Manager
Subject/Title: Highways Act 1980 Section 119
Application for the Diversion of Public Footpath Nos.
14 and 15 (Parts), Parish of Mobberley

1.0 Report Summary

- 1.1 The report outlines the investigation to divert part of Public Footpath Nos. 14 and 15 the Parish of Mobberley. This includes a discussion of consultations carried out in respect of the proposal and the legal tests to be considered for a diversion order to be made. The proposal has been put forward by the Public Rights of Way Unit as an application has been made by the landowner concerned. The report makes a recommendation based on that information, for quasi-judicial decision by Members as to whether or not an Order should be made to divert the section of footpath concerned.

2.0 Recommendation

- 2.1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of Public Footpath Nos. 14 and 15 Mobberley by creating new sections of public footpaths and extinguishing the current paths as illustrated on Plan No. HA/027 on the grounds that it is expedient in the interests of the owner of the land crossed by the path.
- 2.2 Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- 2.3 In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

3.0 Reasons for Recommendations

- 3.1 In accordance with Section 119(1) of the Highways Act 1980 it is within the Council's discretion to make the Order if it appears to the Council to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path. It is considered that the proposed diversion is in the interests of the landowner for the reasons set out in paragraph 10.4 & 10.5 below.

3.2 Where objections to the making of an Order are made and not withdrawn, the Order will fall to be confirmed by the Secretary of State. In considering whether to confirm an Order the Secretary will, in addition to the matters discussed at paragraph 3.1 above, have regard to:

- Whether the path is substantially less convenient to the public as a consequence of the diversion.

And whether it is expedient to confirm the Order considering:

- The effect that the diversion would have on the enjoyment of the path or way as a whole.
- The effect that the coming into operation of the Order would have as respects other land served by the existing public right of way.
- The effect that any new public right of way created by the Order would have as respects the land over which the rights are so created and any land held with it.

3.3 Where there are no outstanding objections, it is for the Council to determine whether to confirm the Order in accordance with the matters referred to in paragraph 3.2 above.

3.4 Initial informal consultations have not indicated that objections to an order are likely. The proposed routes will not be 'substantially less convenient' than the existing route and diverting the footpaths will be of significant benefit to the landowner in terms of privacy and security and in terms of farm management. It would resolve the longstanding issue of the obstruction of footpath No. 14, and in addition, the proposal has the added benefit of creating a useful link to the end of Gleavehouse Lane which is currently a cul de sac. It will also be an improvement to walkers in terms of safety. It is therefore considered that the proposed routes will be satisfactory alternatives to the current ones and that the legal tests for the making and confirming of a diversion order are satisfied.

3.0 Wards Affected

4.1 Bucklow.

5.0 Local Ward Members

5.1 Councillor G Walton, Councillor J Macrae and Councillor A Knowles.

6.0 Policy Implications including - Climate change - Health

6.1 Not applicable

7.0 Financial Implications

7.1 Not applicable

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Once an Order is made it may be the subject of objections. If objections are not withdrawn, this removes the power of the local highway authority to confirm the order itself, and may lead to a hearing/an inquiry. It follows that the Committee decision may be confirmed or not confirmed. This process may involve additional legal support and resources

9.0 Risk Management

9.1 Not applicable

10.0 Background and Options

10.1 An application has been received from Bilton Ward Developments Limited on behalf of Mr and Mrs W Brown of Gleave House Farm, Pavement Lane, Mobberley, Knutsford, WA16 7EH ('the Applicant') requesting that the Council make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath Nos. 14 and 15 (parts) in the Parish of Mobberley.

10.2 Public Footpath No. 14 Mobberley commences at its junction with Town Lane (B5085) at OS grid reference SJ 7850 7962 and runs in a generally southerly direction to OS grid reference SJ 7833 7884 and its junction with Public Footpath No. 15 Mobberley at Gleave House Farm at OS grid reference SJ 7833 7884. The section of path to be diverted is shown by a solid black line on Plan No. HA/027 running between points A-B. The proposed diversion is illustrated on the same plan again between points A-D.

10.3 Public Footpath No. 15 Mobberley commences at its junction with Public Footpath No. 14 Mobberley at Gleave House Farm at OS grid reference SJ 7833 7884 and runs in a generally southerly direction to OS grid reference SJ 7823 7848 and its junction with Public Footpath No. 8 Marthall at OS grid reference SJ 7823 7848. The section of path to be diverted is shown by a solid black line on Plan No. HA/027 running between points B-C. The proposed diversion is illustrated on the same plan between points D-C.

10.4 The Applicant owns the land over which the current paths and the proposed alternative routes run. Under section 119 of the Highways Act 1980 the Council may accede to an applicant's request if it considers it expedient in the interests of the applicant to make an order diverting the footpaths.

10.5 The existing line of Public Footpath No. 14 runs in a southerly direction straight through the working farmyard where heavy machinery is regularly used, causing health and safety concerns for users, and in very close proximity to the landowners' home, creating privacy and security concerns. The current definitive line of footpath No. 14 is also obstructed by mature

hedges and fences and has been unavailable for many years, before the existing landowner purchased the property, and a permissive route was put in place.

- 10.6 The proposed route for footpath No. 14 would leave the existing line north of Gleavehouse Farm, running in a south westerly direction across fields to connect with Gleavehouse Lane. It provides improved, open views of the countryside and a width of 2 metres. It also has the added, significant benefit of creating a useful link to the end of Gleavehouse Lane (the road to the west of the farm), the adopted section of which currently ends approximately 233 metres before its junction with footpath No. 14.
- 10.7 The existing line of Public Footpath No. 15 runs in a southerly direction from its junction with footpath No. 14 at Gleavehouse Farm, again through the working farmyard and in close proximity to the landowners' home, creating concerns as stated in paragraph 10.5 above.
- 10.8 The proposed route for footpath No. 15 would connect to the newly diverted route of footpath No. 14 at Gleavehouse Lane, running along the field boundaries in a south westerly and then south easterly direction to rejoin with the existing line of footpath No. 15. Neither of the proposed routes require any path furniture, which offers easily accessible routes for users and in addition, the landowner has agreed to take on responsibility for maintenance of the proposed routes, leading to savings for the authority's maintenance budget.
- 10.9 Ward Councillors have been consulted about the proposal. No comments have been received.
- 10.10 Mobberley Parish Council has been consulted. No comments have been received.
- 10.11 The statutory undertakers have also been consulted and have raised no objections to the proposed diversion. If a diversion order is made, existing rights of access for the statutory undertakers to their apparatus and equipment are protected.
- 10.12 The user groups have been consulted. The Ramblers Association have responded to state that they have no objection to the proposal, provided that the terrain north of the brook is kept drained. As mentioned in paragraph 10.8 above, the landowner has agreed to take on responsibility for maintenance of the proposed routes and will ensure that the route to the south of Gleavehouse Farm is kept well drained and usable in all seasons.
- 10.13 The Council's Nature Conservation Officer has been consulted and has raised no objection to the proposals.
- 10.14 An assessment in relation to Disability Discrimination Legislation has been carried out by the PROW Maintenance and Enforcement Officer for the area and it is considered that the proposed diversions are an improvement on the old routes.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of Meeting:	21 September 2010
Report of:	Green Spaces Manager
Subject/Title:	Draft Cheshire East Rights of Way Improvement Plan Strategy 2011-2026

1.0 Report Summary

- 1.1 This report presents the Draft Cheshire East Rights of Way Improvement Plan (ROWIP) Strategy 2011-2026.

2.0 Recommendation

- 2.1 That recommendation be made to the Portfolio Holder to approve Appendix 1 as the Draft Cheshire East Rights of Way Improvement Plan Strategy 2011-2026.

3.0 Reasons for Recommendation

- 3.1 Member recommendation is sought in order for the Portfolio Holder to approve the draft document prior to public consultation as an integrated document of the Draft Cheshire East Local Transport Plan 2011-2026 Strategy. The LTP3 document is to appear before the Cabinet in October 2010.

4.0 Wards Affected

- 4.1 All Wards affected.

5.0 Local Ward Members

- 5.1 All Local Ward Members.

6.0 Policy Implications including - Climate change - Health

- 6.1 The development of the ROWIP is aligned with the health and wellbeing objectives and priorities of the Council as stated in the Corporate Plan (2.1.1 Encouraging healthier lifestyles), the Local Area Agreement (National Indicator 8 Adult participation in sport and active recreation) and the Health and Wellbeing Service commitment to the Change4Life initiative.
- 6.2 In addition, the ROWIP, as an integrated part of the Local Transport Plan, will be set within the context of the Local Area Agreement indicators concerning air quality and CO₂ emissions.

7.0 Financial Implications

- 7.1 The ROWIP strategy document contains the policies and initiatives of the relevant sections of the Local Transport Plan 3 (LTP3). The strategy sets out what the Council will aim to do during the period 2011-2026, although no financial commitment is made. Funding sources, which will include external grants, will be identified through the implementation plans for the LTP/ROWIP.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 It is a statutory duty under section 60 of the Countryside and Rights of Way Act 2000 for every local highway authority to prepare and publish a Rights of Way Improvement Plan.
- 8.2 Non compliance with the requirement for the full integration of the ROWIP with the LTP3 could result in criticism from statutory monitoring bodies and agencies.

9.0 Risk Management

- 9.1 No matters arising.

10.0 Background and Options

- 10.1 The current ROWIP covering Cheshire East expires in March 2011. Therefore a new ROWIP is required.
- 10.2 It is a requirement for the ROWIP to be integrated into the LTP3. Therefore, whilst the background chapters 1-4 are specific to the ROWIP, the content of chapter 5 is common across the 2 documents; within this chapter the policies and initiatives of the strategy are laid out.
- 10.3 As the draft LTP3 chapters and document are finalised, minor amendments to wording may be made, but the essence of the policies and initiatives will remain unchanged prior to public consultation on the draft ROWIP.

11.0 Access to Information

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Draft Rights of Way Improvement Plan 2011-2026

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1 Introduction

What is a Rights of Way Improvement Plan?

- 1.0.1** Section 60 of the Countryside and Rights of Way (CROW) Act 2000 requires local authorities to publish a Rights of Way Improvement Plan (ROWIP). The aim of a ROWIP was given as to:-
- assess the extent to which local rights of way and other countryside access resources meet the present and likely future needs of the public;
 - assess opportunities for exercise and other forms of open air recreation and enjoyment of the countryside; and,
 - assess the accessibility of local rights of way and other routes to blind or partially-sighted people and others with mobility problems.
- 1.0.2** Following this assessment, local authorities should prepare a statement of action listing the projects through which improvements to the public rights of way and wider countryside access could be achieved.

Comment from a respondent of a questionnaire on the priorities for the ROWIP, July 2010

"Public rights of way encourage people to walk, cycle and horse ride in our beautiful landscape encouraging healthy activities; they provide alternative ways to get to places; they are a much under-utilised resource that will become more and more important as we "play more locally" and reduce the amount that we use our cars. They are capable of taking us to places we never knew existed right on our doorsteps!"

How the strategy was produced

- 1.0.3** Building on the work of Cheshire's ROWIP 2006-2011, this strategy has been produced in partnership with many stakeholders, both within and external to Cheshire East Council. External stakeholders involved in the consultation process have included many user groups, landowners, parish councils, community groups, and in particular the Cheshire Local Access Forum.
- 1.0.4** One of the benefits of compiling a strategy such as this ROWIP is an increased liaison between staff and departments within the local authority: staff from development control, strategic and operational highways, climate change, adult services, health and wellbeing and the school travel team have been central to the development of this ROWIP. This increased liaison needs to be continued to maximise the opportunities for improving our rights of way network.

The Cheshire East context

- 1.0.5** Cheshire East is a new geographic area, formed through local government reorganisation of Cheshire in April 2009. It comprises the former boroughs of Macclesfield, Congleton and Crewe & Nantwich and covers an area of

1 Introduction

116,638 hectares, of which 88% is classified as 'green space'. Cheshire East has a population of 360,700, equating to 5% of that of the North West region. This new geographical area and local authority organisation offers a distinct set of challenges and opportunities. In 2008, 85% of Cheshire East residents said they were satisfied with their local area and the borough has longer life expectancy and higher incomes than the national average. However, these statistics hide large variations in health, wealth and opportunities for people within the borough⁽¹⁾.

Policy context

- 1.0.6** This ROWIP is not a stand alone document; it sits under Cheshire East's Sustainable Community Strategy 'Ambition for All'. The strategy sets out how, between now and 2025, Cheshire East Council and its partners will ensure that Cheshire East continues to prosper for the benefit of all residents, business and visitors. 'Ambition for All' sets out a vision for Cheshire East in the year 2025 that this ROWIP will contribute towards.

The 'Ambition for All' Vision for Cheshire East in 2025⁽¹⁾

"Cheshire East is a prosperous place where all people can achieve their potential, regardless of where they live. We have beautiful productive countryside, unique towns with individual character and a wealth of history and culture. The people of Cheshire East live active and healthy lives and get involved in making their communities safe and sustainable places to live."

In relation to public rights of way and access to the countryside, 'Ambition for All' states that in practice this means:

- our highways, footpaths and cycle ways will be well maintained;
- we will invest in our walking and cycling network, so that active travel becomes an attractive option for many shorter journeys; and,
- we will continue to have an outstanding range of leisure facilities, nature conservation habitats, country parks, accessible countryside and green spaces for people to enjoy.

- 1.0.7** The partner organisations within Cheshire East will be seeking to deliver this vision. Cheshire East Council, as the local authority within that partnership, states in its Corporate Plan for 2009-2010 that "we will improve the wellbeing, health and care of people by encouraging healthier lifestyles". Other strategies both within the Council and externally are linked to the ROWIP, including the Local Transport Plan, Local Development Framework, Economic Development Strategy, Draft Visitor Economy Strategic Framework, Parish Plans, Climate Change Action Plan, Local Area Partnerships, Sport and

1 Partnerships for Action in Cheshire East (2010) *Ambition for All - Cheshire East's Sustainable Community Strategy 2010-2025*

1 Introduction

Physical Activity Strategy, Open Space Strategy, Air Quality Strategy, Adult Services Strategy and the Peak District National Park Recreation Strategy, to name just a few.

ROWIP within the Local Transport Plan

- 1.0.8** This ROWIP strategy is closely integrated into that of the Cheshire East Local Transport Plan and therefore covers the same time period. Public Rights of Way most obviously have an increasing role to play in opportunities for walking and cycling as modes of transport. However, one of the other benefits of integrating the ROWIP into the Local Transport Plan is recognition of the invaluable role that rights of way can play in achieving wider quality of life objectives, particularly relating to health and wellbeing.
- 1.0.9** This document outlines an assessment of the network of public rights of way and wider countryside access that Cheshire East offers now. It then goes on to assess the level of demand for the network both now and in the future. Finally, the strategy outlines the objectives, policies and initiatives by which the gaps between the demand and the existing network can be bridged. Specific projects that will be undertaken will be assessed and prioritised within Implementation Plans. These Implementation Plans will be published for three year periods, within those of the Local Transport Plan. This document therefore aims to set the overall strategy for improving our rights of way network during the next 15 years.

2 Evaluation of Cheshire's ROWIP

Successes and ongoing challenges

- 2.0.1** Before we look forward to the Cheshire East ROWIP, we need to look back at Cheshire's ROWIP in order to both celebrate the successes of the plan and to learn where we should target further improvements.

Cheshire's ROWIP vision⁽²⁾

- to recognise the economic, social and heritage value of our public rights of way network as an important means of access to the countryside;
- to improve local rights of way in order to promote and encourage their use and enjoyment for the physical and mental wellbeing of all of Cheshire's residents and visitors;
- to enhance opportunities for sustainable travel and development, for recreation and access to work, school and services; and,
- to maintain the public rights of way network in good condition and to keep the Definitive Map and Statement of public rights of way up to date.

- 2.0.2** It was never intended that all of the statements of action contained within the Cheshire ROWIP would be completed - the document was an aspirational view of what would be undertaken if resources were not an issue. Despite this, great work has been done under the banner of Cheshire's ROWIP, both in terms of network improvements and in raising awareness of the role and potential of that network. Cheshire's ROWIP was assessed under Natural England's ROWIP evaluation process as a good document and one that demonstrated best practice. The Chair of the Cheshire and Warrington Local Access Forum commented that Cheshire's ROWIP demonstrated "excellent research and consultation".

- 2.0.3** North Cheshire Riders⁽³⁾ reported that almost half of the suggestions for improvements to the network of horse riding routes had been achieved during the Cheshire ROWIP. They noted that further improvements could be achieved comparatively swiftly and at low cost. However, they noted that the fact that there remains a list of improvements to be made, largely indicates the absence of a mechanism that can provide connectivity in areas with heavy traffic. The group calls for a holistic and integrated approach to include the highways department and the seeking of dedications of public bridleways, permissive routes or toll rides through negotiation with landowners.

Assessment of delivery against the statements of action and intent

- 2.0.4** Cheshire's ROWIP was divided into 5 themes: health, sustainable travel, social inclusion, tourism & leisure and crossing-cutting issues.

² Cheshire County Council (2006) Cheshire's Rights of Way Improvement Plan 2006-2011

³ North Cheshire Riders (2010) *Update of the submission by North Cheshire Riders to Cheshire County Council's Rights of Way Improvement Plan*

2 Evaluation of Cheshire's ROWIP

2.0.5 The consultation undertaken for Cheshire's ROWIP established the public's priorities for the statement of action. Within this individual items of work were listed along with an assessment of resource commitments, targets and partner organisations. That exercise revealed the following high priority areas under each theme, against which examples of the achievements made are listed below.

Thematic priority	Example achievements
Health – improving existing paths	<ul style="list-style-type: none"> • Resurfacing of public footpaths Nos. 12 & 17 in Neston • Surfacing and flood-proofing of footpath No. 14 in Middlewich
Sustainable Travel – path improvements	<ul style="list-style-type: none"> • New public footpath at Sandbach linking residential area with supermarket • Crewe – Nantwich Connect2 Greenway project
Social Inclusion – developing a few key accessible routes	<ul style="list-style-type: none"> • Progress on developing fully accessible riverside path at Frodsham, as part of Weaver Valley Regional Park • Kissing gate scheme • Replacement of stiles with kissing gates during routine maintenance and diversion routes • Provision of an easy access route all the way around Astbury Mere in Congleton • Publishing Walks for All leaflet
Tourism and Leisure – developing and improving routes	<ul style="list-style-type: none"> • Delamere Loop horse riding route • Bishop Bennet Way horse riding route • Discover Cheshire website development • Parish Small Grants Scheme • Installation of horse paths in road verges at Whispey Hill and Rowley Hill, including warning signs
Cross-cutting issues – involving landowners	<ul style="list-style-type: none"> • Permissive paths on the Peckforton Estate • New footpath to White Nancy, Bollington

Table 1 Thematic priorities and achievements of Cheshire's ROWIP

2.0.6 The Highways Integrated Area Programmes under the Local Transport Plan 2 (LTP2) were used as a means to work towards the ROWIP objectives. Specific projects were identified, as shown in Appendix A, with approximately £175,000 spent on rights of way improvements between 2006-2011. This amount was less than was originally quoted in the LTP2 document and includes funding secured from external sources.

2 Evaluation of Cheshire's ROWIP

- 2.0.7** Improvements to some footpaths and cycle paths were also delivered under the Safer Routes to School Programme. Though not necessarily on public rights of way, the projects contribute greatly to the thematic priorities of health and sustainable travel and offer route options for walking buses as well as individual staff members, pupils and the wider public. Examples can be seen in Appendix A.

Conclusion

- 2.0.8** Public comments about the achievements made under Cheshire's ROWIP are both supportive and give areas for further improvement.

Comments from respondents of a questionnaire on the priorities for the ROWIP, July 2010

"keep up the good work"

"some great work is being done on tracks for horse riders that all can benefit from - it is much appreciated"

"some paths need better maintenance"

"more bridle paths required in Cheshire East"

"there is very little wheelchair accessible public rights of way"

"more cutting back of hedge rows"

- 2.0.9** A detailed consideration of Cheshire's ROWIP and the degree of delivery against the statement of action reveals the following:-

- there is scope to continue work in all areas!
- there is scope to further integrate the potential of the rights of way network into other services within the local authority, specifically: highways strategy and highways operations, visitor economy and planning;
- demand for improvements is often already captured by town and parish council plans: these could be called upon as evidence of demand and gaps in the network;
- health: there is potential for improved links between officers and health promotion organisations, such as through Natural England's Walking for Health Initiative and GP referrals, which would result in encouraging new users to the network;
- sustainable travel: there is potential for improved analysis of where the network can be improved to provide alternative 'active travel' opportunities, including means to accommodate vulnerable road users where alternative routes cannot be secured;

2 Evaluation of Cheshire's ROWIP

- social inclusion: there is potential for encouraging new users through access improvements and work in areas where socio-economic deprivation is high;
- tourism and leisure: there is potential to improve the provision of information to the public to engage further with local rural businesses and to provide information on public transport to and from the network; and,
- cross-cutting issues: the provision of accurate information also depends upon accurate and up to date records of the network in the form of the Definitive Map and Statement.

Looking forward

2.0.10 Building on the successes of Cheshire's ROWIP, and learning from the areas in which we were less successful, we can now look to the future for the improvement of the network under Cheshire East Borough Council. Given this, the vast research and consultation undertaken for Cheshire's ROWIP remains valid. A summary of 'what people said they want' has been used to check that the findings remain pertinent to Cheshire East. Pressures are greater than ever on land and financial resources, but society is perhaps more understanding of the need to address issues of inclusion, health, traffic congestion and climate change. Thus, Cheshire East's ROWIP has the opportunity to play an even larger role in helping the authority and our partners to deliver against these priorities.

3 Network assessment

3.1 Extent of the network

- 3.1.1** The different categories of public rights of way available to different categories of user are summarised in the table below. Since the publication of Cheshire's ROWIP in 2006, the category of Restricted Byway has been introduced via national legislation; these rights of way were largely formerly classified as Roads Used as Public Paths.



Category	Summary of user groups
Footpath	Pedestrians
Bridleway	Pedestrians, horse riders, cyclists
Restricted Byway	Pedestrians, horse riders, cyclists and horse-drawn vehicles
Byway Open to All Traffic	Pedestrians, horse riders, cyclists, horse-drawn and mechanically propelled vehicles

Table 2 Categories of public rights of way and who can use them

- 3.1.2** Cheshire East has a public rights of way network totalling 1928 km or 1198 miles, equivalent to nearly $\frac{3}{4}$ of the length of its road network.

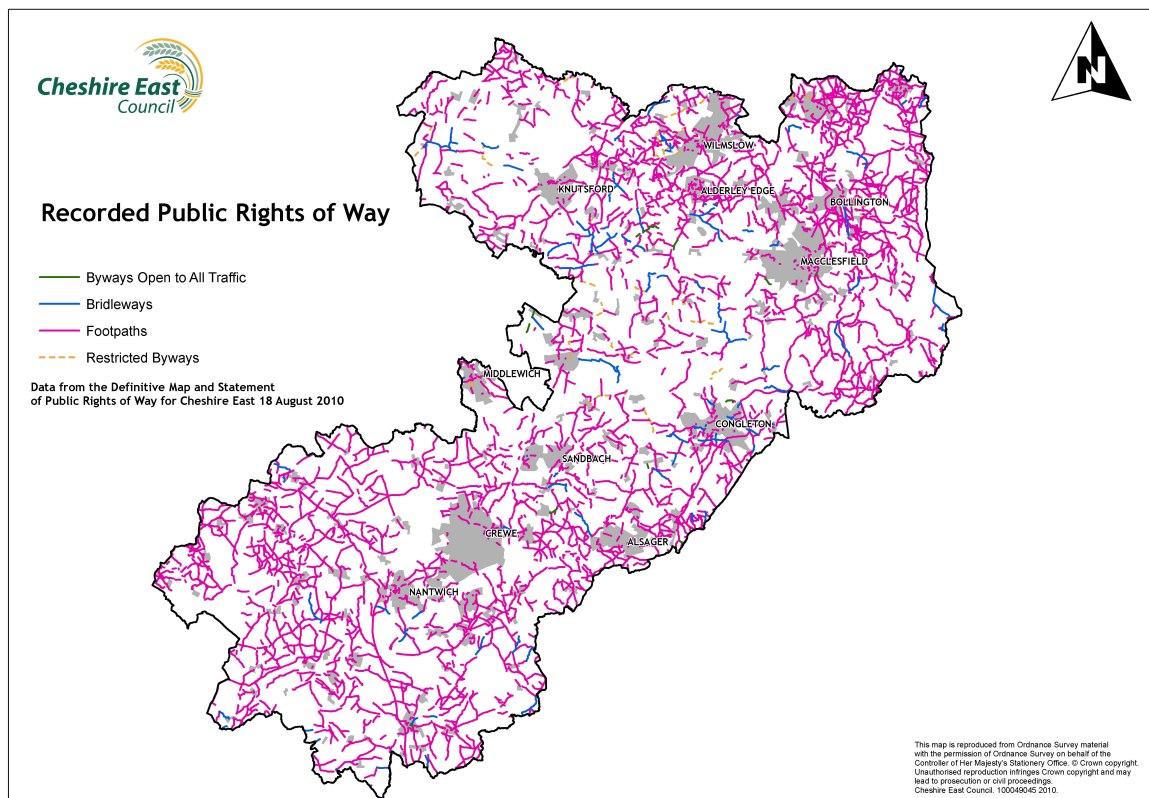


Figure 1 The public rights of way network in Cheshire East

3 Network assessment

3.1.3 There is a variance between the Cheshire East data and the average for England⁽⁴⁾ in terms of the proportions of public right of way in each category; Cheshire East has a larger proportion of routes available solely for walkers and smaller fractions available to other types of user.

Category	Number of PROW in category	Total length of PROW in category ⁽⁵⁾		Length of PROW in category as % of total length	Percentage across England
Public Footpath	6246	1787.8 km	1110.9 miles	93.7 %	77.7 %
Public Bridleway	323	104.4 km	64.9 miles	5.4 %	17.2 %
Restricted Byway	137	35.8 km	22.2 miles	1.9 %	3.2 %
Byway Open to All Traffic	31	6.5 km	4.0 miles	0.3 %	2.0 %
Total	6737	1928.0 km	1198.0 miles	100%	100%

Table 3 Number and length of public rights of way in Cheshire East

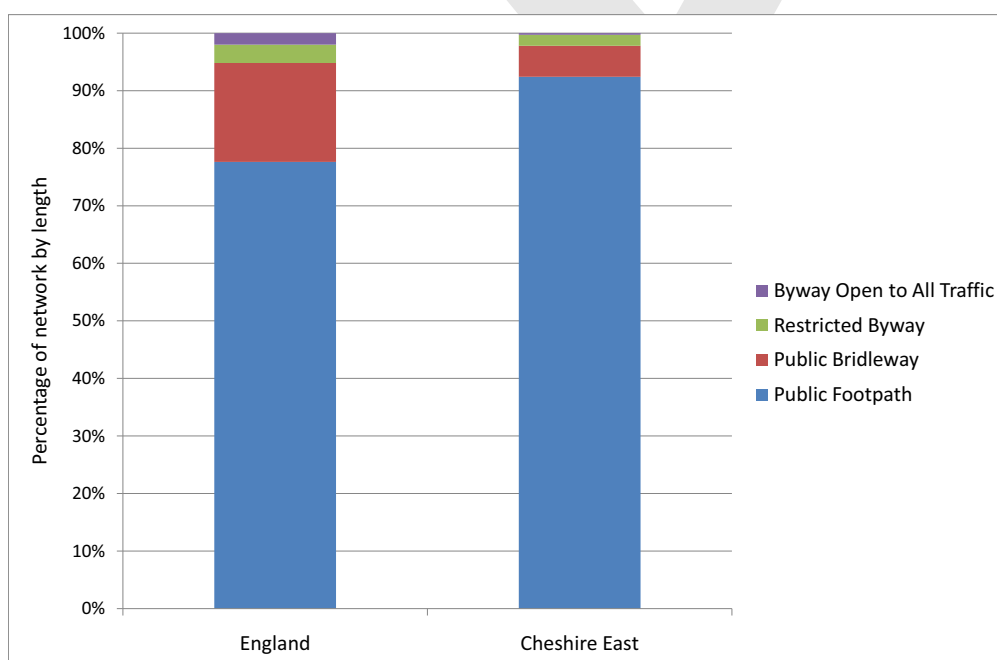


Figure 2 Composition of network compared with England

⁴ Defra website <http://www.defra.gov.uk/rural/countryside/prow/about.htm>

⁵ Data from Definitive Map and Statement GIS 3rd August 2010

3 Network assessment

Where are our public rights of way?

- 3.1.4** The distribution of the public rights of way network, and each category of public right of way within that network, is not even throughout the borough. The following map shows the density of public rights of way per kilometre grid square of the Cheshire East area. The most densely clustered areas are to the north east of Macclesfield, Disley, Adlington and Mobberley, with isolated areas of high provision elsewhere.

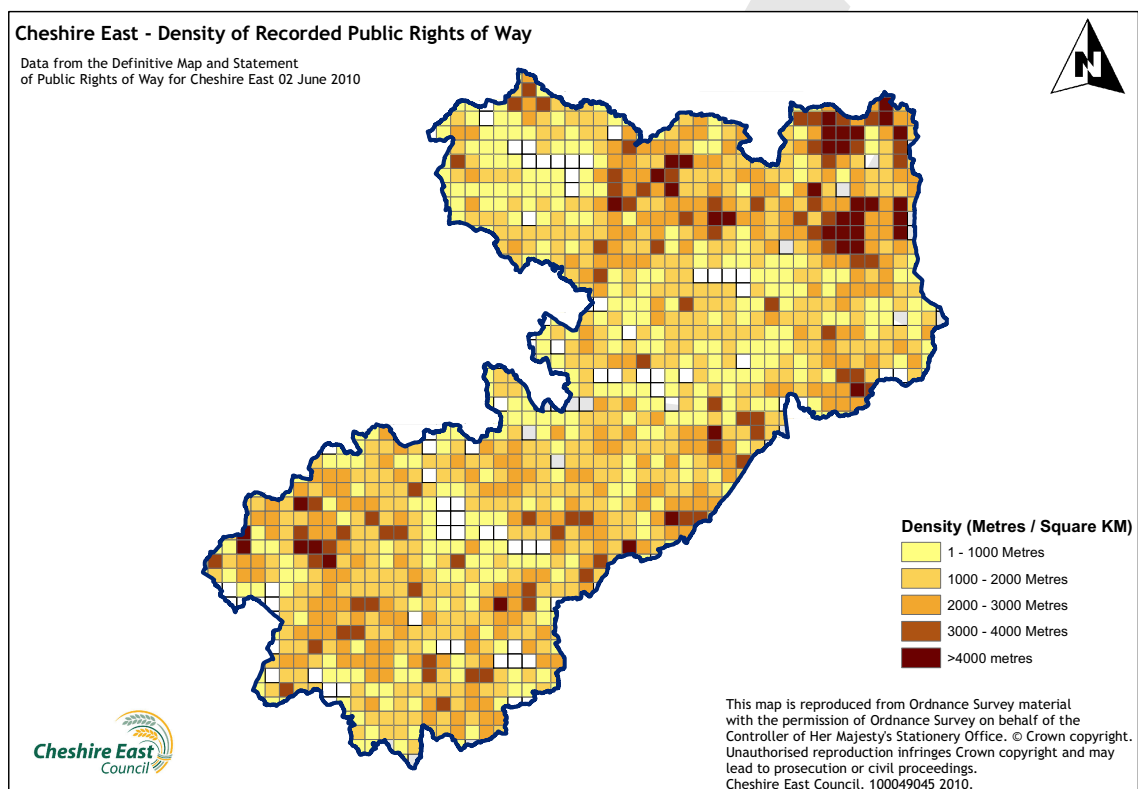


Figure 3 Density of all categories of public rights of way

What have we got for walkers?

- 3.1.5** Walkers can use the entire network of public rights of way. Provision is therefore good across the borough as a whole, but local fragmentation remains an issue as identified in Cheshire's ROWIP:-
- there is poor provision in the area west of Crewe and along the River Weaver north of Nantwich;
 - access to the surrounding countryside is poor from the towns of Crewe, Macclesfield and Middlewich;
 - there is a lack of route continuity along the Weaver Valley south of Nantwich to Audlem, other than along the Shropshire Union canal;
 - there is a lack of access in Doddington either side of the A51 to the south of Crewe, where there are a number of attractive landscape features;

3 Network assessment

- there is a lack of access around Combermere, to the south west of Nantwich, where again there are a number of attractive landscape features;
- access along the River Dane valley is poor, particularly between Radnor Bridge and Holmes Chapel;
- links from Sandbach to Middlewich are lacking;
- route severance has been caused by the M56, M6 and, in particular, the A556;
- east-west links across the Macclesfield to Stockport mainline railway and the A523 in the Adlington area are poor; and,
- access in the area west of North Rodé, either side of the A536, is sparse.

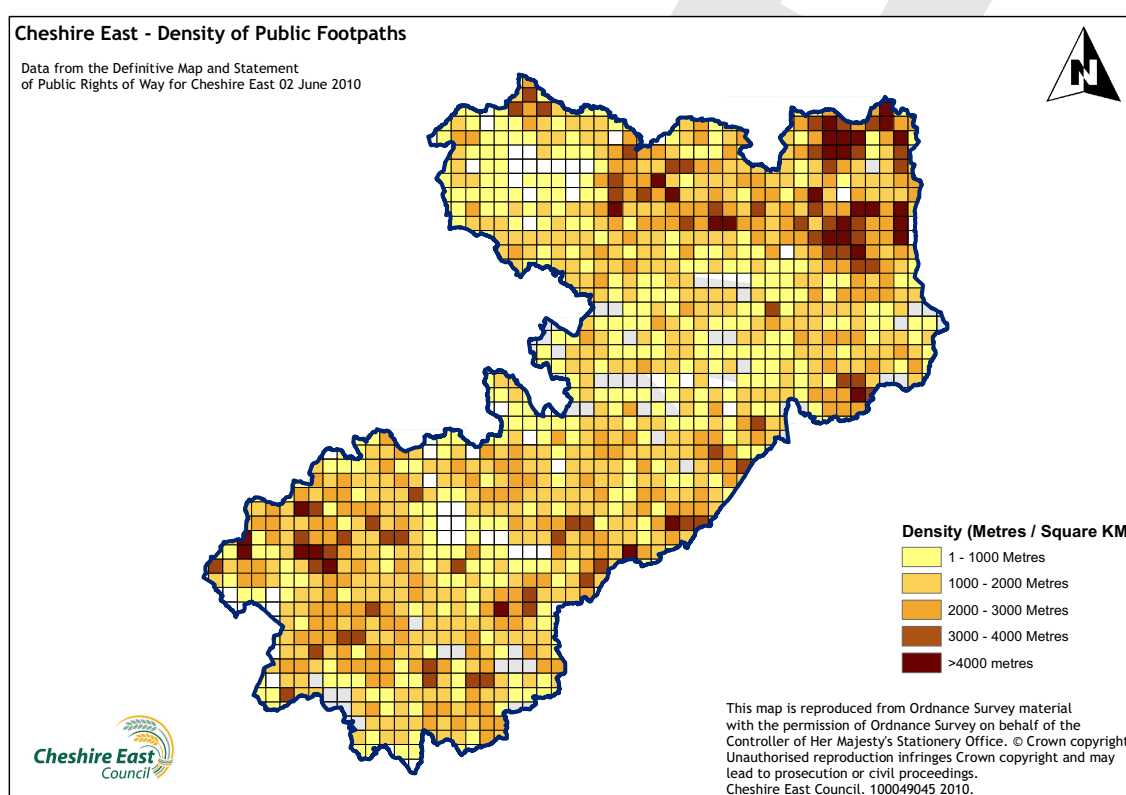


Figure 4 Density of public footpaths

What have we got for horseriders and cyclists?

- 3.1.6** A quick glance at the map below clearly shows that the provision of the rights of way network that is open for use by horse riders and cyclists is a fraction (7.6% by length) of that available to walkers, and also presents a very fragmented network. The risks posed from traffic using the rural roads which connect the routes that are available is regarded by many user groups and the Cheshire Local Access Forum as a major issue for the borough.

3 Network assessment

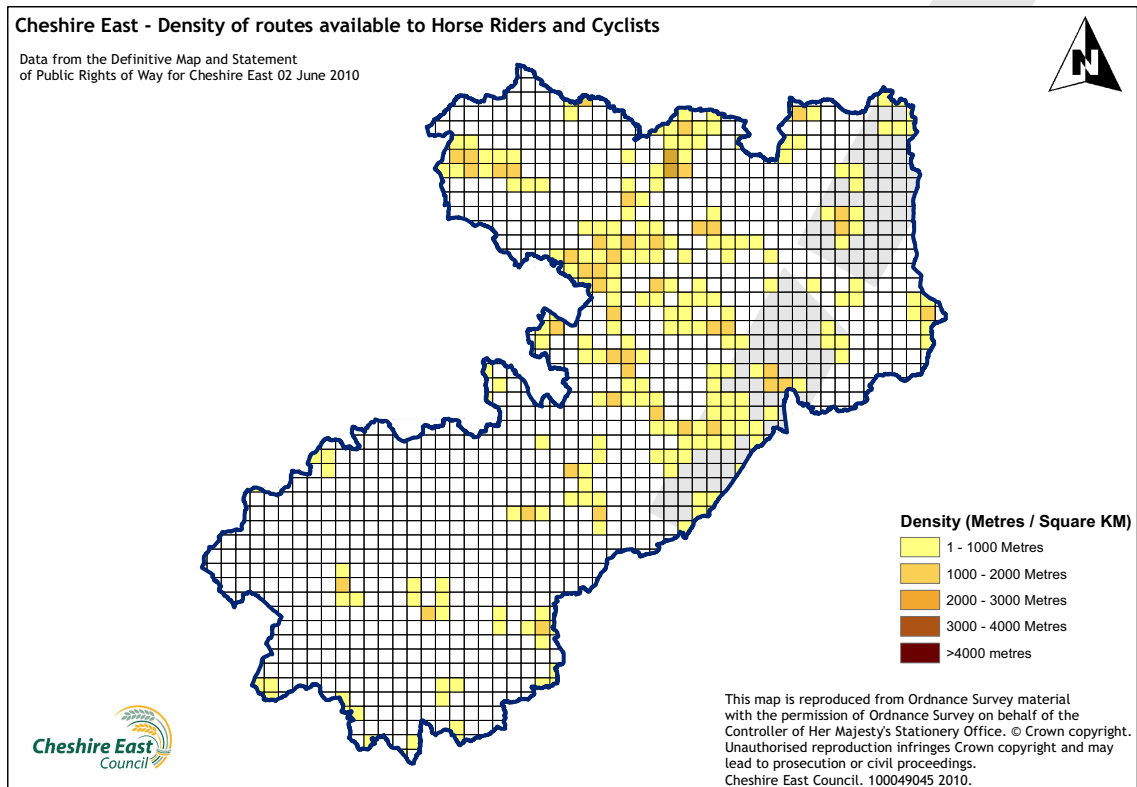


Figure 5 Density of public rights of way for horse riders & cyclists

Comment from respondent of a questionnaire on the priorities for the ROWIP, July 2010

"I am a horse rider and find that access for horses on to so-called bridleways is not very good...My personal experience is that horses are not catered for as well as cyclists and walkers are"

What have we got for carriage drivers and recreational motor vehicles?

- 3.1.7** Horsedrawn vehicles can use restricted byways and byways open to all traffic. There are few of these in Cheshire East, totalling 2.2% of the network's length. Mechanically-propelled vehicles, such as 4WD vehicles, can use byways open to all traffic. There are even fewer in Cheshire East, comprising 0.3% of the length of the network. Such vehicles can also use unsealed unclassified roads in the countryside, but there remains uncertainty about the status of some routes and their maintenance.

3 Network assessment

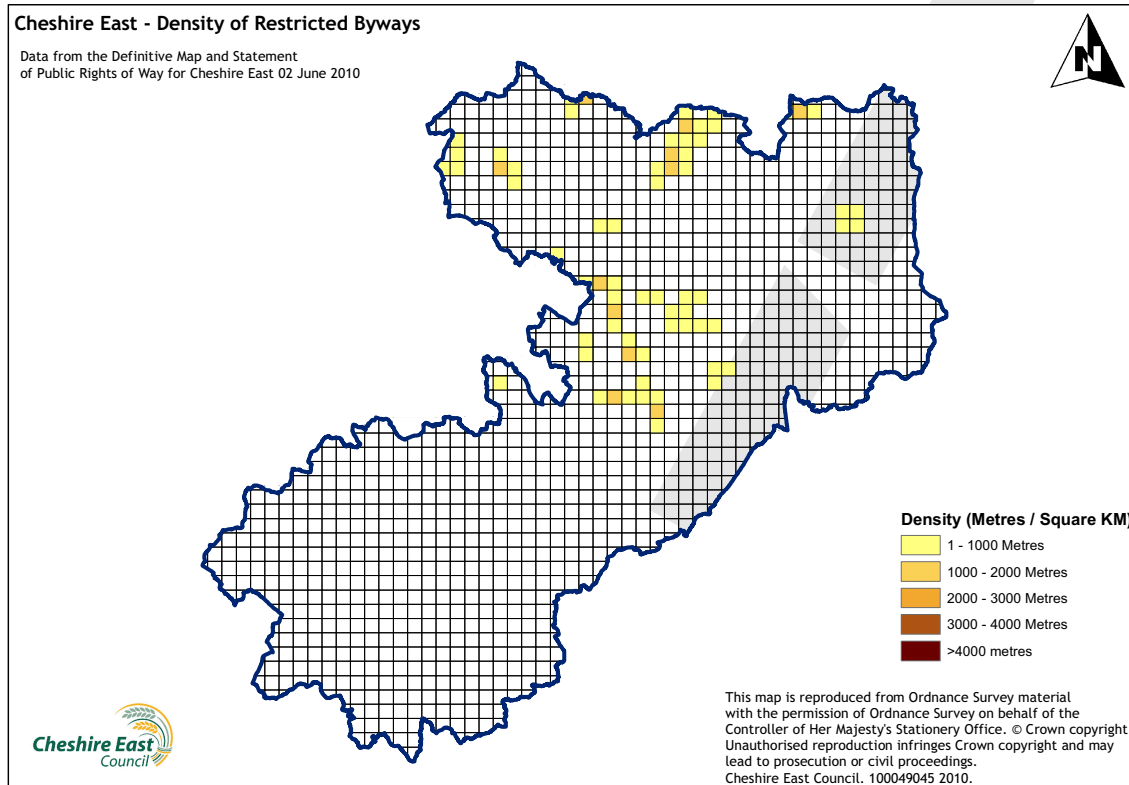


Figure 6 Density of restricted byways

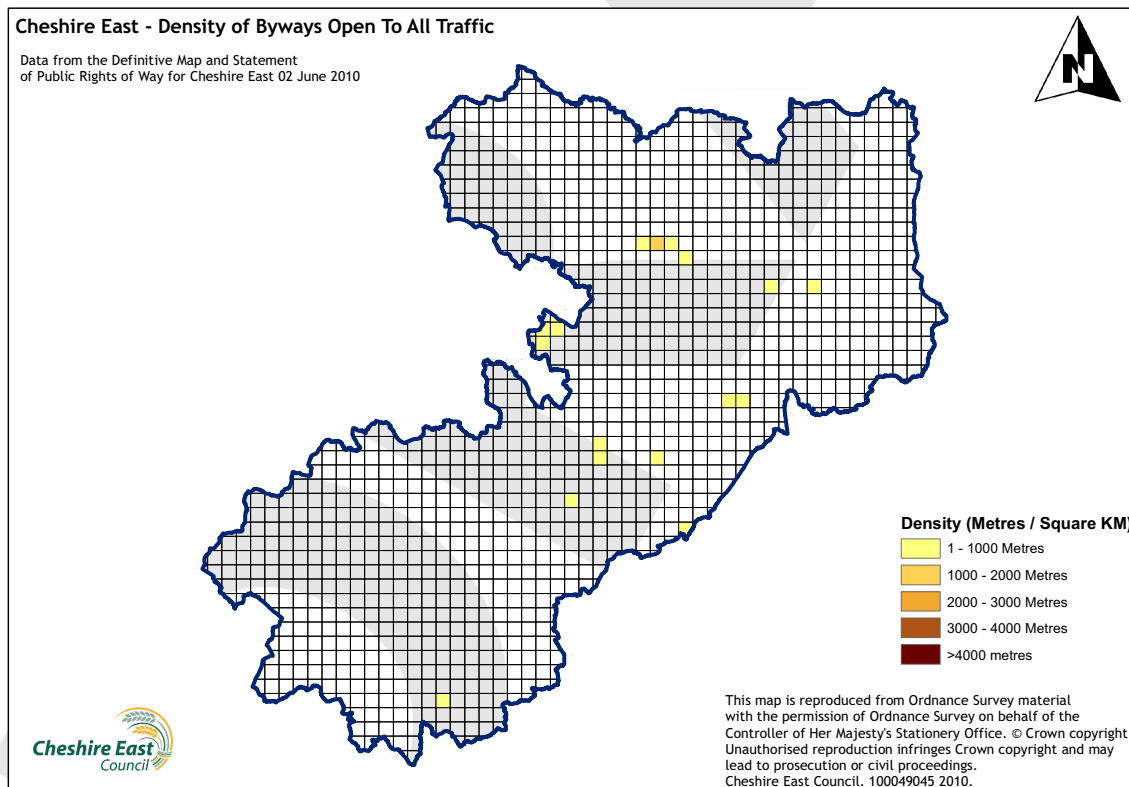


Figure 7 Density of byways open to all traffic

3 Network assessment

Promoted routes

3.1.8 There are a large number of medium or long distance routes which are entirely within or pass through Cheshire East on its public rights of way network. The following table lists the 22 long distance routes⁽⁶⁾, of which only two are available for cyclists and only one is available for horse riders.



Long distance route	Length	User groups
Bollin Valley Way	40 km / 25 miles	Walkers
Cheshire Ring Canal Walk	158 km / 58 miles	Walkers, Cyclists
Cloud 7 Circuit	53 km / 33 miles	Walkers
Crewe & Nantwich Circular Walk	48 km / 30 miles	Walkers
Dane Valley Way	66 km / 41 miles	Walkers
E2 European Long Distance Path	Miles!	Walkers
Gritstone Trail	56 km / 35 miles	Walkers
Head in the Clouds	34 km / 21 miles	Walkers
Ladybrook Valley Interest Trail	16 km / 10 miles	Walkers
Macclesfield & Peak Forest Canals	64 km / 40 miles	Walkers
Middlewich Challenge Walk	35 km / 22 miles	Walkers
Middlewood Way	16 km / 10 miles	Walkers, Riders, Cyclists
North Cheshire Way	113 km / 70 miles	Walkers
Salter's Way	38 km / 24 miles	Walkers
Sandstone Trail	55 km / 34 miles	Walkers
Shropshire Union Canal Walk	106 km / 66 miles	Walkers
South Cheshire Way	55 km / 34 miles	Walkers
Staffordshire Way	153 km / 95 miles	Walkers
Three Counties Challenge	45 km / 28 miles	Walkers
Trent & Mersey Canal Walk	161 km / 100 miles	Walkers
Weaver Way	65 km / 40 miles	Walkers

Table 4 Medium and long distance routes in Cheshire East

⁶ marked on Ordnance Survey maps and/or listed by the Long Distance Walkers Association www.ldwa.org.uk

3 Network assessment

- 3.1.9** Of these long distance routes, Cheshire East Council currently commits resources to the maintenance and promotion of the Bollin Valley Way, the Gritstone Trail and the Middlewood Way. Other routes receive the same level of resource as the rest of the public rights of way network.
- 3.1.10** When considering promoted routes of a shorter distance, the predecessor authority published a large number of leaflets promoting both walks and cycle rides as shown in the following maps. In Cheshire East, promoted horse riding routes are limited to country parks, but routes are being developed at the time of writing. Whilst the leaflets are now largely out of print, the routes are promoted on the Discover Cheshire website www.discovercheshire.co.uk.
- 3.1.11** Cheshire East Council has published a Walks for All leaflet detailing 10 routes around the borough and also leaflets detailing walks in Nantwich, around the Middlewood Way and the Bollington area. An 'Explorer' leaflet gives highlights across the borough for all users groups. Further, other routes are promoted by town and parish councils, user groups and independent publishers in a variety of formats.

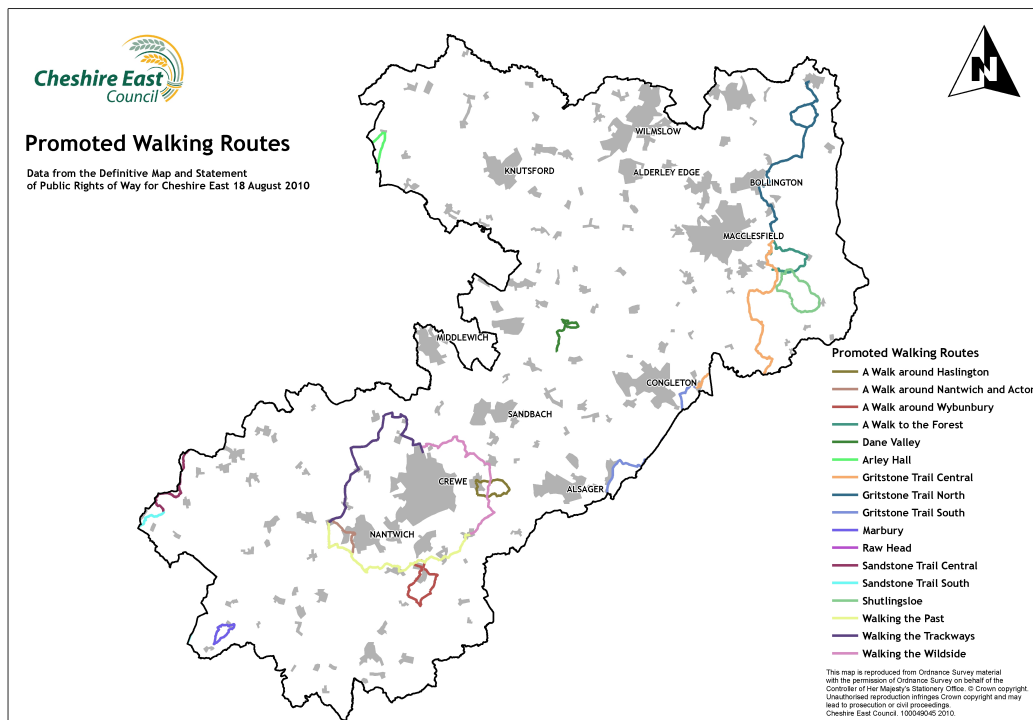
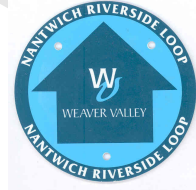


Figure 8 Promoted walking routes in Cheshire East

3 Network assessment

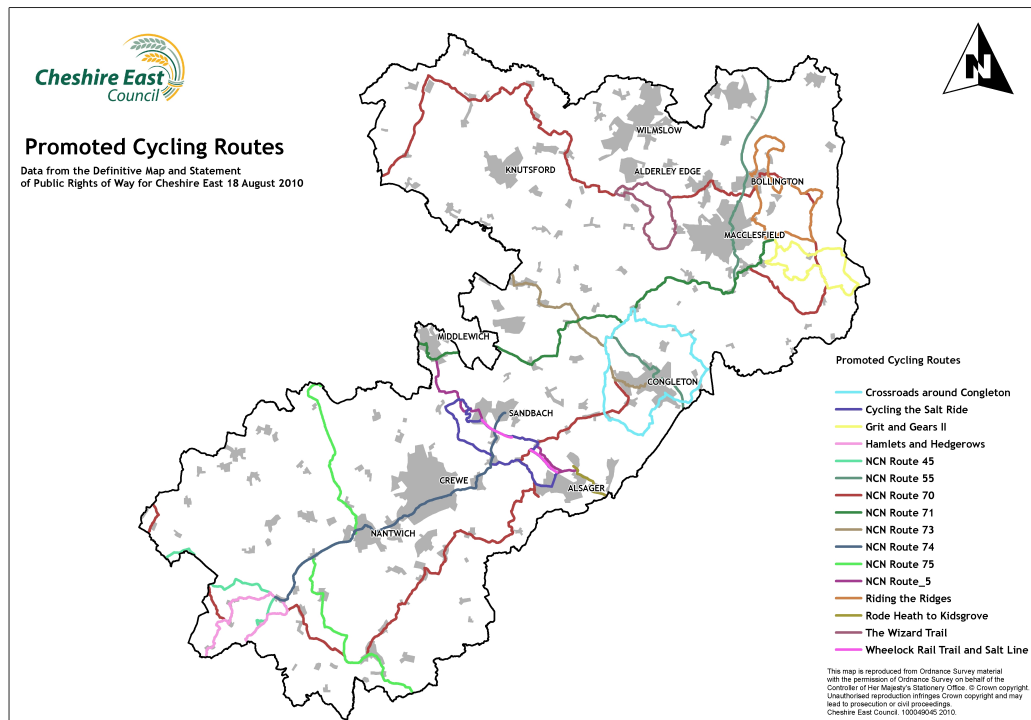


Figure 9 Promoted cycling routes in Cheshire East

Cross boundary linking routes

- 3.1.12** A number of the long distance routes noted above continue across the Cheshire East boundary into neighbouring authorities. Where this is the case, maintenance of routes is carried out by the respective authority. Other authorities, such as Stockport Metropolitan Borough Council and Staffordshire Moorlands District Council also promote routes which straddle the borders, which include the Middlewood Way and the Biddulph Valley Way, respectively. The Sandstone Trail is promoted by Cheshire West and Chester Council though a short part in the Peckforton Hills runs into Cheshire East. Conversely, a small section of the Gritstone Trail falls within Staffordshire but is promoted by Cheshire East Council.
- 3.1.13** There are many individual public rights of way which cross the borders of the authority into the surrounding areas of Cheshire West and Chester, Shropshire Council, Newcastle-under-Lyme Borough Council, Staffordshire County Council and Staffordshire Moorlands District Council, Derbyshire County Council and High Peak District Council, Stockport Metropolitan Borough Council, Manchester City Council, Trafford Metropolitan Borough Council and Warrington Borough Council. Jurisdiction for each of these paths follows the authorities' boundaries.
- 3.1.14** There are a number of public rights of way which terminate at the boundary of Cheshire East, having either no continuation within the borough or in the neighbouring authority. The reasons for this originate from the production

3 Network assessment

of the Definitive Map and Statement by the different authorities. Such cul-de-sac paths are also found at parish boundaries within Cheshire East and also within parishes to a lesser extent.

What about access land, country parks and other types of access?

3.1.15 In order to analyse the wider picture of access to the countryside, other than that provided by the local authority, Natural England has produced Access Provision Maps. The data included within this 'aggregate access mapping' comprises: agri-environment scheme permissive access (routes and open access), CROW access land (including registered common land and section 16 land), country parks, cycleways (Sustrans routes including local, regional, national and link routes), doorstep greens, local nature reserves, millennium greens, national nature reserves (accessible sites only), national trails, public rights of way, Forestry Commission 'Woods for People' and village greens. For Cheshire East, linear routes accessible to the public total 2261 km or 1405 miles, figures which demonstrates the importance of public rights of way network in contributing 86% of this length.

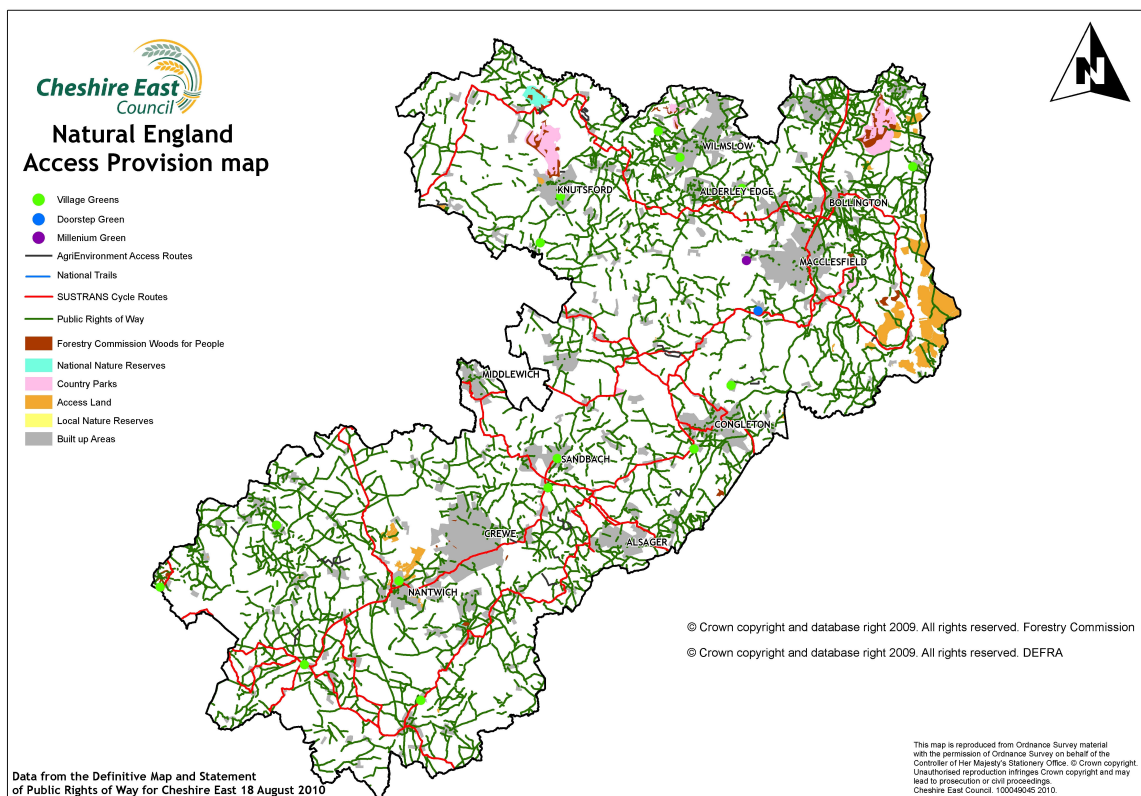


Figure 10 Natural England Access Provision Mapping

3.1.16 Whilst the data does not include parks, private estate gardens (for which a fee may be payable, such as Rode Hall) or other green spaces primarily in urban areas, the mapping does enable an analysis of countryside access

3 Network assessment

across the variety of access means available to the public. The datasets have been assessed by area of provision per Lower Super Output Area⁽⁷⁾ so as to compare provision across Cheshire East⁽⁸⁾.

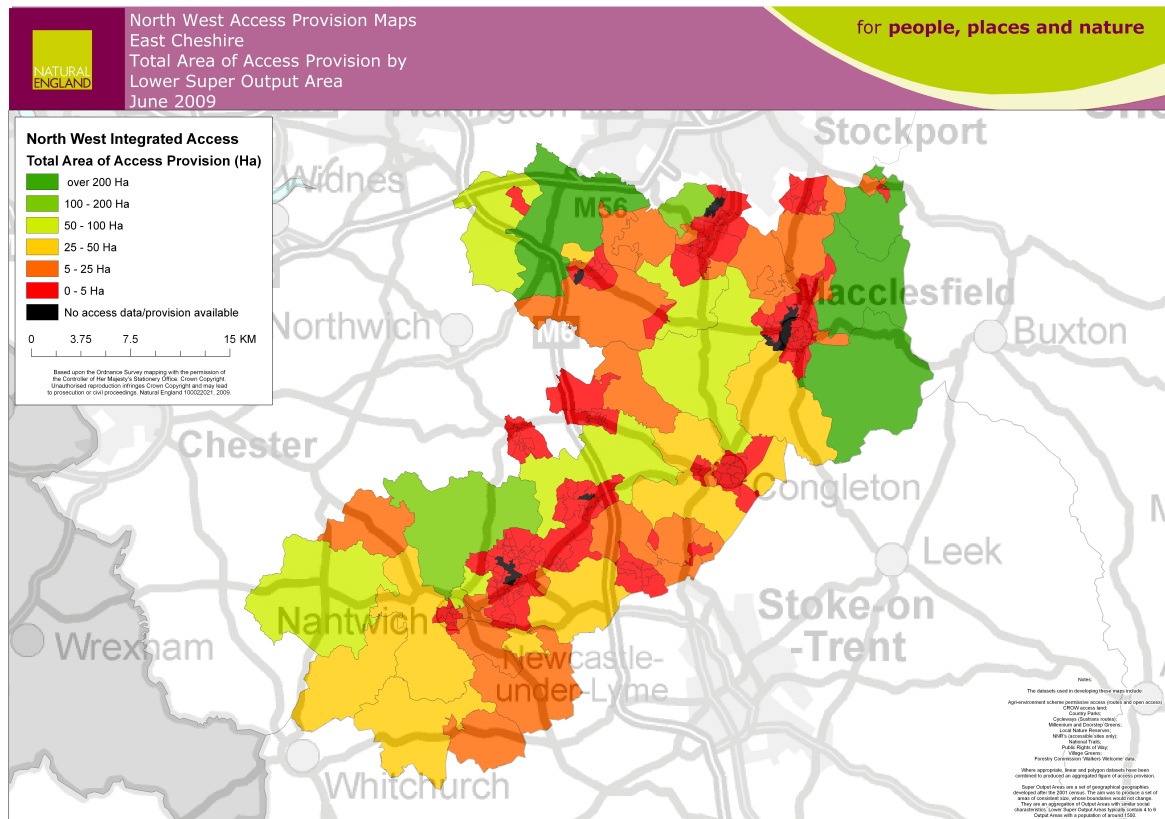


Figure 11 Natural England Access Provision Mapping by LSOA

3.1.17 The Access Provision Mapping from Natural England largely meets the recommendations of the Whole Network Analysis⁽⁹⁾ approach explored at the start of the ROWIP process in 2003 but is, at present, at a relatively early stage for analysis purposes. Nevertheless, Access Provision Mapping will enable us to highlight areas with low provision across all providers. Indeed, the weighting of Tatton Park (although visitors have to pay a fee for access here) and the open access land within the Peak District National Park are evident. The mapping also reconfirms that access from our major towns to the countryside is relatively poor. This data will be useful in prioritising

⁷ a geographic hierarchy designed to improve the reporting of small area statistics and automatically generated to be as consistent in population size as possible with a minimum population of 1000 and a mean of 1500, www.datadictionary.nhs.uk

⁸ Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2009. All rights reserved. Ordnance Survey Licence number 100022021. These maps are compiled from the best data available to Natural England at March 2009. Some publicly accessible areas are not included where data is lacking. The map should therefore be regarded as indicative rather than complete. © Crown copyright and database right 2009. All rights reserved. Forestry Commission. © Crown copyright and database right 2009. All rights reserved. Defra. Cycle route data supplied by Sustrans.

⁹ Jenkinson, S and McCloy, A (2003) *ROWIP Exemplar Project: Whole Network Approach. Executive Summary and Recommended Good Practice, for City of York Council in association with The Countryside Agency*

3 Network assessment

improvements, particularly for the prospective development areas of Macclesfield and Crewe, which coincide with some of the areas of highest deprivation within the borough.

Accessible woodland

3.1.18 There are no Forestry Commission sites offering public access within Cheshire East. Delamere Forest is, however, just outside the boundary and affords a major resource and attraction for residents of the western side of the borough. There are a number of 'Woods for People' sites which have been recorded by the Woodlands Trust and which are included within the Access Provision Mapping. The Woodlands Trust has developed aspirations for the provision of accessible woodland within a certain distance of people's homes⁽¹⁰⁾, in recognition of the benefits of such ecosystems for communities' health and wellbeing. When compared against these targets, and the average figures for both England and the north west region, Cheshire East has relatively poor provision: only 2% of the population has access to 2 ha + wood within 500 metres of their home whilst 20% have access to a 20 ha + wood within 4 km. These averages hide great differences across the area; less than 1% of the population of the Crewe and Nantwich area have access to a 20 ha+ wood within 4 km of their home, whilst the figure is more than 58% for the Macclesfield area. Whilst this report for Macclesfield would look favourable, on a more local level, only 3% of the population in that area have access to 2 ha+ of accessible woodland within 500 metres of home. The Woodland Trust assessed that the borough has a high potential to increase this provision if access to existing woodland is secured.

Permissive paths, canal towpaths and country parks

3.1.19 There are a small number of permissive paths that are available to users in Cheshire East. These are disparate in geographical distribution and are managed by a number of different bodies. Some are arranged through legal permissive path agreements with the highway authority, others through Defra Stewardship schemes and access arranged by landowners including United Utilities plc. at Macclesfield Forest. Further, some permissive routes are made available to the public on a more informal basis and are therefore not generally captured in mapping and analysis.



3.1.20 Other forms of access to the countryside include canal towpaths (which are not always recorded as public rights of way). Public open space, such as Joey the Swan in Crewe and The Carrs in Wilmslow, are also key gateways for local access to the countryside.

3.1.21 The provision of country parks, which can offer a range of walking, cycling and horse riding opportunities, is low in the south of the borough, as shown in the following map. Finally, it is recognised that there are some routes which are not recorded on the Definitive Map and Statement (the legal record

10 Woodland Trust (2004) *Space for People – targeting action for woodland access*

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of public rights of way) or recorded under a certain status, but which, following investigation, may require adding to or amending on the Definitive Map and Statement.

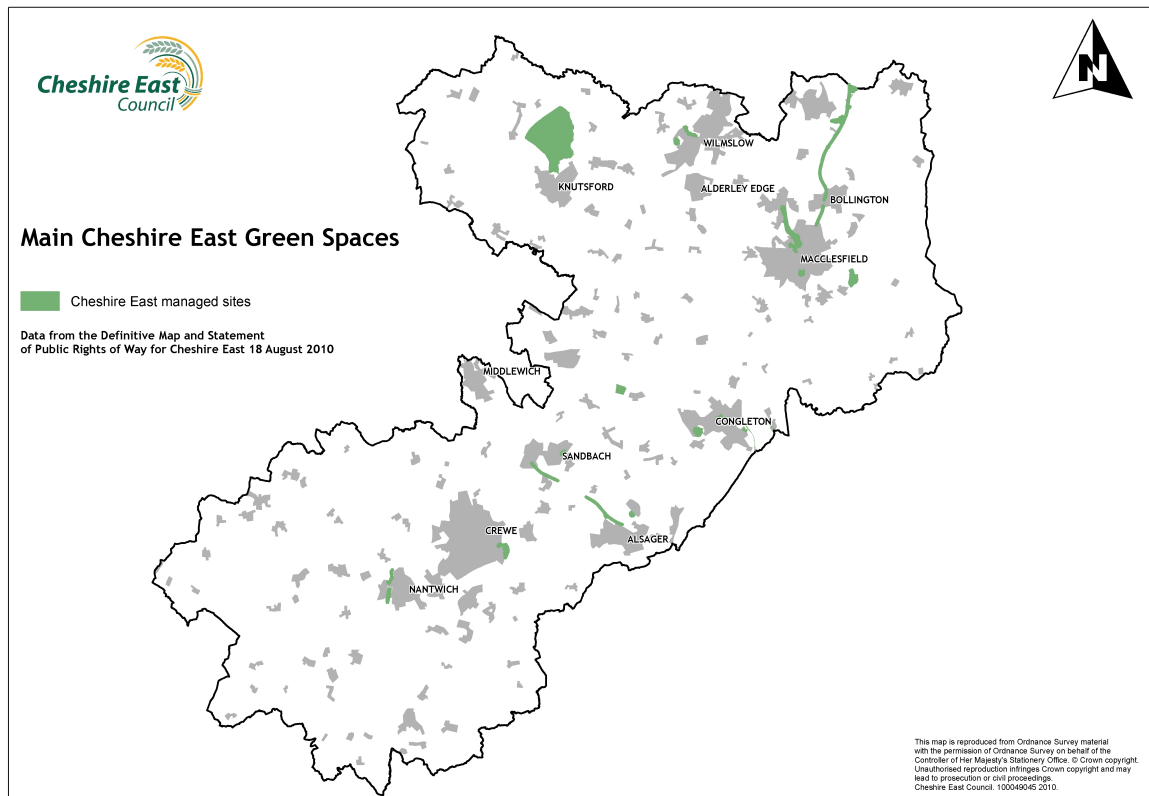


Figure 12 Main country parks in Cheshire East

3.2 Quality of the network

3.2.1 The preceding analysis does not take any account of the *quality* of the network, merely where access rights are recorded. An assessment of the quality of the network would consider:-

- maintenance issues, such as drainage and sign posting;
- enforcement issues, such as obstructions;
- quality and type of path furniture such as stiles and gates; and,
- an assessment of the provision in relation to its location: for example, a path in an urban area may be expected to have a hard-top surface, one in an urban fringe area may be of a softer engineered surface such as compacted stone chippings, whilst that of a path in a rural area will depend on the land use, such as pasture.

Comment from a respondent of a questionnaire on the priorities for the ROWIP, July 2010

"as a keen walker - covering about 1000 miles a year nationwide - Cheshire is one of the better counties for footpaths"

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Best Value Performance Indicator 178

3.2.2 It is notoriously difficult to measure the quality of a public rights of way network. Indeed, Countryside Agency⁽¹¹⁾ research concluded that there are “no robust, consistent and comprehensive datasets that could be used to measure overall progress”. Nationally, an ‘ease of use’ performance indicator was developed to make an overall assessment of an individual path. This includes whether it is signposted, unobstructed and with surface and furniture in good repair. The assessment is conducted by public rights of way officers across a random 5% of the length of the network. Albeit somewhat crude, this measure formed a Best Value Performance Indicator (BVPI 178) from the financial year 2001-02 until 2007-08. Many local authorities have continued to collate the data since in absence of any alternative performance indicator.

3.2.3 The results for Cheshire East (covering 2009-10) and its predecessor Cheshire County Council (which covered a larger network) are presented in comparison with the national averages below.

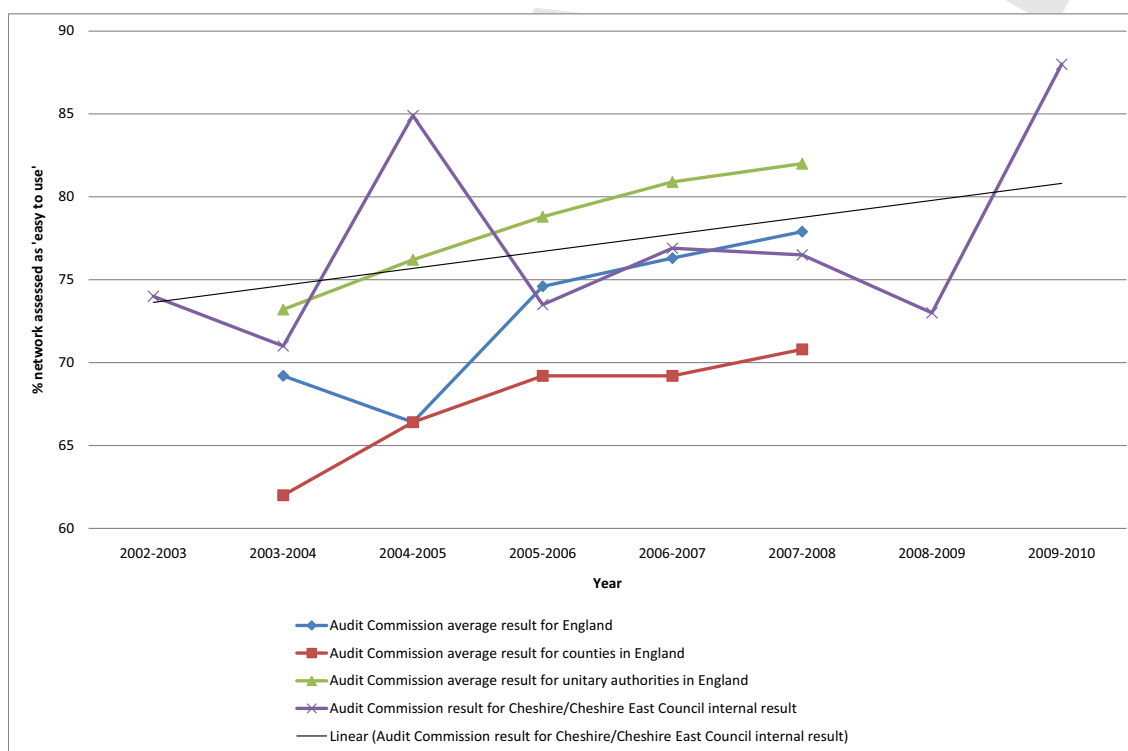


Figure 13 Best Value Performance Indicator results

3.2.4 From the BVPI data it can be concluded that the overall trend for the ease of use of the Cheshire East network is increasing and is above the average for England. Continued collection of ease of use data following the BVPI methodology will enable a similar benchmarking exercise to be undertaken, even if the dataset is no longer reportable to the government.

11 Countryside Agency (2005) *By all reasonable means*

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- 3.2.5** The Countryside Agency also concluded that definitive map work was poorly monitored across the country. In Cheshire East this is done through annual reports presented to the Public Rights of Way Committee, Cheshire Local Access Forum and Rights of Way Consultative Group and which are available to the public.

National Highways and Transport Public Satisfaction Survey

- 3.2.6** An alternative performance indicator is offered by the National Highways and Transport Public Satisfaction Survey⁽¹²⁾ for which records are available for Cheshire East from 2009. This survey is conducted by post, on behalf of a participating highway authority with a sample size set by that authority. The survey results contain benchmarking indicators relating to walking and cycling including the local public rights of way network. Questions assess the level of satisfaction with various factors and also capture the *importance* of a good public rights of way network to the respondent.

Question	Cheshire East respondents recording positive satisfaction with local rights of way	Cheshire East respondents recording negative satisfaction with local rights of way
Provision of rights of way footpaths e.g. for walking or running	47 %	9 %
Signposting of rights of way	35 %	17 %
Condition of rights of way	31 %	17 %
Provision of bridleways for horse riding and/or cycling	25 %	9 %
Information about rights of way routes	16 %	26 %
Ease of use by those with disabilities e.g. people in wheelchairs	8 %	17 %

Table 5 National Highways and Transport Network Survey 2009 results

- 3.2.7** Comparison of the results between the questions may guide us in identifying which areas of work need to be prioritised. For example in the 2009 results shown above, low satisfaction rates were recorded for 'ease of use of the network by those with disabilities' and 'levels of information about routes'. In contrast, overall satisfaction with the 'provision of footpaths' or 'signposting

¹² National Highways and Transport Survey 2009, www.nhtsurvey.org

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of rights of way' was relatively high. Future results of this survey can be collated year on year to give an indicator of public satisfaction with the public rights of way network.

Town and parish plans

3.2.8 Other sources of information can provide a snap shot of the public's satisfaction with the existing network. In a number of town and parish plans, for example, general satisfaction with the existing network is recorded:-

- in Audlem 70% of respondents considered the recreational footpaths and cycleways to be adequate; and,
- in Odd Rode 75% of residents are reported as being happy with the level of signposting and over 66% are happy with the maintenance of footpaths.

3.2.9 In contrast, the town and parish plan process has also collected data on people's *dissatisfaction* with the state of the network:-

- in the Parish of Stapeley it was reported that many rights of way are in a poor state of repair and not signposted;
- in Willaston only 39% of respondents thought that footpaths were well signposted; and,
- whilst 76.5% of respondents in Plumley with Toft and Bexton are aware of the location of footpaths, 37.3% called for the standard of footpath signposting to be improved.

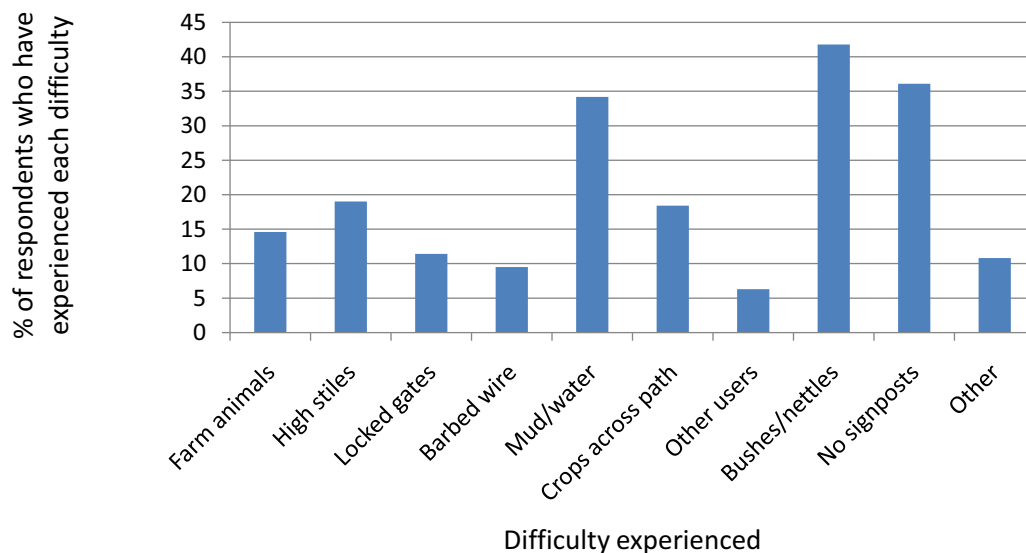


Figure 14 Difficulties experienced on public rights of way in Odd Rode

3.2.10 Residents within Odd Rode were asked through the town and parish plan process whether they had experienced difficulties when using local footpaths and bridleways, and if so the type of difficulty encountered. Whilst 26% of

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respondents had encountered no difficulties in their use of local paths, others, as shown below, had experienced issues that may dissuade them from further use of that route or the network as a whole.

Quality of the network from a horse riding perspective

3.2.11 The Mid Cheshire Bridleways Association conducted a survey during 2008⁽¹³⁾ to gain information about current concerns and priorities for horse riders. When asked to consider the quality of the public bridleways used, respondents reported generally positive findings and few obstructions.

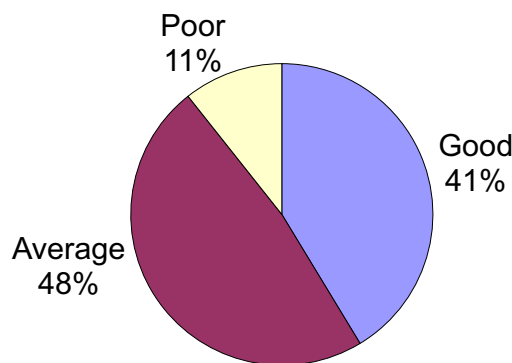


Figure 15 Reported condition of public bridleways

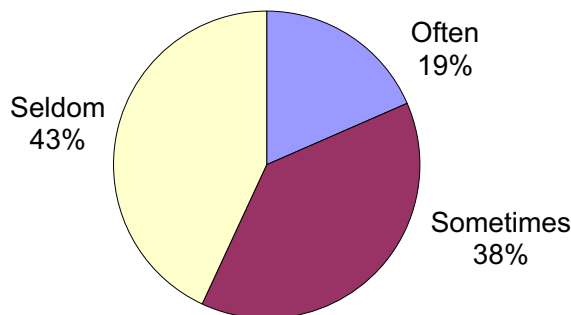


Figure 16 Reported frequency of obstructions on public bridleways

How much of the network is accessible for people with mobility or visual impairments?

3.2.12 We don't know, is the honest answer to that question, although we can assume that "a limited amount" would be a fair statement. The roles of path surveyors within the public rights of way team that were referred to in Cheshire's ROWIP are, unfortunately, no longer within the structure of the public rights of way team. A systematic gathering of information is therefore not in progress, other than through the recording of replacement furniture as they are installed. A full survey of the entire rights of way network would

13 Mid Cheshire Bridleways Association Survey (2008)

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be required in order to build up the data necessary to firstly understand what barriers to access exist where and, secondly, to be able to pro-actively target infrastructure improvements. Such a survey would also inform the question as to the *quality* of the network referred to above.

Comment from a respondent of a questionnaire on the priorities for the ROWIP, July 2010

"There is very little [in the way of] wheelchair accessible public rights of way"

3.2.13 Research undertaken for the Countryside Agency Rights of Way Condition Survey 2000⁽¹⁴⁾ estimated that there were 306,500 stiles on rights of way in England, or a stile on average every 478 metres on each footpath. This data would suggest that the network is not accessible to those with mobility impairments, a group which includes a much wider proportion of the public than those who are registered as disabled.

3.2.14 Some country park sites managed by Cheshire East Council can be considered 'easy access', but by no means necessarily meeting the BT Countryside for All Standards⁽¹⁵⁾. These include:-

- Astbury Mere Country Park: offering a circular easy access route around a waterbody;
- Nantwich and Macclesfield Riverside parks: with easy access routes alongside rivers and waterbodies; and,
- other accessible sites including the Middlewood Way, Salt Line and Biddulph Valley Way which follow disused railways and are therefore linear in nature.

3.2.15 Other organisations manage sites which may be more accessible in offering such experiences, for example:-

- National Trust: properties such as Tatton Park and Lyme Park offer estate grounds;
- United Utilities and the Peak District National Park: Macclesfield Forest site offers waterbody and woodland experiences;
- Forestry Commission: sites give woodland experiences such as at Delamere Forest just outside the Cheshire East boundary;
- The Peak District National Park: provides easy access routes and facilities at a few locations close to Cheshire East, for example in the Goyt valley, offering views over reservoirs rather than open moorland; and,
- Natural England through Defra's Countryside Stewardship Scheme: promotes Messuage Farm near Congleton as an easy access route.

14 Countryside Agency (2001) *Rights of Way Condition Survey 2000*, (CA94)

15 British Telecommunications plc. and The Fieldfare Tryst Ltd. (1997) *BT Countryside for All - Standards and Guidelines*

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- 3.2.16** Accessible public rights of way in the pasture landscape for which Cheshire is widely known are limited, as are routes across open moorland.

Conclusion

- 3.2.17** There is an extensive network of public rights of way across Cheshire East, which forms the major means of access to the countryside. Provision for walkers across the borough is generally good, although this does not necessarily mean that routes are where they are most wanted. Provision for horse riders and cyclists remains poor when compared to that for walkers, both for short and long routes. The degree of accessibility to the countryside for those with mobility and visual impairments is largely unknown other than at country park sites. Access from individual towns to their surrounding countryside is generally lacking.
- 3.2.18** This analysis does not aim to assess what people want from the rights of way network, a question which is the theme of the next chapter.

4 Demand assessment

4.1 Current use of the network

4.1.1 Demand for the network can fall into a number of categories: there is manifest demand from people who already use public rights of way and wider countryside access and there is potential demand from those who would if particular factors changed. Understanding what these issues are is part of the role of the ROWIP and we have called upon a number of sources to update our findings since Cheshire's ROWIP.

4.1.2 The development of town and parish plans involves consultation with residents on matters of concern and importance to them; results can be used to assess the demand within the individual surveyed parishes, but also as an indication of demand across the Cheshire East area as a whole. Many town and parish plans acknowledge the value of and demand for the network of public rights of way and wider access to the countryside:-

- walking was reported to be the most or second most popular past time for both adults and children in the Adlington Parish Plan;
- 97% of the residents of Pickmere who responded to the parish plan questionnaire reported undertaking walking in the countryside, 45% cycling (presumably both on and off road), and 7% horse riding (again, presumably both on and off road);
- when Audlem residents were asked “are you involved in any sport, including cycling, locally?” the most common response was walking followed by cycling;
- “nice walks” was recognised as a feature of the pleasant rural environment of the parish of Over Peover;
- over 60% of residents responding the parish plan survey in Plumley with Toft and Bexton stated that footpaths were very important to them;
- 62% of respondents to the Prestbury parish plan survey reported that they used off road paths at least once per week;
- more than 90% of respondents in Rainow make use of the countryside with the most common activity being walking; and,
- in Willaston 66% reported having used local footpaths, with 33% using them fortnightly and one in six using footpaths every day.

The views of landowners

4.1.3 Research for town and parish plans captures the views of landowners as well as users of the public rights of way network. For example, in Dodcott cum Wilkesley it was recognised that the publication of a guide to local footpaths and bridleways may help to protect crops and animals through raising awareness of the Countryside Code. Other issues raised that are of concern to landowners included the need for sympathetic signposting to fit in with the local character of an area and avoiding 'tarmacing of the countryside'. These issues were particularly evident in certain rural parishes such as Rainow where engaging with landowners to get their buy-in to any

4 Demand assessment

improvements in countryside access was highlighted. Indeed, landowners were ranked through the ROWIP priorities survey as the most important group for us to work with on improvement projects.

Comment from a respondent of a questionnaire on the priorities for the ROWIP, July 2010

"Accessible countryside brings public rights of way users into contact with farming and wildlife. The countryside should not be viewed simply as an outdoor exercise arena for the benefit of citizens - public rights of way users should be made aware of what is happening around them and the (often problematical) interactions between land use, land management and wildlife"

Demand from horse riders

- 4.1.4** The North Cheshire Riders organisation has undertaken surveys of the number of horses kept in a specific geographic area between Knutsford, Wilmslow and Chelford. In 2001 the estimated number of horses kept within the surveyed 80 km squares was 944, dropping to 912 in 2005 and rising to 974 in 2010⁽¹⁶⁾. These figures have been extrapolated across the Cheshire East area to arrive at an estimated population of 14,000 horses.
- 4.1.5** The Mid Cheshire Bridleways Association survey⁽¹⁷⁾ in 2008 gathered information about current concerns and priorities for horse riders. The survey included a question as to the frequency with which riders use public bridleways. With 78% of respondents stating that they ride on bridleways more than once a month, it can be concluded that there is a high demand for the existing public rights of way network.

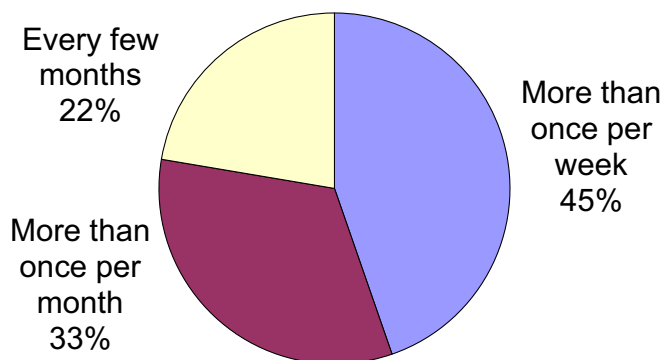


Figure 17 Reported frequency of horse riding on public bridleways

¹⁶ North Cheshire Riders Survey 2010

¹⁷ Mid Cheshire Bridleways Association Survey (2008)

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The importance of countryside access in tourism

- 4.1.6** The countryside of Cheshire East is recognised as an attraction on which the area's tourism is focused, offering the activities of equestrianism, walking and cycling together with waterways to explore. In particular, visitors view Cheshire's Peak District as similar to that of the Peak District itself but offering a more gentle countryside, with the area representing "the countryside on the doorstep of people living in the urban centres such as Manchester"⁽¹⁸⁾.
- 4.1.7** Key priorities of the Cheshire East Draft Visitor Economy Strategic Framework include:-
- promotion of access to our countryside and of our waterways networks;
 - adoption and development of Cheshire's Peak District and related thematic brands to communicate and reinforce the countryside experience;
 - identify and celebrate the distinctive visitor offer of our countryside; and,
 - attracting 'non-traditional' and younger people to rural area as these groups are currently under-represented in visitor numbers.
- 4.1.8** *Thematic brands* include those of waterways and horse riding. For example, Audlem is a locality which is widely known for its canalside setting where the importance of the rights of way network to the visitor economy has been recognised. Another example is 'Hoof Cheshire'; this equestrian themed initiative has identified the need to influence and encourage the further development of horse riding routes as a means to build the horse-based tourism of the area.

Cheshire East Draft Visitor Economy Strategic Framework June 2010

"Our waterways and rights of way networks need to be recognised as important tourism assets as they are established as important features of our countryside, allowing visitors to explore Cheshire East's hidden gems in a unique way"

4.2 Increasing use of the network

- 4.2.1** Our research has found that there are a number of things that people would like us to do that would increase the likelihood of them using our rights of way. People told us through the ROWIP priorities survey that the most important aims for us are to:-
- improve paths between homes and schools, shops;
 - provide information for people to find out where routes are; and,
 - promote leisure routes to support local rural businesses.

18 Cheshire East Council (2010) *Cheshire East Draft Visitor Economy Strategic Framework June 2010*

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4.2.2 And to help people use public rights of way more, the most important actions for us are to:-

- install more signposting and waymarking;
- create new routes to fill in gaps in the network; and,
- do more vegetation cutting on paths.

4.2.3 This strategy covers a period of 15 years and therefore we need to consider future requirements of the network in addition to what people are asking for at the present time. Changes will occur in our society which may have an impact on people's use of the public rights of way network. Looking into the future, we can predict that issues of health will become more important due to the costs to society of illness and treatment. Issues of transport using modes other than the car will become more important due to increasing fuel prices and economic hardship.

Comment from a respondent of a questionnaire on the priorities for the ROWIP, July 2010

"It would be great to have walks signposted...in circular routes from car parks & bus stops in popular rural locations"

Improving paths between homes and services

4.2.4 The National Highways and Transport Network Public Satisfaction Survey 2009⁽¹⁹⁾ returned results that 46% of Cheshire East residents walk daily as a means of transport, whilst the figure for cycling was 5%. These figures will include use of roads and pavements in addition to the public rights of way network. Increasing these figures will enable improvements to be delivered in congestion and air quality hot spots which correlate in Cheshire East, for example on the Nantwich Road in Crewe, West Road in Congleton, London Road in Macclesfield and Manchester Road in Knutsford⁽²⁰⁾.

4.2.5 Data collected through the National Travel Survey 2006, concluded that the distance that people walk and cycle has declined significantly in the last 3 decades⁽²¹⁾. Reversing this trend will require a society wide movement, in addition to the improvements led by the local authority.

Providing more information on routes

4.2.6 The provision of leaflets and information for people to find out where routes are was ranked as the second most important priority for public rights of way in the ROWIP priorities questionnaire. Information can take the form of signposts, waymark disks, leaflets and websites. Calls for increasing the amount of information available about local rights of way is a recurring theme

19 National Highways and Transport Network Survey (2009), www.nhtsurvey.org

20 Cheshire East Council Air Quality Strategy preparatory work 2010

21 Department for Transport (2007) *National travel survey 2006*

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arising within town and parish plans. In both Ollerton with Marthall and Willaston 85% of respondents supported the proposal to publish a guide to footpaths and bridleways whilst 63% of respondents supported a similar proposal in Prestbury. Providing information can give people the impetus to 'get out there' more.

Comments from respondents of a questionnaire on the priorities for the ROWIP, July 2010

"There is insufficient information about routes that walkers make take...Signs do not say where the path is going"

"It is very difficult to find info on public rights of way in the area on the internet. If you want to increase the usage of public rights of way in the area by young people then it is absolutely vital that this changes"

Promoting leisure routes to support local rural businesses

4.2.7 The value of public rights of way and access to the countryside to the visitor economy has already been recognised. Local businesses in the leisure service sector such as tea shops and bike hire companies were ranked in the ROWIP priorities survey as the second most important group we should work with as we deliver ROWIP projects. The North Cheshire Riders survey⁽²²⁾ noted that livery owners with businesses located in areas of poor riding provision reported difficulty in achieving full occupancy or keeping the business running.

4.2.8 Looking slightly wider, a range of businesses across the service sector will also benefit from visitors and residents through the purchase of equipment and supplies. For example, using survey data provided by the North Cheshire Riders, it is estimated that horse ownership contributes of over £87 million per annum to the local economy.

Comment from a respondent of a questionnaire on the priorities for the ROWIP, July 2010

"...routes up to Crocker Hill (Sutton Common) are poor, from both sides as they are not easily accessed from the public highway...suitable public car parks would aid greater public use and possibly bring extra custom to The Fools Nook Inn and The Ryles Arms"

22 North Cheshire Riders (2010) *Update of the Submission by North Cheshire Riders to Cheshire County Council's Rights of Way Improvement Plan*, using economic estimates contained within Lowe, V. (2009) *The Cost of Horse Ownership*, for the North Lancashire Bridleway Society

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Filling in gaps in the network

- 4.2.9** The ROWIP priorities survey found that the second most important action is to create new routes to fill in the gaps in the network that were identified in the previous chapter. This issue has been reflected in priorities captured by the Mid Cheshire Bridleways Association survey during 2008. The top 2 priorities for benefits to be provided through the Association were helping to create more local bridleways and developing long distance/circular routes.
- 4.2.10** When Stapeley residents were asked what new recreational facilities would they like to see provided, 69% stated circular walks or cycle routes. A lack of routes for horse and cycle riding was also recognised in discussion groups⁽²³⁾ and the following parish plans: Acton, Edleston and Henhull, Adlington, Audlem, Dodcott cum Wilkesley, Gawsorth, Mobberley Parish Plan, Ollerton with Marthall and Prestbury.
- 4.2.11** Users also note gaps in the network which may require users to walk along narrow and fast country lanes. Rural road safety for vulnerable users has been flagged as a particular concern of the Cheshire Local Access Forum, user groups and within the Ollerton with Marthall Parish Plan.

Comment from a respondent of a questionnaire on the priorities for the ROWIP, July 2010

"The most important aspect for users, especially horse riders, is connectivity - roads including country lanes are increasingly unsafe for non motorised users"

The increasing drive for healthy activity

- 4.2.12** Of the 5 national transport goals within the Local Transport Plan, people responding to the ROWIP priorities questionnaire most readily identified 'improving quality of life & a healthy natural environment' as a goal in which public rights of way could play a role.

Comment from a respondent of a questionnaire on the priorities for the ROWIP, July 2010

"I use rights of way regularly as part of my fitness regime"

- 4.2.13** The Sustainable Community Strategy⁽²⁴⁾ states that life expectancy in Cheshire East is better than the national average. However, the quality of life of residents varies across the borough. Health agencies use a measure called 'Disability Free Life Expectancy' as a proxy for quality of life as it relates

23 Cheshire East Council (2009) Countryside Discussion Groups 2009

24 Partnerships for Action in Cheshire East (2010) *Ambition for All - Cheshire East's Sustainable Community Strategy 2010-2025*

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to the number of years, on average, that a person can expect to live free from a limiting long term illness or disability. For example, in Crewe Local Area Partnership, people can expect to live for 62.4 years free from a limiting long term illness or disability, whilst their overall life expectancy might be 77.1 years for a man and 81.2 years for a woman⁽²⁵⁾. This means that a woman in Crewe might expect to live with a long term illness or disability for the last 18.8 years of her life. The longest quality of life was reported for Wilmslow Local Area Partnership at 67.9 years free from a limiting long term illness or disability.

- 4.2.14** A clear link between a lack of exercise and some diseases has been identified, with those people following an 'unhealthy' lifestyle being more at risk from heart disease and cancer⁽²⁶⁾. Estimates suggest that physical activity reduces the risk of premature death by 20-30% and gives up to a 50% reduced risk of major chronic diseases.
- 4.2.15** Indeed, the National Institute for Health and Clinical Excellence⁽²⁷⁾ states that an increase in physical activity levels will help prevent or manage over 20 conditions and diseases, including health disease, diabetes, some cancers and obesity, as well as contributing towards improvements in mental health.
- 4.2.16** The costs of poor health to the individual are obvious. The costs to society have also been estimated; the average cost to each Primary Care Trust of treatment for long-term illnesses is £5 million per annum⁽²⁸⁾, whilst the cost of absenteeism, premature death and treatment nationally is between £8 and 10 billion.
- 4.2.17** So what role can public rights of way play in improving our health? The Chief Medical Officer for England stated that "for most people, the easiest and most acceptable forms of physical activity are those that can be incorporated into every day life. Examples include walking or cycling instead of travelling by car"⁽²⁹⁾.
- 4.2.18** The challenge is to capitalise on this potential and encourage residents to incorporate walking and cycling into their daily routine. A range of factors will influence levels of active travel and healthy activity, with experience elsewhere suggesting that both "soft" measures that promote cycling and walking and "hard" measures that provide appropriate infrastructure will be necessary.

25 Central and Eastern Cheshire Primary Care Trust (2010) *Joint Strategic Needs Assessment*
 26 Chief Medical Officer's Report (2004) *At least 5 times a week: evidence on the impact of physical activity and its relationship to health*, Department of Health
 27 National Institute for Health and Clinical Excellence (2008), *Promoting and creating built or natural environments that encourage and support physical activity*
 28 Department of Health (2009) *Be Active, Be Healthy – A Plan for Getting the Nation Moving*
 29 Chief Medical Officer's Report (2004) *At least 5 times a week: evidence on the impact of physical activity and its relationship to health*, Department of Health

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Considering the needs of disabled people

- 4.2.19** Consider the question “what is the experience that a user of a right of way is seeking?” The answer to this question could include peace and quiet, wildlife, views of the countryside, fresh air, exercise, walking the dog, challenge through physical achievement or navigation, to visit a woodland, a lake, a riverside path, fields and hedgerows or open moorland. A person may seek these experiences regardless of whether they have a disability nor not. As providers of services by which people gain access to the countryside providers need to be aware of people’s desire for these experiences.
- 4.2.20** 18% of the UK population have a disability⁽³⁰⁾ which equates to a population of 64,926 within the Cheshire East area⁽³¹⁾. The term ‘disability’ can cover a wide range of mobility, sensory, learning and mental health issues and can be temporary or permanent; for example, an estimated 11,750 people residing within the Cheshire East area have sight problems⁽³²⁾. People with one particular category of disability may have very differing needs to others when it comes to gaining access to the countryside.
- 4.2.21** Further, it has been estimated that 1 in every 3 people either has a disability or has a close relative or friend who is disabled⁽³³⁾. When it is considered that outings to the countryside are most often made in groups rather than alone, it is evident that a large proportion of the population could be excluded or dissuaded from using our public rights of way if they are inaccessible to disabled users.
- 4.2.22** Disabled people are recognised as amongst the 40% of the population who are ‘missing visitors’ to the countryside.⁽³⁴⁾ The Disability Discrimination Act 2005 introduced the Disability Equality Duty⁽³⁵⁾ which is a requirement that organisations such as local authorities actively promote equality of opportunity. This extends to a duty to take account of disabled persons’ needs, even where that involves treating disabled people more favourably than other persons.
- 4.2.23** Therefore, not only is a significant proportion of the population being potentially excluded from the experiences that public rights of way can offer, but there is also a statutory duty to improve the accessibility of public routes and sites in the countryside. Further, improving access brings benefits to all users, in particular those with pushchairs or young children, those who walk with dogs and older people. Issues of disabled access and access for

30 Office for National Statistics *Family Resources Survey 2003-4*, as defined by the Disability Discrimination Acts 1995 and 2005

31 Using Cheshire East Research and Intelligence 2007 mid-year estimate, Cheshire East Profile, 2009 for the estimated population of Cheshire East

32 RNIB estimate 2 million people in UK have sight problems, equating to 2.3% of the UK population

33 Office for National Statistics, *Census 2001*

34 Price, R. & Stoneham, J. (2001) *Making Connections; a Guide to Accessible Greenspace*, The Sensory Trust

35 Disability Rights Commission (2005) *The Duty to Promote Disability Equality - Statutory Code of Practice England and Wales*,

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children to routes has been identified as an issue in a number of parishes including Adlington, Gawsorth, Mobberley, Odd Rode, Plumley with Toft and Bexton and Rainow.

Our increasingly older population

- 4.2.24** A further target group is our increasingly older population. The incidence of disability increases with age⁽³⁶⁾, as do general restrictions in mobility. Combine this with the aging population and it is clear that the demand for accessible routes will increase.
- 4.2.25** The General Household Survey of 2001⁽³⁷⁾ found that the highest level of participation in a sport, game or physical activity was through walking. In fact, the importance of walking for recreational purposes increases as age increases; for the 45-59 age bracket, 3 times as many people participate in walking than any other activity, rising to 5 ½ times in the over 70 age group.
- 4.2.26** It is recognised that people who have been active during their working life are more likely to remain active after retirement⁽³⁸⁾ with the associated health and wellbeing benefits. Indeed, the National Institute for Health and Clinical Excellence⁽³⁹⁾ recognises that increasing physical activity levels in the population can help older people to maintain independent lives.

Barriers to access

- 4.2.27** Barriers preventing or dissuading access to our countryside by people with disabilities, and others, include:-
- natural physical barriers such as the nature of the terrain;
 - man-made physical barriers such as gates, stiles and steps;
 - the lack of information;
 - transport to the routes; and,
 - expectations, either one's own or those of others.

Natural physical barriers

- 4.2.28** It is often the case that the natural physical barriers cannot be overcome to make a route fully accessible, and indeed the BT Countryside for All Standards and Guidelines⁽⁴⁰⁾ acknowledge that "it will not be possible to bring all paths up to standard". Further, when remembering that a disabled person may be visiting the countryside to attain the experiences described earlier, it would not be desirable that all routes are made fully accessible.

36 Office for National Statistics *Labour Force Survey 2005*

37 Office for National Statistics (2002) *Living in Britain. Results from the 2001 General Household Survey*

38 Phillipson C & Scharf T (2004) *The Impact of Government Policy on Social Exclusion of Older People: A Review of the Literature*, for the Office of the Deputy Prime Minister

39 National Institute for Health and Clinical Excellence (2008), *Promoting and creating built or natural environments that encourage and support physical activity*

40 British Telecommunications plc. and The Fieldfare Trust Ltd. (1997) *BT Countryside for All Standards and Guidelines*

4 Demand assessment

Man-made physical barriers

- 4.2.29** In contrast, man-made barriers can be more readily improved or removed and the BT Countryside for All Standards and Guidelines state that “if you cannot reach the standards you should have as few barriers as possible and do whatever you can to improve the access”⁽⁴¹⁾.
- 4.2.30** As a means to enshrine this into policy, Cheshire East adopted a Policy for Structures in March 2010⁽⁴²⁾ relating to path furniture. This policy uses the least restrictive principle for improving the network as a whole.

Comment from a respondent of a questionnaire on the priorities for the ROWIP, July 2010

"Removing barriers (such as stiles) and replacing them with gates (or the like) make paths much more accessible to a wide range of people - this should be a priority"

Provision of information, transport and expectations

- 4.2.31** There is a lack of information available for disabled people on how to access the countryside and what levels of accessibility are available. A quick search of the internet to find such information in the Cheshire East area returns the following limited sources:-
- Natural England walks website: Messuage Farm near Congleton is the only site in Cheshire East for which accessibility information is provided;
 - 'DiscoverCheshire' website: contains the Cheshire East 'Walks for All' leaflet – 10 routes across the borough that offer easy access, although each is within a town park or country park environment; and,
 - 'Walks with Wheelchairs' and its sister website 'Walks with Buggies': there is only one route listed for the Cheshire East area (at Tatton Park).
- 4.2.32** A number of national research projects⁽⁴³⁾ have identified the provision of information as a key link in the chain of events that leads from a person deciding to visit a route to a successfully completed visit. This is echoed in responses to the ROWIP priorities questionnaire: providing information on specific routes that are easy to use ranked as the most important aim to make the public rights of way network easier to use for everybody, including disabled people. Providing data on transport options to the route or site forms a fundamental part of the information required.

41 British Telecommunications plc. and The Fieldfare Trust Ltd. (1997) *BT Countryside for All Standards and Guidelines*

42 Cheshire East Council Public Rights of Way Committee decision 1st March 2010

43 Countryside Agency (2005) *By All Reasonable Means*

4 Demand assessment

- 4.2.33** The provision of information sufficient to enable users to make their own decisions as to whether routes are suitable for them can help to change people's attitudes. Knowing what to expect from a route can offer a degree of confidence that enables people to undertake challenges that they may otherwise not experience.

Improving access

- 4.2.34** The Fieldfare Trust⁽⁴⁴⁾ has suggested considering the accessibility of the network as a whole, rather than each individual path, at least initially. Using this rationale, we could assess our network in terms of what it offers and have a starting point which sets out to improve the accessibility to at least one place that can offer each of these experiences. This approach could be used in tandem with the general improvement of the network being delivered under the Policy for Structures on Rights of Way referred to above.

- 4.2.35** The ROWIP priorities questionnaire further confirmed the findings of the earlier research and the approach outlined above: making a few key circular routes easy to use in each type of landscape (e.g. parkland, woodland, riverside, lakeside, farmland, hill country) was ranked as the second most important aim to make the network easier to use for everybody, including disabled people. Information on these key routes would be required.

Conclusion

- 4.2.36** It is clear from this analysis that public rights of way and wider access to the countryside are widely valued by the people of Cheshire East and visitors to the borough. It is also clear that there are areas of work towards which improvements can be focused to best meet the current and future demands for that access, be it for a leisure, health or transport need.

44 Communication at Managing and Delivering Countryside Access to include Disabled People course February 3rd-5th 2010, Plas Tan y Bwlch

5 What we need to do

5.1 Policies and initiatives

- 5.1.1** The analysis of the work achieved under Cheshire's ROWIP and the current network of public rights of way and access to the countryside compared to the demand for that access can provide us with a list of the things that we can do to bridge that gap - improvements to make the public rights of way network and wider access match what people want from them.
- 5.1.2** Readers of Cheshire East's Local Transport Plan 2011-2026 (LTP3) will note that the following policies and initiatives are replicated within that document. This is on purpose, given the integration of these 2 documents. Whilst the sections relating to cycling and walking as active travel modes will relate to paths other than public rights of way, initiatives set out to improve utilitarian walking will also improve walking for leisure and are therefore relevant.
- 5.1.3** LTP3 sets out objectives which the ROWIP, as an integrated strategy, will also help to deliver. The LTP3 document is divided into chapters relating to each theme - extracts from the 'Drive out the Sources of Poor Health' and 'Plan for Sustainability and Future Needs' chapters are given here. Cross-cutting aims, such as working with stakeholder groups who have local knowledge and expertise and the use of developer contributions to expand and improve facilities, are stated within the LTP3 document and relate to each of the policies and initiatives of the ROWIP.

Draft Local Transport Plan 2011-2026 Objectives

Objective 1 (Congestion): Minimise congestion in our urban areas and on important routes and improve the overall efficiency of the highway network

Objective 2 (Accessibility*): Improve accessibility to key services (employment, education, health, shopping and leisure)

Objective 3 (Maintenance): Improve maintenance of the highway and transport network

Objective 4 (Community): Support community involvement and decision-making

Objective 5 (Health): Support active and healthy lifestyles

Objective 6 (Environment): Protect and enhance our local and global environment

Objective 7 (Safety): Improve road safety for all users and increase personal and community safety

*Accessibility is defined in its widest sense as location of services, transport availability, ease of use, affordability etc.

5 What we need to do

5.2 Promotion of active travel and healthy activities

The challenges

- 5.2.1** Across Cheshire East, only 12.4% of adults undertake the recommended 30 minutes of activity at least 5 days a week⁽⁴⁵⁾. Levels of activity differ across the borough, being highest in the Poynton Local Area Partnership and lowest in Crewe where 79.5% of adults take no regular exercise⁽⁴⁶⁾.
- 5.2.2** Women are generally less active than men, although again this varies geographically. There is a gradual reduction in participation rates with age. The differences in participation within Cheshire East's white and non-white populations are more evident than on a national level (although the small sample size in ethnic communities used in the assessment will have distorted these results).
- 5.2.3** The Department of Health's *Choosing Activity* report⁽⁴⁷⁾ asserts that a culture shift is needed if physical activity levels across the country are to increase. The promotion of active travel and other healthy activities will be needed to assist in that culture shift.
- 5.2.4** Focus groups show that one of the major challenges limiting the use of our public rights of way network is lifestyle: one delegate commented "It's the way of life...people don't have the time, they come home from work and have to catch up with the jobs"⁽⁴⁸⁾. The challenge is to encourage people to use walking and cycling as a daily alternative to travel by private vehicle, particularly for shorter journeys.
- 5.2.5** The lack of cycle route information is identified, by consultees and through the National Highway & Transport Network Survey (2009)⁽⁴⁹⁾, as a barrier to greater uptake of cycling in Cheshire East. Equivalent route information is also needed to promote walking.
- 5.2.6** Many people find the impetus they need by going on an organised walk, ride, volunteer conservation work or other event. Such activities are organised by the Ranger Service, through Greenleaves social enterprise, through the Walking for Health initiative, school walking buses, and community-led outings such as local rambling groups, the U3A and cycling groups.
- 5.2.7** Promotional activities will also benefit the health of visitors from the North West region, as our area "represents the countryside on the doorstep of people living in the urban centres such as Manchester"⁽⁵⁰⁾. At the same time such visitors will bring benefits to the visitor economy of Cheshire East.

45 Central and Eastern Cheshire Primary Care Trust (2010) *Joint Strategic Needs Assessment*, Physically active adults, modelled for 2005-6

46 defined here as 3 times a week

47 Department of Health (2005) *Choosing activity: a physical activity action plan*, London

48 Cheshire East Council (2010) *Public Rights of Way Discussion Groups 2010*

49 National Highway & Transport Network Survey (2009), www.nhtsurvey.org

50 Cheshire East Council (2010) *Cheshire East Draft Visitor Economy Strategic Framework June 2010*, Sandbach

5 What we need to do

The visitor economy sector aims to attract ‘non-traditional’ and younger people to rural Cheshire, groups which are currently underrepresented in visitor numbers and therefore don’t presently benefit from the healthy activities that the countryside can offer.

5.2.8 Whilst considering promoting the number of people partaking in healthy activity, we need to consider how people get to where they will walk, cycle or horse ride. There is huge scope to reduce, through promotional work, the use of the car as a means to access the countryside. In doing so, the accessibility of our green space to those without a car will also be improved.

5.2.9 In order to promote routes to the public, the Council needs to be certain that there are public rights to use those routes. The Council is required to keep the Definitive Map and Statement, which form the legal record of public rights of way, under continuous review, updating them with changes. However, the Definitive Map and Statement have not been consolidated since they were first published after the 1949 National Parks and Access to the Countryside Act.

5.2.10 The following policy has been identified to help address these issues:

Policy H2: Promotion of active travel and healthy activities

The Council will, in partnership, promote walking, cycling and horse riding as active travel options and healthy activities

5.2.11 The promotion of active travel and healthy activities will be undertaken to increase the number of people benefiting from such activities. The beneficiaries will be both those undertaking the exercise and the local community through reduced congestion, noise, air pollution and through increased community cohesion. Visitors to Cheshire East will also benefit from the availability of information, in turn supporting the visitor economy of the borough.

5.2.12 Such initiatives will be prioritised according to areas which are most in need in terms of health inequalities, access to facilities and green space, indices of deprivation, air quality, development opportunities and other priorities. Working together with local community groups and national organisations the Council’s work can be magnified and channelled more effectively.

5.2.13 Promotion of cycling and walking for health and to enable access to key facilities will also be undertaken in conjunction with stakeholders from key destinations - for example, major employers, town centre retailer and education providers.

5.2.14 A range of policy initiatives have been developed to help deliver this policy:

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Initiatives - Promotion of active travel and healthy activities

Promote opportunities/facilities: highlight opportunities for active travel and healthy activity by promoting new and existing facilities using appropriate media such as signage, walking and cycling maps, leaflets, events, internet sites and other technologies. This will focus on routes and sites that are accessible by modes of active travel or public transport (such as important leisure routes or key employment locations) and will involve working with health agencies, help to promote active travel and other activities as a lifestyle choice for all ages amongst our residents and visitors.

Organised walks, rides and activities: undertake and support organised walks, rides and other activities which encourage people to partake in healthy activities that they may not otherwise have the confidence or knowledge to do.

Public information on the public rights of way network: enhance the accuracy of the Definitive Map and Statement to provide an up to date and accessible format. This will facilitate changes to the network, through the necessary legal processes, for the benefit of landowners and the public.

Case study - Walks for All leaflet

New 'Walks For All' Leaflet Published

'Walks for All' is a compact new booklet detailing ten walks for people of all abilities to enjoy and explore the varied and beautiful countryside of Cheshire East.

The booklet describes suggested routes suitable for all levels, including walkers with children, pushchairs, wheelchairs and those with limited mobility. The walks range from the new lakeside path around Astbury Mere in Congleton, to the rugged hills of Teggs Nose in Cheshire's Peak District.

Details of path surfaces and gradients, gates and gaps, public transport, parking, toilets and refreshment facilities are also listed for each walk. Copies of the leaflet are available from Cheshire East Customer Service Points, from the Public Rights of Way Team by calling 01606 271801, or to download at cheshireeast.gov.uk/rangers



In May 2010, Cheshire East Council published a new 'Walks for All' leaflet. The leaflet details 10 walking routes across the borough which are suitable for those with children, pushchairs, wheelchairs and those with limited mobility.

Details of path surfaces and gradients, gates and gaps, public transport, parking, toilets and refreshment facilities are provided for each walk.

The booklet was developed with the help of local groups and individuals who advised on the content and layout to ensure that the correct information is presented to the reader in a clear format so that they can decide if a route is suitable for them.



5 What we need to do

5.3 Public rights of way and green infrastructure

The challenges

- 5.3.1** The National Institute for Health and Clinical Excellence note that “[i]t is unreasonable to expect people to change their behaviours when the environment discourages such changes”. The World Health Organisation also noted that improvements to the environmental determinants of physical activity appear to have greater potential than interventions at a personal, primary care level.
- 5.3.2** It is clear that we can’t expect a significant increase in active travel and people undertaking healthy activity if we don’t provide the infrastructure on which that can be done. In other words, the policy of promoting of walking, cycling and horse riding will only be effective if developed in tandem with improvements in the routes along which people will walk, cycle and horse ride. These routes may be part of the highway network, and also form part of Cheshire East’s “green infrastructure” which includes public rights of way, canal towpaths, other pathways, parks and the countryside.
- 5.3.3** A major component of our green infrastructure is the public rights of way network. In 2010, Cheshire East’s network of public rights of way, totalled 1935 km or 1202 miles, equivalent to nearly $\frac{3}{4}$ of the length of the road network.
- 5.3.4** The network, however, offers a smaller proportion of routes available for horse riding and cycling than the national average.
- 5.3.5** Further, the provision of public rights of way is not equal across the borough and specific areas have limited access, such as from the towns of Crewe, Macclesfield and Middlewich into the surrounding countryside. Overall, public rights of way and green infrastructure are less concentrated in the south of Cheshire East than elsewhere in the borough.
- 5.3.6** The degree to which the green infrastructure of the borough is accessible for disabled users is relatively unknown, but thought to be limited. Disabled people are recognised as amongst the 40% of the population who are ‘missing visitors’ to the countryside⁽⁵¹⁾. It is estimated that 18% of the UK population have a disability⁽⁵²⁾, which equates to a population of 64,926 within Cheshire East⁽⁵³⁾. Further, it has been estimated that 1 in every 3 people either has a disability or has a close relative or friend who is disabled⁽⁵⁴⁾. When it is considered that outings to the countryside and green spaces are most often made in groups rather than alone, it is evident that a large proportion of the

51 Price, R. & Stoneham, J. (2001) *Making Connections; a Guide to Accessible Greenspace*, The Sensory Trust

52 Office for National Statistics *Family Resources Survey 2003-4*, as defined by the Disability Discrimination Acts 1995 and 2005

53 Using Cheshire East Research and Intelligence 2007 mid-year estimate, Cheshire East Profile (2009) for the estimated population of Cheshire East

54 Office for National Statistics, *Census 2001*

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population could be excluded or dissuaded from using our green infrastructure if it is inaccessible to disabled users. Further, improving access for disabled people brings benefits to all users, in particular those with pushchairs or young children, those who walk with dogs and the older population.

5.3.7 The public rights of way network is recognised within the Cheshire East Draft Visitor Economy Strategic Framework as a valuable asset for the tourism industry. Future development of the network needs to be undertaken sympathetically, taking account of the location and local community aspirations.

5.3.8 A use and demand survey for the Countryside Agency⁽⁵⁵⁾ found that only 4% of people going into the countryside used public transport to get to a site or routes, whereas the National Institute for Health and Clinical Excellence (NICE) recommends that managers of green infrastructure should "[e]nsure public open spaces and public paths can be reached on foot by bicycle and using other modes of transport involving physical activity. They should also be accessible by public transport".

5.3.9 The perception of safety and security has an influence on whether people use green infrastructure. It is important that the design of new and improved infrastructure takes into accounts such concerns.

5.3.10 To address the challenges outlined above, the following policy will be applied:

Policy H3: Public rights of way and green infrastructure

The Council will protect and enhance our public rights of way and transport related green infrastructure and will endeavour to create new links where beneficial for health or access to green spaces

5.3.11 Future planning for green infrastructure needs to be delivered in line with policies and everyday decisions made across the Council, in planning and in highway design. Existing green infrastructure must be protected; new green infrastructure must be well designed and strategically planned so that it is integrated into the urban and rural environments. All routes should be maintained to a reasonable standard to encourage on-going use of the infrastructure.

5.3.12 The aim of this policy is to maintain and improve the provision of green infrastructure, the connectivity of the network, to improve the provision for cyclists and horse riders and the network's accessibility for all users, including those with a disability. The development of routes to key destinations, including leisure and tourism sites and key local services, should encourage residents to integrate active travel within their everyday lives, as well as contribute towards a reduction in air and noise pollution.

⁵⁵ Hickey, R. (2003) *Use and demand for rights of way*, A report to the Countryside Agency, Public Rights of Way Services Ltd.

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- 5.3.13** Some projects will be based on land within the authority's ownership, others will involve working with other landowners. For example, Cheshire East boasts a network of canals that are managed by British Waterways and which offer green corridors. The towpaths of these canals are available for walking and cycling as both leisure activities and as transport options; many of the canals provide links within and between towns.
- 5.3.14** Delivery of the following initiatives will contribute to tackling the sources of poor health through investing in our green infrastructure:

Initiatives - Public rights of way and green infrastructure

Access to green spaces: aim to improve access for all members of society, including disabled people, to and within green infrastructure, including the public rights of way network, town parks, public open space and country parks.

Link key services: seek to improve the routes and green infrastructure that link key services (e.g. schools, community centres and tourism destinations) by routes and green infrastructure such as canal towpaths. Investments will include improving surfacing and signage and creating links where gaps exist in the network.

Leisure routes for cyclists and horse riders: endeavour to create and enhance leisure routes for cyclists and horse riders on the public rights of way network and highway network.

Litter, environmental health, safety & security: encourage users to reduce litter and will improve environmental health, safety and other security concerns through education and clean-up campaigns.

Country parks, town parks and public open space: ensure adequate maintenance and improvement of land within the Council's ownership that is used for formal and informal public access and recreation, at a local level and sites which are tourism destinations.

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Case study - Nantwich Riverside Loop

Together with British Waterways and a number of local community groups, Cheshire East Council developed the Nantwich Riverside Loop - a 5 km (3 mile) waymarked, circular walk.

It is hoped that the Nantwich Riverside Loop will encourage both residents and visitors to explore on foot further than they previously would have done, progressing from urban park land in the Riverside to more open countryside.

The Loop will introduce members of the public who would not normally use the public rights of way network or canal towpaths to the facilities that are freely available to them both in the local area and elsewhere in Cheshire East.



5.4 Cycling as active travel

The challenges

- 5.4.1** Cycling is an ideal mode of transport for short local trips, particularly in urban area. Encouraging increased levels of cycling will support many of the policy objectives within the LTP, including reduced congestion, better air quality, lower carbon emissions and improved health and wellbeing.
- 5.4.2** The 2009 National Highway & Transport Network Survey⁽⁵⁶⁾ suggested that the availability of cycling routes was the area with the greatest potential for improvement when compared with other local authorities. In addition, provision of cycle signage was also identified as an issue with potential for improvement.
- 5.4.3** On-road cycling facilities within the borough are limited, yet the highway network is extensively used for cycling. The stakeholder consultation identified the lack of dedicated cycle crossing facilities at road junctions and traffic signals as a barrier to greater use of bicycles, leading to safety concerns for cyclists.
- 5.4.4** A small number of off-road cycle routes exist within the borough, such as the Crewe to Nantwich Greenway developed as part of the Connect 2 initiative. Although these routes provide a good level of facilities along their length, the lack of connectivity between the routes restricts their use for

56 National Highway & Transport Network Survey (2009), www.nhtsurvey.org

5 What we need to do

longer journeys. This may, in part, explain the result that a low percentage of respondents are satisfied with the quality and provision of cycle ways and cycle routes within the borough⁽⁵⁷⁾.

- 5.4.5** At present, 3.4% of the borough's population travel to work by bicycle, increasing to 8.2% of residents in Crewe. A lack of cycling facilities at employment destinations may be contributing towards this low cycling rate.
- 5.4.6** Concerns regarding safety and perceptions of safety were identified as a barrier to additional cycling demand⁽⁵⁸⁾. This issue is partly due to the lack of dedicated cycling infrastructure. Cycle training can also play a role, with estimates suggesting that the cost benefit ratio achieved through cycle training can be as much as 7:1⁽⁵⁹⁾.
- 5.4.7** Improvements in health also result from an increase in cycling; estimates suggest that, nationally, for every £1 invested in cycling initiatives, £2.59 of decreased mortality benefits are received⁽⁶⁰⁾.
- 5.4.8** To address each of these issues, the Council has outlined a cycling policy for the borough:

Policy S8: Cycling

The Council will work with stakeholders to improve facilities for cycling so that it is attractive for shorter journeys

- 5.4.9** The initiatives will aim to improve facilities for cycling to make routes and destinations as attractive as possible to users. This means developing routes which will usefully link destinations and services, removing obstacles which may act as a barrier to users and providing signage to give confidence of direction, destination and journey time or distance.

57 Communities of Cheshire Survey 2008 (Place Survey 2008)

58 Colin Buchanan (2010) *DaSTS Behaviour Change Study: Evidence Review*, 2nd Edition

59 Department for Transport (2010) *Cycling demonstration towns - development of benefit-cost ratios*

60 4NW Behavioural Change Study (2010) Evidence review - 2nd edition

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Initiatives - Cycling

New cycle routes: seek to provide more on-road cycle lanes and off-road routes to make commuter cycling a safe and quick alternative to car use. Focus will be on creating a network of joined-up routes catering for a range of cycle skill levels.

Junction and route improvements for cyclists: promote the provision of filter lanes, advanced stop lines and toucan crossings, where applicable, to prioritise and enhance the safety of cyclists at junctions. Undertake surfacing and lighting improvements on existing key links. Such measures will be incorporated into the design of new or amended highways, as well as retrospectively to existing road junctions, where possible.

Cycle facilities: work to provide greater access to cycling facilities (e.g. cycle parking, changing facilities, showers) in town centres, at community facilities (e.g. libraries) and service and employment centres.

Route signing: encourage a greater uptake of cycling through the provision of route signs which state the destination, distance and journey time to selected destinations, to complement other sources of information.



Case study - Connect2 Crewe to Nantwich Greenway

Working together with Sustrans, Cheshire East is developing



a traffic-free cycle route between Crewe and Nantwich. Under the Connect2 initiative, external funding was secured to improve existing paths and create new paths. The route will offer cyclists and walkers a safe route between the two towns whilst avoiding the congested Nantwich Road in Crewe. Part of the route is also available to horse riders. A stakeholder group of local representatives was formed to monitor the project.

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5.5 Walking as active travel

The challenges

- 5.5.1** The 2009 National Highways & Transportation Survey⁽⁶¹⁾ found that public satisfaction with walking facilities within Cheshire East is low compared with other authorities. The most notable issue discouraging travel on foot was the lack of provision of footways (paved areas alongside road) where they are needed.
- 5.5.2** Only 43% of respondents were satisfied with the footways provided within their local area, which was the lowest level of satisfaction across all local authorities. The provision of pavements was felt most acutely in village locations, with HGV movements found to further discourage pedestrian movement due to safety concerns.
- 5.5.3** The condition of the footways was also considered to be poor compared to other local authorities. However, the perception of the overall condition of the public rights of way network was much higher, highlighting that significant variation exists between the quality and condition of footways alongside roads and off-road footpaths commonly associated with the public rights of way network; although it should be recognised that respondents may have distinguished between utilitarian and leisure uses of the two types of facility, and have different expectations of quality.
- 5.5.4** Clarity of warning and direction signs, particularly for pedestrians, has also been identified as an issue, alongside a lack of safe crossing points on the highway network.
- 5.5.5** The Council's policy to address these issues is:

Policy S7: Walking

The Council will work with stakeholders to improve facilities for walking so that it is attractive for shorter journeys

- 5.5.6** An increase in the number of shorter journeys made by foot will contribute towards sustainability by reducing carbon emissions, as well as being beneficial for health and tackling congestion.

61 National Highway & Transport Network Survey (2009), www.nhtsurvey.org

5 What we need to do

Initiatives - Walking

Footway and footpath improvements: promote improvements to the condition of footpaths and public rights of way. This will include resurfacing, removal of litter and other environmental health issues, provision of lighting and seating, where appropriate, and the removal of barriers and obstacles such as A-frame advertising, street clutter, stiles, narrow gaps and chicane barriers, to open up more routes for more people, particularly those with pushchairs and disabled people.

New walking routes: support the development of new routes where required but not currently provided and support initiatives to connect up the highway footway and public rights of way networks for greater pedestrian movement.

Pedestrian crossing points: support the provision of safe crossing points, wide pavements, dropped kerbs and other pedestrian facilities where necessary to encourage travel on foot and improve perceptions of safety along routes and make routes more accessible to disabled people.

Route signing: promote the signing of dedicated on- and off-road pedestrian routes to encourage greater use by pedestrians. Initiatives will include the provision of signs relaying destination, distance and time information.

Case Study – Urban public footpath surface improvements



During the year 2009/10, the Council resurfaced a number of routes within the town of Macclesfield, including public footpath No. 78 shown here.

The before and after photos speak for themselves in demonstrating the improvements made which make the footpaths much more attractive to users.



5.6 Improvements and monitoring

Delivering the improvements

- 5.6.1** Together with the LTP3, lists of projects to be delivered will be published in 3-yearly implementation plans. These projects will be collated from suggestions gathered from the public, user groups and other organisations and assessed against priorities and deliverability measures. It is realised

5 What we need to do

that funding from central government and local authority budgets are likely to be minimal in at least the short term future. Therefore, the importance of partnership working and drawing in external funds from other sources must not be overlooked.

Monitoring and assessment

5.6.2 We will monitor the progress of this ROWIP and the subsequent implementation plans through the following means:-

- Annual review as part of LTP3 annual review progress report, assessing the delivery of projects against the ROWIP strategy and implementation plans, noting improvements made together with usage, travel mode and health statistics (where available);
- National indicator sets;
- National Highways and Transport Network Satisfaction Surveys; and,
- 'Ease of use' random surveys (following the BVPI 178 methodology, conducted internally).

5.6.3 Finally, the CROW Act 2000 set the requirement for ROWIPs to be reviewed at intervals of not less than 10 years. Given that this strategy extends beyond that timeframe, it is recognised that periodic review will be required as the implementation plans develop.

Appendix A: Evaluation of Cheshire's ROWIP

Integrated Area Highways Programmes within the Cheshire East area

Highways Area Programme	Initiatives	Achievements
Congleton	The implementation of specific improvements to the public rights of way network	Various improvements including public footpath No. 20 in Odd Rode
	Improvements to cycle and pedestrian facilities within Congleton	Toucan crossing and lighting installed to improve access to Congleton Park
	Improvements to cycle and pedestrian facilities in Middlewich to employment and recreational sites (including canal towpaths)	Surface improvements on public footpath No.14 in Middlewich Rebuilding of steps onto canal towpath
	Improve pedestrian and cycle links from urban areas to established rural recreational routes, including the Weaver Valley Regional Park	No schemes undertaken
Crewe and Nantwich	Introduce direct, secure, high quality pedestrian and cycle routes in the towns of Crewe and Nantwich that are accessible to all and extending into the surrounding rural areas and areas of employment and community facilities	Delivered in parts e.g. Willaston to Nantwich
		Connect2 Greenway project ongoing
	Provide pedestrian/cycle links between the Weaver Valley Regional Park and Crewe and Nantwich	Nantwich Riverside Loop Connect2 Greenway project ongoing
	Implementation of a strategic cross-town cycle route in Crewe tying the hospital and pedestrian area to the north of the town, the town centre, railway station and the employment areas of Basford and South East Quadrant	No work progressed on this as it was tied to a development which did not fully materialise Connect2 Greenway project ongoing
	Provision of a cycle link on the A530 between Leighton Hospital and Nantwich	Connect2 Greenway project ongoing, but extension to Leighton Hospital requires separate funding

Appendix A: Evaluation of Cheshire's ROWIP

Highways Area Programme	Initiatives	Achievements
	Provide pedestrian facilities on the highway network in rural areas where identified to link the public rights of way network including cycling and equestrian routes	Equestrian lane alongside A51, Walgherton
Macclesfield	Develop the use of Quiet Lanes to improve shared accessibility of cars, walkers, cyclists and horse riders	Quiet lanes established in Macclesfield Forest area, although no review has been undertaken
	Investigate workplace travel planning and personalised travel planning with more local employers and commuters	Scheme instigated for Council staff
	Area-based walking and cycling strategies	Walking, cycling and equestrian strategies published for County

Table 6 Local Transport Plan 2 ROWIP initiatives and achievements

Safer Routes to School Programme

Location within Cheshire East area	Details
Cranberry Junior and Infant Schools, Alsager	Improvements to public footpath No. 5 in Alsager around the perimeter of the schools
All Hallows Catholic High, Macclesfield	Footpath / cycle path linking Chester Road to school and Brooklands Avenue, including lighting
Whirley Primary School, Macclesfield	Upgrade of public footpath No. 7 in Henbury
Wilmslow Grange Primary, Wilmslow	Installation of new footpath / cycle route linking Meriton Park with the school

Table 7 Local Transport Plan 2 Safer Routes to School projects

Appendix B: Acknowledgements

B.0.1 The production of this document and the preparation for the implementation plans to follow is a result of help from many people. This list is not exhaustive, but would include:-

- Colleagues in Green Spaces;
- Members of the ROWIP Steering Group;
- Members of the ROWIP Project Board;
- Cheshire Local Access Forum;
- Colleagues in Policy & Research;
- Colleagues in IT;
- Parish and Town Councils;
- Local Area Partnerships;
- North Cheshire Riders;
- Mid Cheshire Bridleways Association; and,
- Members of the public.

B.0.2 Information was also gathered from the following town and parish plans:-

- Acton, Henhull and Edleston Parish Plan (2005);
- Adlington Parish Plan (2009) *A Plan for Adlington*;
- Audlem Parish Plan (2005) *By the Village For the Village*;
- Dodcott-cum-Wilkesley Parish Plan (2006);
- Gawsworth Parish Plan (2008) *The Plan for Gawsworth*;
- Mobberley Parish Plan (2009) *By You, For You*;
- Odd Rode Parish Council (2006) *Odd Rode Parish Plan*;
- Ollerton with Marthall Parish Plan (2007);
- Over Peover Parish Plan (2008);
- Pickmere Parish Plan team: communication from Phillip Kuehnle, 22nd February 2010;
- Plumley with Toft and Bexton Parish Plan (2005) *Developing a vibrant future for our community*;
- Prestbury: Plan for Prestbury (2009) *Your Prestbury, Your Plan*;
- Rainow Parish Plan (2006);
- Stapeley Parish Plan (2008); and,
- Willaston Parish Plan 2009.

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