

# Public Rights of Way Committee

## Agenda

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| <b>Date:</b>  | <b>Monday, 13th December, 2010</b>   |
| <b>Time:</b>  | <b>2.00 pm</b>   |
| <b>Venue:</b> | <b>Committee Suite 1,2 &amp; 3, Westfields, Middlewich Road,<br/>Sandbach CW11 1HZ</b> |

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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 21 September 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. 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.

Members of the public wishing to ask a question should provide at least three clear working days notice, in writing, and should include the question with that notice. This will enable an informed answer to be given.

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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

**Tel:** 01270 686473

**E-Mail:** [rachel.graves@cheshireeast.gov.uk](mailto:rachel.graves@cheshireeast.gov.uk)

5. **Village Green Application No. 48 - Gorsey Bank Field, Wilmslow** (Pages 14 - 19)

To consider a report on how to proceed with Village Green Application No. 48 – Gorsey Bank Field, Wilmslow

6. **Town and Country Planning Act 1990 - Section 257: Application for the Stopping Up of Public Footpath No.7 (part), Parish of High Legh** (Pages 20 - 25)

To consider the application to stop up Public Footpath No.7 (part) in the parish of High Legh

7. **Town and Country Planning Act 1990 - Section 257: Application for the Diversion of Public Footpath No.55 (part), Parish of Mobberley** (Pages 26 - 33)

To consider the application for the diversion of Public Footpath No.55 (part) in the parish of Mobberley

8. **Town and Planning Act 1990 - Section 257: Application for the Diversion of Public Footpath No.7 (part), Parish of Warmingham** (Pages 34 - 39)

To consider the application for the diversion of Public Footpath No.7 (part) in the parish of Warmingham

9. **Highways Act 1980 - Section 119: Application for the Diversion of Public Footpath No.20 (part), Parish of Dodcott cum Wilkesley** (Pages 40 - 45)

To consider the application for the diversion of Public Footpath No.20 (part) in the parish of Dodcott cum Wilkesley

10. **Highways Act 1980 - Section 119: Application for the Diversion of Public Footpath No.2 (part), Parish of Newhall** (Pages 46 - 53)

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

11. **Highways Act 1980 - Section 119: Application for the Diversion of Public Footpath No.34 (part), Parish of Sutton** (Pages 54 - 59)

To consider the application for the diversion of Public Footpath No.34 (part) in the parish of Sutton

12. **Highways Act 1980 - Section 119: Diversion of Public Footpath No. 2 (part), Parish of Mottram St Andrew** (Pages 60 - 65)

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

13. **Highways Act 1980 - Section 119: Application for the Diversion of Public Footpath No.5 (part), Parish of Moston (formerly Tetton)** (Pages 66 - 70)

To consider the application for the diversion of Public Footpath No.5 (part) in the parish of Moston (formerly Tetton)

14. **Cheshire East Rights of Way Improvement Plan 2011-2026: Approval of Strategy and Notification of Improvement Plan Prioritisation Methodology** (Pages 71 - 138)

To consider a report on the Cheshire East Rights of Way Improvement Plan 2011-26

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Public Rights of Way Committee**  
held on Tuesday, 21st September, 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, D Cannon, R Cartlidge and S Davies

**OFFICERS PRESENT**

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

**15 APOLOGIES FOR ABSENCE**

No apologies were received.

**16 DECLARATIONS OF INTEREST**

Councillor D Cannon declared a personal interest in the meeting proceedings by virtue of his membership of the PALLGO Rambling Club in Crewe and Nantwich. In accordance with the code of conduct, he remained in the meeting during consideration of all items of business.

Councillors R Walker and S Davies both stated that they would not participate in the debate or voting for Item 5 – Application for the Diversion of Public Footpath No.2 in the Parish of Lea, 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.

**17 MINUTES OF PREVIOUS MEETING**

**RESOLVED:**

That the minutes of the meeting held on 10 June 2010 be approved as a correct record and signed by the Chairman.

**18 PUBLIC SPEAKING TIME/OPEN SESSION**

Grenham Ireland, representing the East Cheshire Group of the Ramblers' Association, addressed the Committee in relation to Item 6 – Proposed Extinguishment of Public Footpath No. 41 Parish of Sutton.

**19 HIGHWAYS ACT 1980 - SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO. 2 (PART) PARISH OF LEA**

The Committee received a report which detailed an application from Hallettec Environmental, 52 Cheshire Street, Market Drayton, Shropshire on behalf of their client Anthony Construction Ltd (the applicant), requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath No. 2 in the parish of Lea.

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 applicant owned the land over which the current path and the proposed alternative route ran. The section of Public Footpath No. 2 Lea to be diverted had for some years been partially obstructed by the quarrying operations at Hough Mill Quarry. It also passed the derelict buildings of Lea Forge Farm which were unsightly and posed a potential hazard to the public. The applicant had applied for planning permission to extend the period allowed to restore the site which provided an opportunity to resolve these problems and to achieve a diversion which fitted in with the proposed restoration process for the site. On completion of the restoration process, the site would revert partly to agriculture and partly to habitat creation in accordance with the section 106 agreement.

The proposed new route would follow a semi-surfaced track for the majority of its length and would have a minimum recorded width of 2m throughout. It would be barrier-free save for one pedestrian gate beside the field gate at point C on the Plan No. HA/020, whereas the current route had a stile at point A and south of point C. The existing route also had a very steep bank which posed a problem for people with mobility difficulties and the proposed new route avoided this feature and was generally more accessible in terms of gradient and terrain.

The Committee noted that there were no objections to the proposal and considered that the proposed route 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 landowner, in terms of current and future land use, and of the public, in terms of accessibility. It was therefore considered that the proposed route would be as satisfactory as the current route 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 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 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, the Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

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

**20 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**

The Committee received a report which detailed a proposal by the Public Rights of Way Team to resolve long standing problems with Public Footpaths Nos. 33 and 34 in the parish of Gawsworth by diverting parts of them, which would lead to the extinguishment the cul-de-sac path Public Footpath No. 41 in the parish of Sutton.

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.

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

The first section of Public Footpath No. 33 Gawsworth to be diverted commenced at its junction with Footpath No. 32 Gawsworth. The legal line of the path ran past the farm buildings at Rough Hey Farm and then ran along the eastern side of a canal feeder. As it progressed along the canal feeder, the route became steeper and narrower until eventually there was no discernable means of access on the east side of the feeder. Walkers tended to use the western side of the watercourse at this point as there was a track.

The second section of Public Footpath No. 33 Gawsworth to be diverted was located at the junctions with Public Footpath 34 Gawsworth and No. 41 Sutton. Here the definitive line crossed a weir via a precarious and narrow platform onto the weir bridge itself via a lifting handlebar. The definitive route then followed the narrow and uneven northern bank of the watercourse, before crossing sharply southwards and taking a straight line up a very steep, wooded bank.

The Public Rights of Way Team had secured the agreement of the landowners who owned the land over which the current and proposed alternative routes ran.

The proposed new route for Footpath No. 33 would follow an existing track to the west of the canal feeder for the majority of its length, which was already the preferred route for many walkers. It would be barrier-free except for a kissing gate to be installed beside a field gate, which would replace a stile.

The proposed new route for Footpath No. 34 would cross a new footbridge rather than utilising the weir and then take a line on a more level southern side of the water course. It would then tack up the slope in a gentler gradient. This route would be subject to works to level it and shore it up where needed.

The proposed diversion would leave the already cul-de-sac Footpath No. 41 Sutton with no connecting highway at its southern end and it was proposed that this footpath be extinguished on the grounds that it would not be needed for public use. The path served no purpose at present, crossed steep terrain and there was no realistic possibility of connecting it with another highway. The path was accessed by the precarious weir crossing on Footpath No. 33 and it was desirable that this be disposed of as part of the proposals.

The Committee noted that no objections had been received to the diversion of Public Footpath Nos. 33 and 34 Gawsworth. However, the Cheshire East Group of the Ramblers' Association had objected to the extinguishment of Public Footpath No. 41 Sutton on the grounds that it could be used as a cul-de-sac path if it were cleared and signed, and that there was always the possibility of some connection in the future, which would be lost if the path were extinguished. The Peak and Northern

Footpath Society had indicated that they reserve the right to object to the extinguishment order.

The Committee considered that the proposed diversions of Public Footpath No. 33 and 34 would be more enjoyable than the existing routes which were difficult to use by nature of the terrain. The new routes were not substantially less convenient than the existing routes and diverting the footpaths would be of benefit to the landowners, in terms of current and future use of the land, and of the public, in terms of accessibility. It was therefore considered that the proposed routes would be as satisfactory as the current routes and that the legal tests for the making and confirming of a diversion order were satisfied.

The Committee considered that Public Footpath No. 41 Sutton was not needed for public use as there would be no connecting footpath at its southern end. The path served no purpose at present and there was no realistic possibility of connecting it with another highway. It was considered that the legal tests for making and confirming of the extinguishment 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 parts of Public Footpaths No. 33 and 34 Gawsorth, 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 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.
- 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 powers conferred on the Council by the said Acts.
- 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.

**21 HIGHWAYS ACT 1980 - SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO.13 SPURSTOW (PART) AND NO. 5 BRINDLEY (PART)**

The Committee received a report which detailed an application from Thorn Construction Project Management on behalf of their client High Ash Farm Ltd (the applicant) requesting 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.

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 paths.

The applicant owned the land over which the current path and the proposed alternative ran. The existing Public Footpath No. 13 Spurstow started at a point north west of High Ash Farm and ran in a generally south-easterly direction across pasture. At the parish boundary the path became Public Footpath No. 5 Brindley, and then passed through High Ash Farm where it was obstructed by a slurry lagoon and farm buildings.

The proposed new route began at the same point and takes a south-easterly line across pasture fields to join Footpath No. 13 Brindley. The path would have a natural/grass surface with a width of 2m and would be furnished with kissing gates at the three field boundaries it crossed.

The long standing obstruction to the existing route was inherited by the applicant when they purchased the property recently. The applicant had planning permission to develop the farm into a high intensity dairy facility and was keen to resolve the obstruction of the footpath at the same time as implementing their planning permission. The proposed new route for the footpath therefore took an alignment that would keep the public well clear of the development, which resolved the obstruction issue and yet still maintained a direct route to Footpath No. 13 Brindley.

The Committee noted that no objections had been received and considered that the proposed footpath 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, in terms of current and future land use, and of the public, in terms of accessibility. They therefore considered that the proposed route would be as satisfactory as the current route 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 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 interest 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.

**22 HIGHWAYS ACT 1980 - SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO. 17 (PART) PARISH OF DODCOTT CUM WILKESLEY**

The Committee received a report which detailed an application from Mr & Mrs C Sutton, Royals Green Farm (the applicant) via their Agents - Land Planning, requesting 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.

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 paths.

The applicant owned the land over which the current path and the proposed diversion ran. The section of Public Footpath No. 17 to be diverted ran through a working farm yard where cattle were often corralled and fed, especially during the winter months. This created a hazardous environment for walkers to pass through as the ground was covered in slurry and the walker was in close confinement with large livestock. It was also a concern to the landowner that gates could be inadvertently left open. The landowner also had planning permission to convert the barns into residential dwellings and 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.

The proposed new route 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.

The Committee noted that no objections had been received to the proposal and considered that the new route would not be substantially less convenient than the existing route. Diverting the footpath would be of benefit to the landowner, particularly in terms of current farm management and future development of the barns. It was therefore considered that the proposed route would be a satisfactory alternative to the current one 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 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 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, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

**23 HIGHWAYS ACT 1980 - SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO. 16 PARISH OF LOWER WITHINGTON**

The Committee received a report which detailed an application from Mr & Mrs G C Brooks of Lowndes Farm, Lower Withington, Macclesfield (the applicant) requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert Public Footpath No. 16 in the parish of Lower Withington.

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 paths.

The applicant owned part of the land over which the current and proposed route ran. Mr C R Kennerly, who owned the field to the west and east of Lowndes Farm over which part of the current path lay and proposed diversion would run, had provided written consent and supported the proposal.

The existing line of Public Footpath No. 16 Lower Withington passed directly alongside the windows of the main living room of Lowndes Farm, allowing walkers unrestricted views into the applicant's home.

The proposed route would enter the applicant's land approximately 50 metres south of the existing route. It would provide easier access for walker as the two stiles which users currently had to negotiate would be replaced by two kissing gates, paid for by the applicant. The new route would have a width of 2 metres, except where it was restricted by the kissing gates to 1.2 metres. Although the new route would be slightly longer than the existing route, diverting the route would benefit the



applicant in terms of privacy and security and walkers in terms of accessibility.

The Committee noted that no objections had been received to the proposal and considered that the new route was not be substantially less convenient than the existing route. Diverting the footpath would be of benefit to the landowner in terms of privacy and security. It would also benefit walkers in terms of accessibility. It was therefore considered that the proposed route would be a satisfactory alternative to the current one 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. 16 Lower Withington by creating a new section of public footpath and extinguishing the current line, as illustrated on Plan No. HA/024, on the grounds that it is expedient in the interests of the owners of the land crossed by the path.
- 2 Public Notice of the making of the Order be given and in the event of the 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, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

**24 HIGHWAYS ACT 1980 - SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO. 70 (PART) PARISH OF CONGLETON**

The Committee received a report which detailed a proposal to divert part of Public Footpath No. 70 in the parish of Congleton.

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 paths

The existing line of Public Footpath No. 70 had been unavailable for many years, obstructed by mature hedges. Re-instating the footpath on the original alignment would be very expensive to the public purse as a bridge, six stiles or gates, plus steps down a steep bank to the canal towpath would be required.

The proposed route followed field boundaries in a westerly direction to the canal towpath, providing a scenic and picturesque route for walkers and

pleasant views of the countryside. The path would be 2 metres wide with three kissing gates as opposed to six, a bridge and steps on the original route thus improving accessibility for walkers.

Mr P Hudson owned the land over which the current route and proposed route would run and had provided written consent and support for the proposal.

The Committee noted that no objections had been received and considered that diverting the route onto the proposed path would create a more accessible footpath for users and would open up a route that had 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 was therefore considered that the proposed route would be a satisfactory alternative to the current one 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. 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 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, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

**25 HIGHWAYS ACT 1980 - SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NOS. 14 AND 15 (PARTS) PARISH OF MOBBERLEY**

The Committee received a report which detailed an application from Bilton Ward Developments Ltd on behalf of Mr & Mrs W Brown, Gleave House Farm, Pavement Lane, Mobberley, Knutsford (the applicant) requesting the Council to 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.

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 paths.

The applicant owned the land over which the current paths and proposed alternative routes ran. The existing line of Public Footpath No. 14 ran straight through a working farmyard where heavy machinery was regularly used causing health and safety concerns for users. It also ran in very close proximity to the landowner's home, creating privacy and security concerns. The current definitive line was also obstructed by mature hedges and fences and had been unavailable for many years, before the existing landowner purchased the property, and a permissive route had been put in place.

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 provided improved open views of the countryside and had a path width of 2 metres.

The existing line of Public Footpath No. 15 ran 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 landowner's home, creating privacy and security concerns.

The proposed route for Footpath No. 15 would connect with the proposed 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 required any path furniture and therefore offered easily accessible routes for uses, and in addition the landowner had agreed to take on responsibility for the maintenance of the proposed routes, leading to savings for the authority's maintenance budget.

Since writing the report, an objection had been received from the Peak and Northern Footpaths Society, who had concerns that the proposed routes were longer than the existing routes and muddy in certain areas. Although the new routes were longer for walkers travelling in a northerly or southerly direction, for walkers travelling in an easterly or westerly direction the distance was considerably reduced due to the link that would be created at the end of Gleavehouse Lane. Additionally, Cheshire East Council could not confirm any Order before a new route was brought up to an acceptable standard and usable in all seasons. The Peak and Northern Footpath Society had subsequently withdrawn their objection.

The Committee noted that no objections had been received and considered that the proposed routes were not substantially less convenient than the existing routes. Diverting the footpaths would 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 would create a useful link to the end of Gleavehouse Lane which was currently a cul-de-sac. There would also be an improvement to walkers in terms of safety. It

was therefore considered that the proposed routes would be satisfactory alternatives to the current ones 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 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 paths.
- 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, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

**26 DRAFT CHESHIRE EAST RIGHTS OF WAY IMPROVEMENT PLAN STRATEGY 2011-2026**

The Committee received a report on the Draft Cheshire East Rights of Way Improvement Plan (ROWIP) Strategy 2011-2026.

The current ROWIP covering Cheshire East expired in March 2011 and therefore a new ROWIP was required. It was 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. The Plan would be integrated into the Local Transport Plan 3.

The development of the ROWIP was 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.

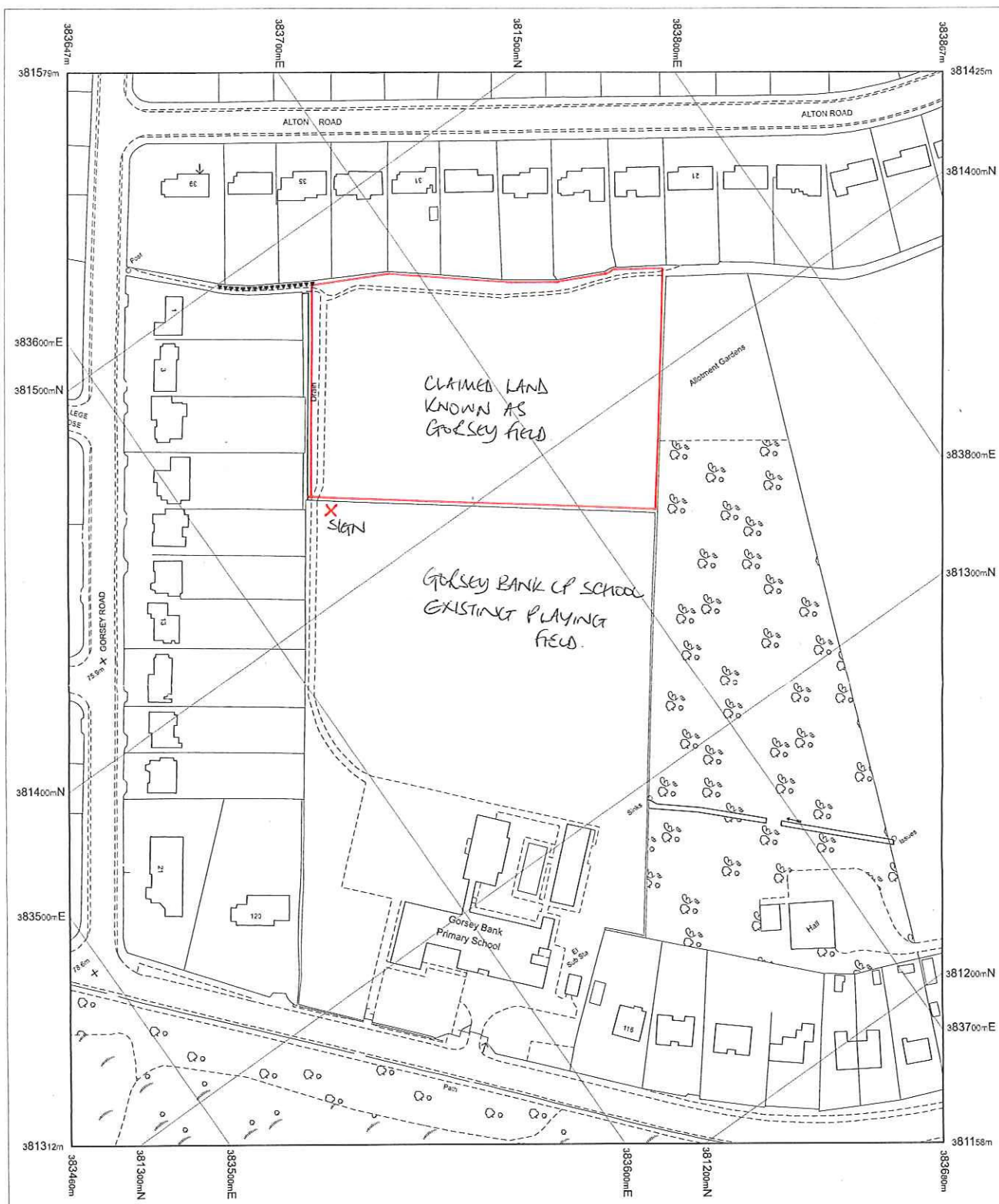
The Portfolio Holder with responsibility for Health and Wellbeing would be asked to approve the draft document prior to public consultation as an integrated document of the Draft Cheshire East Local Transport Plan 2011-2026 Strategy.

**RESOLVED:**

That the Portfolio Holder for Health and Wellbeing be recommended to approve the document as the Draft Cheshire East Rights of Way Improvement Plan Strategy 2011-2026.

The meeting commenced at 2.00 pm and concluded at 2.55 pm

Councillor S Wilkinson (Chairman)



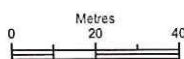
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## **CHESHIRE EAST COUNCIL**

### **PUBLIC RIGHTS OF WAY COMMITTEE**

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**Date of Meeting:** 13 December 2010  
**Report of:** Borough Solicitor  
**Subject/Title:** Village Green Application No. 48  
Gorsey Bank Field, Wilmslow

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#### **1.0 Report Summary**

- 1.1 This report seeks a decision on how to proceed with a village green application (No.48 ) in respect of Gorsey Bank Field Wilmslow.

#### **2.0 Recommendation**

- 2.1 That a non-statutory public inquiry be held into the application
- 2.2 That the Borough Solicitor be authorised to appoint an appropriately qualified independent person to conduct that Inquiry and provide the committee with a report and a recommendation.

#### **3.0 Reasons for Recommendations**

- 3.1 There are substantial disputes as to fact which will be central to the outcome of the application. Furthermore, the Council is the objecting landowner and it is appropriate to introduce the element of independence which such an inquiry process will deliver to the decision making

#### **4.0 Wards Affected**

- 4.1 Wilmslow South

#### **5.0 Local Ward Members**

- 5.1 Councillor G Barton, Councillor W Fitzgerald and Councillor R Menlove

#### **6.0 Policy Implications including - Climate change - Health**

- 6.1 N/A

#### **7.0 Financial Implications (Authorised by the Borough Treasurer)**

- 7.1 There will be costs in the region of £15000 exclusive of VAT incurred by the Council in appointing an independent person to hold the non-

statutory public inquiry. The costs will be charged to Health and Well being..

## **8.0 Legal Implications**

- 8.1 The Council is the registration authority for the purposes of village green applications and the keeping of the register of village greens. This was previously a function of County Councils, but following local government reorganisation, it became a function of this Council.
- 8.2 In recent years there has been much case law and legislation surrounding village greens and both case law and legislation continue to evolve. Legislation in the form of the Commons Act 2006 ("the Act") was partially introduced in 6 April 2007, specifically section 15 which changed the criteria for registration of new village greens. Procedures for dealing with village green applications were also introduced in April 2007 by regulation (albeit these are interim).
- 8.3 Village greens can be registered either as a result of an application by a third person or by a voluntary registration by the landowner.
- 8.4 The Committee adopted a procedure for determining village green applications on 7 December 2009. Option 4 of that procedure is relevant in this case as it accepts that an application validly made may be referred to an independent person either to consider the application on the basis of written representations or to hold a non statutory public inquiry and to provide a report to the committee. Factors relevant in deciding whether to appoint an independent person are listed in the adopted procedure and include complexity of evidence, where evidence is finely balanced and where the land is owned by the Council.
- 8.5 There is no statutory obligation on the Council to hold a non statutory inquiry however and the Committee could determine the application itself by way of hearing evidence. This is Option 5 of the adopted procedure. Obviously there are legal risks in so doing through the possibility of a challenge to the decision the Committee might come to as well as financial constraints and democratic issues surrounding members and officers being committed to several days' hearing evidence and preparing a full report which might be scrutinized in the High Court. On balance it is felt that a member of the Planning Bar should be appointed as an Inspector. The Committee is not obliged to accept the inspector's decision.
- 8.6 The burden of proof that the application meets the statutory tests is upon the applicant, on the balance of probabilities. It is open to the Committee to register only part of the land within the application as village green, provided it does not cause irremediable prejudice to anyone.



- 8.7 In deciding upon applications, the Committee should consider the advice given to it by its officers and by any independent person appointed and decide the application in the light of all of evidence submitted and the advice received, and acting in accordance with the principle of natural justice and good administration.
- 8.8 Once registered as a village green,,land will be subject to the statutory protection of section 12 of the Inclosure Act 1857 and section 29 of the Commons Act 2006. Section 12 protects greens from injury or damage and interruption to their use or enjoyment as a place for exercise and recreation. Section 29 makes encroachment or inclosure of a green, and interference with or occupation of the soil, unlawful unless it is with the aim of improving the enjoyment of the green.
- 8.9 There is no right of appeal against the Committee's decision not to register land as village green. The route for any challenges would be via judicial review.

## **9.0 Risk Management**

- 9.1 If the Council chose to determine the application without independent input, then, as it is the landowner, it may increase the risk of challenge.

## **10.0 Background and Options**

- 10.1 The Council is the registration authority for village greens and responsibility for this function was delegated to the Public Rights of Way Committee under the Council's Constitution.
- 10.2 This application was submitted on 24 March 2009 to Cheshire County Council by Mr C Stubbs on behalf of the Friends of Gorsey Field. The land involved is at the rear of Gorsey Bank Primary School Wilmslow and is bounded to the north by 23 to 33 Alton Road and to the west by 1 to 7 Gorsey Road. It is shown on Appendix A attached.
- 10.3 The application alleges that the land is a village green because it has been used as of right for lawful sports and pastimes for a period of at least 20 years by a significant number of the inhabitants of a locality or a neighbourhood within a locality [ in this case the Pownall Park housing estate].
- 10.4 The application is accompanied by 88 supporting statements, which are claimed to cover 85 households and 340 inhabitants. It is claimed that this amounts to 20% of the households on the Pownall Park estate.
- 10.5 The application is based on use of the land for football, rugby, cricket, rounders, ball games and dog-walking, and also for dog training, picnics, cycling, kite and model aeroplane flying, sledging, berry-

picking, hide and seek, tag, bird watching, tree climbing, playing with children and general recreation.

- 10.6 An objection has been submitted by Cheshire East Borough Council as landowner and by the Governing Body of the Gorsey Bank Primary School. This objection is based on a number of factual and legal submissions, including:
- any use is not by the inhabitants of a locality or neighbourhood
  - any such use is not in any event use by a significant number of such inhabitants
  - any such use is not use “as of right”
  - the uses claimed do not qualify as lawful sports or pastimes
- 10.7 Over 100 letters support the objection; while in excess of 80 other letters of objection have been received
- 10.8 The applicant has disputed the factual and legal grounds on which the objection is based.
- 10.9 As stated above, the holding of a non-statutory public inquiry is not mandatory. However, advice has recently been received from Counsel on another application in similar circumstances to this one. This is to the effect that case law has established that a non-statutory public inquiry is the most appropriate course of action to take where there are substantial disputes as to fact, as is the case here, and particularly where the Council is also the landowner. Although an alternative under Option 4 of the adopted procedure would be to appoint an independent person to consider the application on the basis of written representations and write a report, this is not considered to be an appropriate way forward because the factual disputes referred to above will require cross examination of evidence.
- 10.10 Such a non-statutory public inquiry would be held in front of a legally qualified inspector who would make findings of fact and provide a report and a recommendation to the Committee on the application of the law to those facts.

## **11.0 Access to Information**

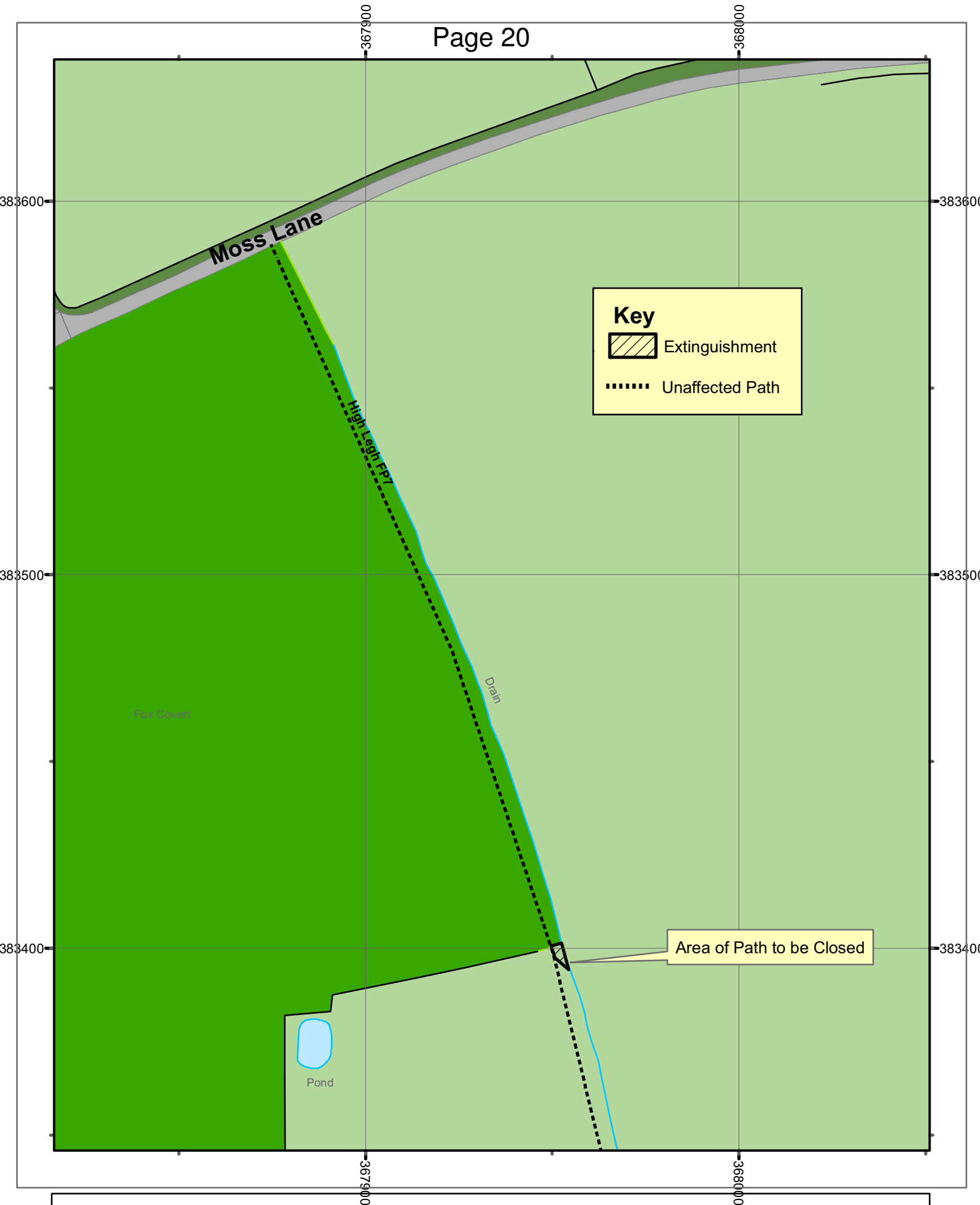
Village Green Application No 48

Correspondence and evidence from the Council as objector

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

Name: Rachel Goddard  
Designation: Senior Lawyer  
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Proposed Extinguishment of  
Public Footpath No. 7 (pt),  
Parish of High Legh

Plan No.  
TCPA/005

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## **CHESHIRE EAST COUNCIL**

### **Public Rights of Way Committee**

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|                         |  |
|-------------------------|--|
| <b>Date of Meeting:</b> | <b>13 December 2010</b>  |
| <b>Report of:</b>       | <b>Greenspaces Manager</b>   |
| <b>Subject/Title:</b>   | <b>Town &amp; Country Planning Act 1990 – Section 257<br/>Application for the Stopping up of Public Footpath<br/>No.7(part), Parish of High Legh</b> |

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#### **1.0 Report Summary**

- 1.1 The report outlines the investigation to extinguish part of Public Footpath No.7 (part) in the Parish of High Legh. This includes a discussion of consultations carried out in respect of the proposal and the legal tests to be considered for an extinguishment order to be made. The application has been made by SP Energy Networks Ltd based on planning permission granted by the Secretary of State for the Department of Energy and Climate Change on the 4 January 2010. 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 extinguish the short section of footpath affected.

#### **2.0 Recommendation**

- 2.1 An Order be made under Section 257 of the Town & Country Planning Act 1990 to stop up part of Public Footpath No.7 High Legh as illustrated on Plan No. T CPA/005 on the grounds that the Borough Council is satisfied that it is necessary in order to enable development to take place.
- 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 257 of the Town & Country Planning Act 1990, the Borough Council, as Planning Authority, can make an Order stopping up a footpath or part of a footpath if it is satisfied that it is necessary to do so to enable development to be carried out in accordance with a planning permission that has been granted. It is considered that the proposed extinguishment is necessary in order to enable the development: namely the installation of a new electricity pole and stays as part of a much larger scheme installing and renewing an overhead electricity line between Carrington and

Lostock sub stations. The planning application was originally submitted to Macclesfield Borough Council, reference number 03/1772P and has since been granted permission by the Secretary of State for Energy in January 2010.

- 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.
- 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 Informal consultations have elicited an objection from High Legh Parish Council to the proposal. The objection relates to their belief that the erection of the electricity pole and stays will effectively obstruct the footpath and also that the landscape value will be diminished by the poles. This is discussed further in paragraph 10.6 below and it is demonstrated that a continuous route will remain. It is considered that this objection is not relevant to the criteria under which this order would be made; that the part closure is necessary to enable the installation of a pole and support stays and that the legal tests for the making and confirming of an extinguishment order are satisfied.

#### **4.0 Wards Affected**

- 4.1 Bucklow Ward

#### **5.0 Local Ward Members**

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

#### **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 Under section 257 of the Town & Country Planning Act 1990, a planning authority has the power to make and confirm orders authorising the stopping up or diversion of a footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission that has been granted. Once an Order is made it may be the subject of objections. If objections are not withdrawn, this removes the power of the local planning 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.

- 8.3 The procedure for making an order is detailed in Schedule 14 to the Town & Country Planning Act 1990 and the Public Path Orders Regulations 1993.

## **9.0 Risk Management**

- 9.1 Not applicable

## **10.0 Background and Options**

- 10.1 An application has been received by SP Energy Networks of SP Power Systems Ltd, 1 Atlantic Quay, Glasgow. G2 8SP, requesting that the Council make an Order under section 257 of the Town & Country Planning Act 1990 to extinguish part of Public Footpath no.7 in the Parish of High Legh.
- 10.2 Public Footpath No. 7, High Legh, commences at its junction with Moss Lane (UW 2110) at OS grid reference SJ 6787 8358 and runs in a generally southerly direction for approximately 380 metres before turning east south easterly for approximately 320 metres to rejoin Moss lane near its junction with Golborne Lane. The section of path to be closed is shown as a shaded quadrilateral on Plan No. TCPA/005 at point A. It encompasses an area of approximately 8 metres length by 4 metres wide.
- 10.3 Mr J B Taylor owns the land over which the footpath runs and has given his written consent for the closure. Under section 257 of the Town & Country Planning Act 1990 the Council may by order authorise the stopping up of a footpath if they are satisfied that it is necessary to do so in order to enable development.
- 10.4 The section of footpath to be closed is within a wide belt of grass and scrub. Due to the location of an electricity pole on the edge of this area, the support stays for the pole would run at an angle across half of the width of this belt of land. This is shown on the enclosed plan submitted by SP Energy. From consideration of historical ordnance survey maps and internal records it is clear that the full width of this area has been available for use as the footpath, therefore the closure of a 4 metre width to accommodate the stays will leave a further 4 metres for the footpath to continue to the side. The full width is available before and after this slight constriction. On average footpaths are required to be 2 metres in width if altered by a legal order. Any bracken/ scrub that requires clearing to enable easy access will be undertaken prior to any order being confirmed.
- 10.5 Ward Councillors have been consulted about the proposal and no comments were received
- 10.6 High Legh Parish Council were consulted and after a site visit by one of the members stated that they objected to the proposal on the grounds that the path would be effectively blocked by the pole stays. They are also concerned about the severe visual impact the poles would have on an otherwise uncluttered landscape. A site meeting was held with a representative of the

Parish Council and a Senior Planner from SP Energy to discuss the extent of the footpath that requires extinguishment and to demonstrate how part of the width of the path will remain open so that a through route will continue to exist. Work on site to accommodate the new poles had commenced in the form of scrub and tree clearance which is also a cause of concern to the Parish Council. Following the meeting the Parish Council further considered the matter at their next meeting and subsequently decided to maintain their objection to the part closure. Their objection states that they believe the pole stays will 'effectively block' the footpath, however the purpose of this application is to formally close that part of the path where the stays will be, leaving a 4 metre width unobstructed for the rest of the path to remain open and useable. Therefore the rights of the public are retained.

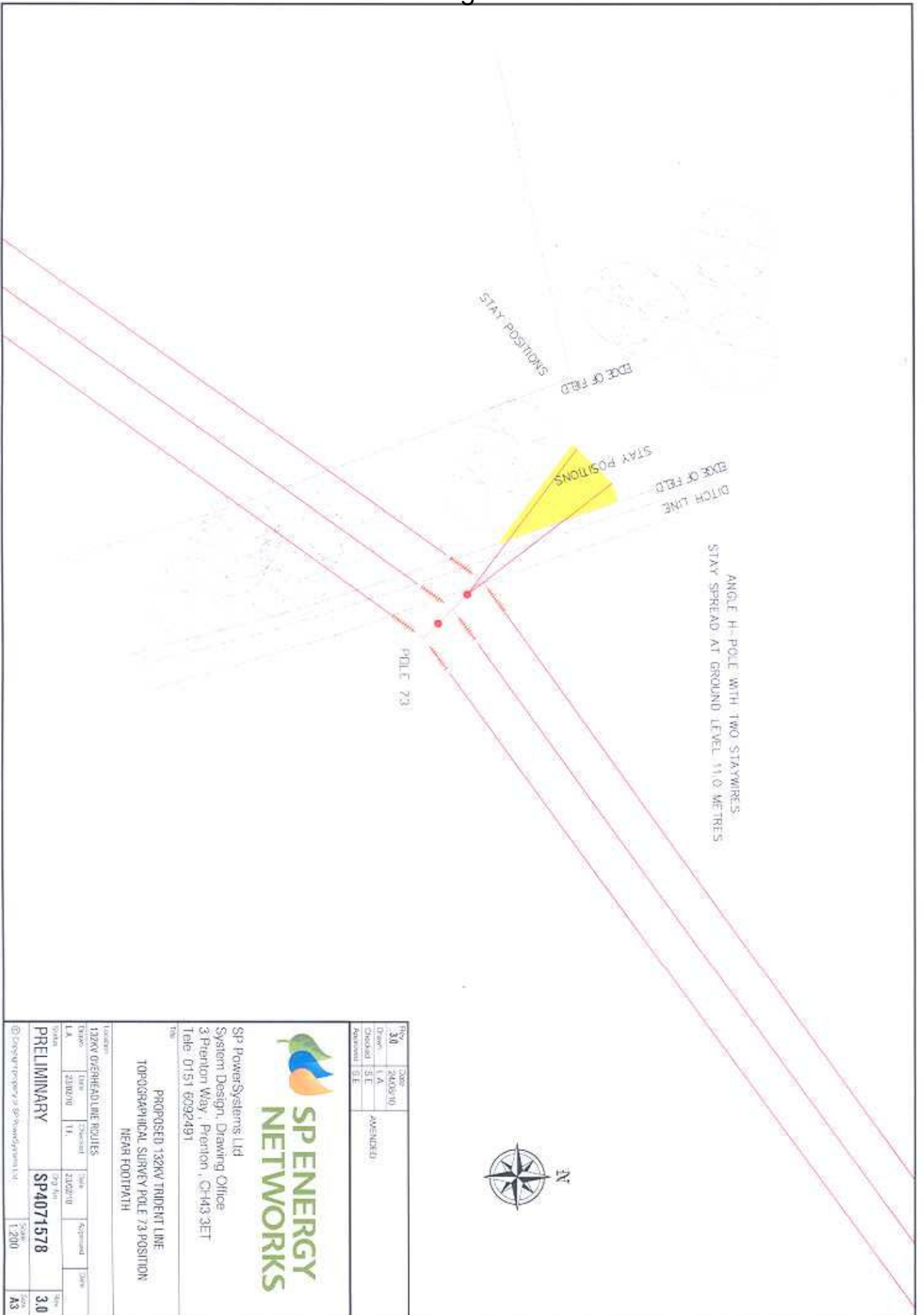
- 10.8 The statutory undertakers have also been consulted and have raised no objections to the proposed diversion. If a diversion order is made, existing rights of access for the statutory undertakers to their apparatus and equipment are protected.
- 10.9 The user groups have been consulted and no objections have been received.
- 10.10 The Council's Nature Conservation Officer has been consulted and has raised no objection to the proposals.

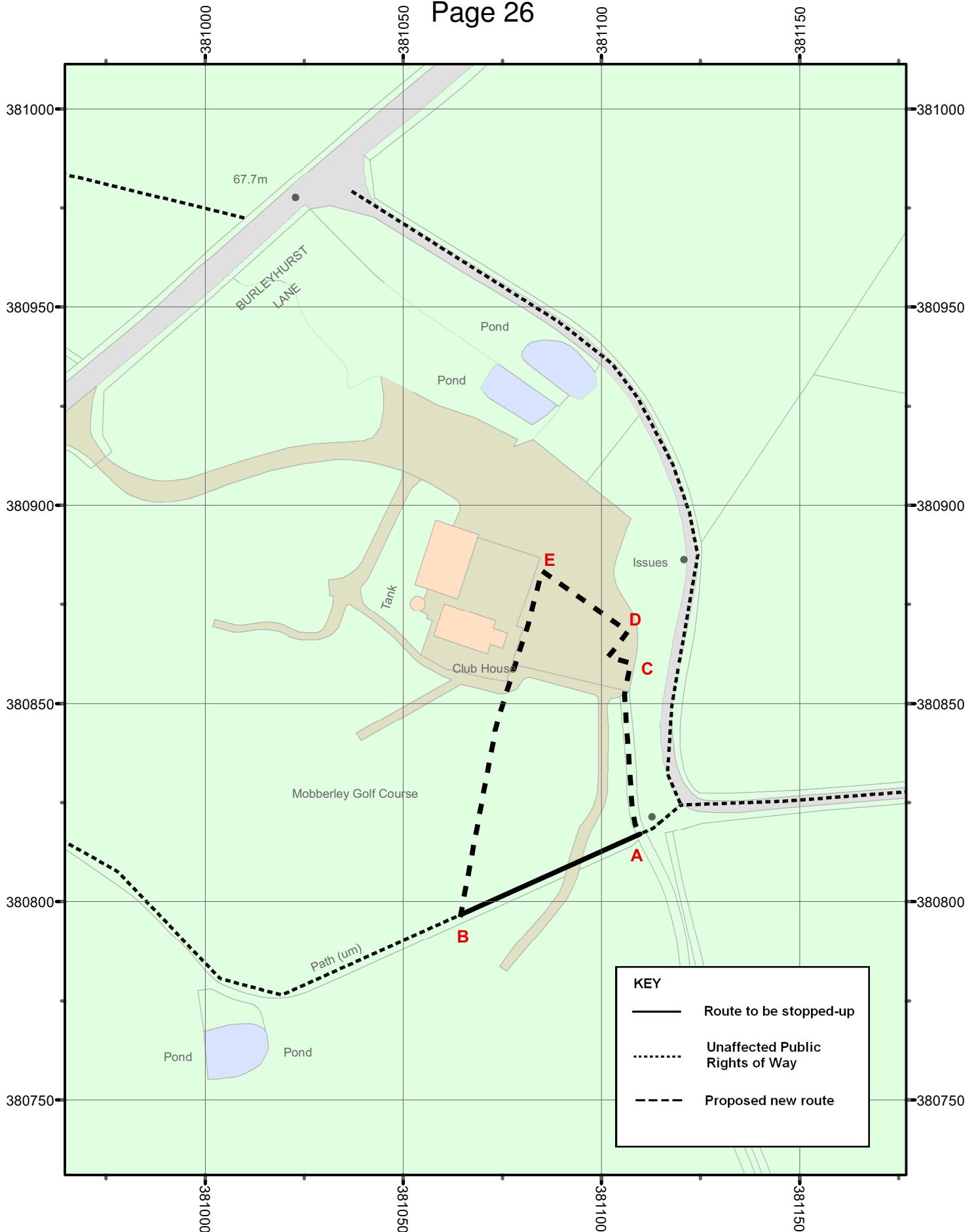
#### **11.0 Access to Information**

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

Name: Clare Hibbert  
Designation: Definitive Map Officer  
Tel No: 01606 271823  
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PROW File: 109D/401







1:1,250

Proposed diversion  
Mobberley FP55 (part)

Plan No.  
TCPA/004

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## CHESHIRE EAST COUNCIL

### Public Rights Of Way Committee

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|                         |  |
|-------------------------|--|
| <b>Date of Meeting:</b> | <b>13 December 2010</b>  |
| <b>Report of:</b>       | <b>Greenspaces Manager</b>   |
| <b>Subject/Title:</b>   | <b>Town &amp; Country Planning Act 1990 – Section 257<br/>Application for the Diversion of Public Footpath No.55<br/>(part), Parish of Mobberley</b> |

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#### **1.0 Report Summary**

- 1.1 The report outlines the investigation to divert part of Public Footpath No. 55 in 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 a response to planning approval granted to Ollerton Leisure for the construction of a new practice range at Mobberley Golf Course. 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 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No. 55, Mobberley as illustrated on Plan No. TCPA/004 on the grounds that the Borough Council is satisfied that it is necessary to do so to allow development to take place.
- 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 and not resolved, 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 257 of the Town and Country Planning Act 1990, the Borough Council, as Planning Authority, can make an Order diverting a footpath if it is satisfied that it is necessary to do so to enable development to be carried out in accordance with a planning permission that has been granted.
- 3.2 It is considered that it is necessary to divert part of Footpath No. 55 Mobberley as illustrated on Plan No. TCPA/004, to allow for the construction of a new

practice range for the members of Mobberley Golf Club. Planning consent was granted on the 24<sup>th</sup> June 2010 by Cheshire East Council; reference number 09/2857M.

3.3 Informal consultations have elicited objections to the proposal, although it is considered that the legal tests for the making and confirming of a Diversion Order under section 257 of the Town and Country Planning Act 1990 are satisfied.

3.4 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 3.1 above.

#### **4.0 Wards Affected**

4.1 Bucklow

#### **5.0 Local Ward Members**

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

#### **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 Drivers Jonas Deloitte ("agent") on behalf of Ollerton Leisure LLP ('the Applicant') requesting that the Council make an Order under section 257 of the Town and County Planning Act 1990 to divert part of Public Footpath No. 55 in the Parish of Mobberley.

- 10.2 Public Footpath No. 55 Mobberley commences on a track near Oak Bank Farm at OS grid reference SJ 8116 8005 and runs in a generally northerly direction past Coppack House Farm to Hollingee Farm where it bears westerly to pass through Mobberley Golf Course to its junction with Burleyhurst Lane (C106) at OS grid reference SJ 8084 8083. The section of path to be diverted is shown by a solid black line on Plan No. TCPA/004 running between points A-B. The proposed diversion is illustrated with a black dashed line on the same plan, running between points A-C-D-E-B.
- 10.3 The existing alignment of the footpath would be directly affected by the construction of the new practice range which is required in the interests of members of Mobberley Golf Club. The land is entirely owned by Ollerton Leisure LLP.
- 10.4 Planning permission was granted to the applicant on 24 June 2010. The application is cited as Planning Permission Ref: 09/2857M. The details of the decision notice are for the expansion and improvement of the existing 9 hole golf course and facilities including the installation of the new practice range.
- 10.5 Part of the current line of Public Footpath No.55 Mobberley (A-B) lies directly on the site of the construction of part of the new practice range as shown on the plan submitted by the applicant's agent (P2701 910). This will be enclosed by a 10m high wire netted fence. Part of the existing footpath, FP55 Mobberley, would be obstructed by this fence. Therefore, the footpath diversion is required to provide public access around the new practice range. The length of footpath proposed to be diverted is approximately 50 metres.
- 10.6 The proposed route for the footpath is approximately 171 metres long and would move the footpath from point A to follow the boundary of the practice range taking it in a northerly, then westerly and then southerly direction back to the current route at point B on Plan No. TCPA/004.
- 10.7 The local Councillors have been consulted about the proposal. Councillor George Walton responded that he would support any response submitted by Mobberley Parish Council.
- 10.8 Mobberley Parish Council have been consulted about the proposal and responded to state that they object to the diversion on the following grounds: -
- “1) This proposed diversion was not included originally as the indicative or proposed route in the above planning application, and as such is a material departure/conflict from the proposed diversion at that time. The Parish Council are of the opinion that, had this diversion been included originally, there would have been more objections to the application in accordance with the Ramblers Association guidelines<sup>1</sup> and the proposal's conflict with holes 1 and 18 at the golf club.

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<sup>1</sup> This refers to the Ramblers Association guidance note on golf course developments and public rights of way

2) The safety of walkers will be brought into jeopardy and tension caused between them and the golfers.

3) The proposed diversion is rambling and puts walkers and their dogs through an environment which is not conducive to them.

4) We believe that connecting footpath routes and rural issues have not been fully considered, and furthermore when this whole matter was reported to the Northern Area Planning Committee there was misrepresentation at that time of some of the points.”

10.9 Although the current proposal does replace a previous diversion proposal considered during the original planning application process, it is not a requirement to have a finalised diversion proposal in place at the time a planning application is determined by the Council. Indeed, often there has been no discussion about the details of a proposed new route at that point. Furthermore, it is not for the Planning Committee to determine the merits of a diversion proposal; this is a function of the Council's Rights of Way Committee.

10.10 A diversion proposal may change any number of times between the granting of planning permission for a development and a final diversion proposal being agreed between the applicant and the Council. Opportunity for the public to comment on and object to a diversion proposal relating to a development is offered in accordance with the legal process for diverting footpaths under the Town and Country Planning Act (TCPA), a transparent process separate from the legalities of the planning process. Objections to such a diversion order which are received and not withdrawn will lead to the order being submitted to the Planning Inspectorate for determination, sometimes by way of a Public Inquiry.

10.11 Considerations of enjoyment and user suitability of the proposed diversion route are not considered under the TCPA. The only test to be met is that the footpath diversion is necessary to enable development to be carried out.

10.12 The issues raised relating to safety across holes 1 and 18 are outside the scope of this proposal and cannot be considered.

10.13 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.

10.14 The user groups have been consulted. No responses have been received.

10.15 The adjacent landowners have been consulted.

10.16 Mrs Barker of Hollingee Farm registered an objection based on the safety of users walking along the southerly stretch of the proposed diversion between points E-B adjacent to Tee No. 1 to the east. However it is considered that there is minimal risk to walkers from Tee 1, since the distances between the

specifics of this Tee and the proposed route are longer than those quoted as being safe in the Ramblers' Association guidance<sup>2</sup>. Various measures are also proposed to ensure that golfers are made aware of their responsibilities, including the posting of information at the club, information on the score cards, and the erection of warning signage aimed at both golfers and walkers.

- 10.17 Mr and Mrs Nixon of Coppack House Farm have registered objections which are similar to those of the Mobberley Parish Council (see section 11.8). The Council's response to those objections is therefore as at 11.9, above.
- 10.18 The Council's Nature Conservation Officer has been consulted and has raised no objection to the proposals.
- 10.19 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 would be no less easy to use than the current route.

#### **11.0 Access to Information**

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

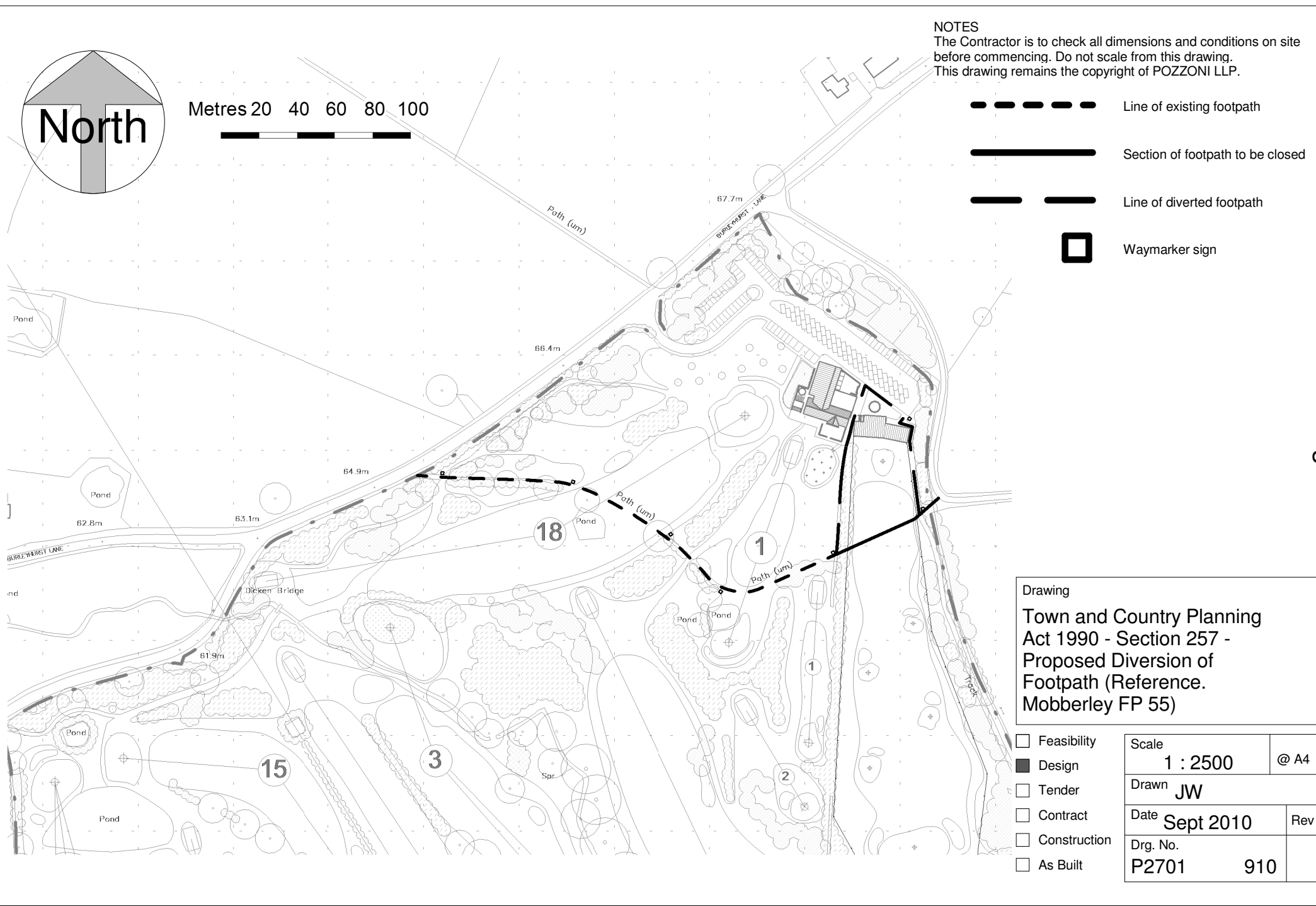
Name: Marianne Nixon  
Designation: Public Path Order Officer  
Tel: 01606 271843  
Email: [Marianne.nixon@cheshireeast.gov.uk](mailto:Marianne.nixon@cheshireeast.gov.uk)  
PROW File: 210D/414

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<sup>2</sup> This guidance has not been adopted as policy by the PROW Team, but the PROW Team refers to its principles in responding to golf course planning applications.

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NOTES  
The Contractor is to check all dimensions and conditions on site before commencing. Do not scale from this drawing.  
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- Line of existing footpath
- Section of footpath to be closed
- Line of diverted footpath
- Waymarker sign

Drawing

Town and Country Planning Act 1990 - Section 257 - Proposed Diversion of Footpath (Reference. Mobberley FP 55)

☐ Feasibility

☒ Design

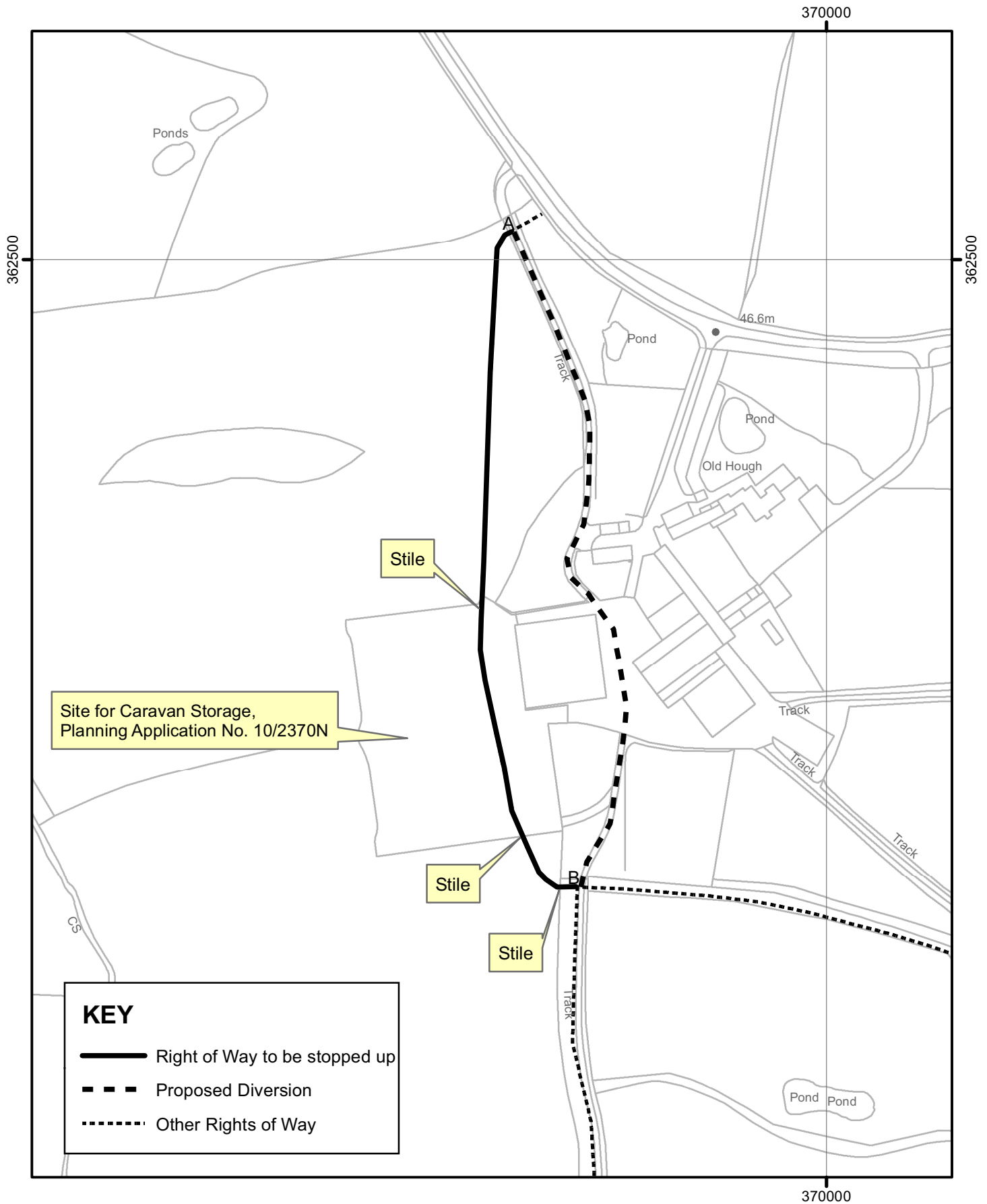
☐ Tender

☐ Contract

☐ Construction

☐ As Built

|          |           |      |
|----------|-----------|------|
| Scale    | 1 : 2500  | @ A4 |
| Drawn    | JW        |      |
| Date     | Sept 2010 | Rev  |
| Drg. No. | P2701     | 910  |



1:2,500

Proposed Diversion of  
Public Footpath No. 7 (part) in the  
Parish of Warmingham

Plan No.  
TCPA/003

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## **CHESHIRE EAST COUNCIL**

### **Public Rights of Way Committee**

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|                         |   |
|-------------------------|---|
| <b>Date of Meeting:</b> | <b>13 December 2010</b>   |
| <b>Report of:</b>       | <b>Greenspaces Manager</b>  |
| <b>Subject/Title:</b>   | <b>Town &amp; Country Planning Act 1990 – Section 257<br/>Application for the Diversion of Public Footpath No. 7<br/>(part), Parish of Warmingham</b> |

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#### **1.0 Purpose Summary**

- 1.1 The report outlines the investigation to divert part of Public Footpath No. 7 in the Parish of Warmingham. 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 a response to planning approval granted to Mr D S Varey for a 'Change of former worm bed area to storage for caravans and other leisure vehicles' at The Old Hough, Warmingham. 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 extinguish the section of footpath concerned.

#### **2.0 Recommendations**

- 2.1 An Order be made under Section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No. 7 Warmingham as illustrated on Plan No. TCPA/003 on the grounds that the Borough Council is satisfied that it is necessary to do so to allow development to take place.
- 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 and not resolved, 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 257 of the Town and Country Planning Act 1990, the Borough Council, as Planning Authority, can make an Order diverting a footpath if it is satisfied that it is necessary to do so to enable development to be carried out in accordance with a planning permission that has been granted.

3.2 It is considered that it is necessary to divert part of Footpath No. 7 Warmingham as illustrated on Plan No. TCPA/003 to allow for the change of use of the former worm bed area to storage for caravans and other leisure vehicles. Planning consent was granted on the 20 August 2010 by Cheshire East Council; reference number 10/2370N.

3.3 Informal consultations have elicited no objections to the proposal and it is considered that the legal tests for the making and confirming of a Diversion Order under section 257 of the Town and Country Planning Act 1990 are satisfied.

#### **4.0 Ward Affected**

4.1 Cholmondeley.

#### **5.0 Local Ward Members**

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

#### **6.0 Policy Implications including – Climate Change Health**

#### **7.0 Financial Implications**

7.1 Not applicable

#### **8.0 Legal Implications**

8.1 Section 257 of the Town and Country Planning Act 1990 (“TCPA”) allows the council to make and confirm orders authorising the stopping up or diversion of a footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted. There are requirements of public notice and if objections are received to the proposed order and not withdrawn, the order must be submitted to the Secretary of State for confirmation, who must either call for a local inquiry or give the objectors an opportunity of being heard before making his decision. This would require attendant legal involvement and use of resources. It follows that the Committee decision may be confirmed or not confirmed.

8.2 The procedure in making an order is detailed in Schedule 14 to the TCPA and the Town and Country Planning (Public Path Orders) Regulations 1993, which are made under the TCPA.

#### **9.0 Risk Assessment**

9.1 Not applicable

## **10.0 Background and Options**

- 10.1 An application has been received from Mr D S Varey ('the Applicant') requesting that the Council make an Order under section 257 of the Town and County Planning Act 1990 to divert part of Public Footpath No. 7 in the Parish of Warmingham.
- 10.2 Public Footpath No. 7 Warmingham commences on Forge Mill Lane at OS grid reference SJ 6985 6251 and runs in a generally southerly direction to Drury Lane (UY1446) at OS grid reference SJ 7065 5966. The section of path to be diverted is shown by a solid black line on Plan No. TCPA/003 running between points A-B. The proposed diversion is illustrated with a black dashed line on the same plan, running between points A-B.
- 10.3 The existing alignment of the footpath will be obstructed by the stored caravans and other leisure vehicles. It will also be obstructed by a fence. Security for the site is of paramount importance and a fence is required around the perimeter, keeping the footpath on its current line would make this impossible. The land is entirely owned by Mr D S Varey.
- 10.4 Planning permission was granted to the applicant on 20 August 2010. The application is cited as Planning Permission Ref: 10/2370N 'Change of Use of Former Worm Bed Area to Storage for Caravans and other Leisure Vehicles'. The consent was granted subject to various conditions, one of which was that Public Footpath Warmingham No. 7 should be diverted under a formal diversion order.
- 10.5 The length of the proposed route for the footpath is approximately 342 metres, this is very similar to the present route which is 345 metres. The footpath would be moved to the east of the current route down an existing track, providing an improved surface for walkers, and then through the yard to connect with the existing line of the footpath, south of The Old Hough. No path furniture would be required on the proposed route which would also provide a more accessible route for walkers who have to negotiate three stiles on the present route.
- 10.6 The local Councillors have been consulted about the proposal. No comments have been received.
- 10.7 Warmingham Parish Council have been consulted about the proposal and have responded to state that they agree with the proposal.
- 10.8 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.
- 10.9 The user groups have been consulted. 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 would be easier to use as it requires no path furniture.

**11.0 Access to Information**

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

Name: Hannah Flannery

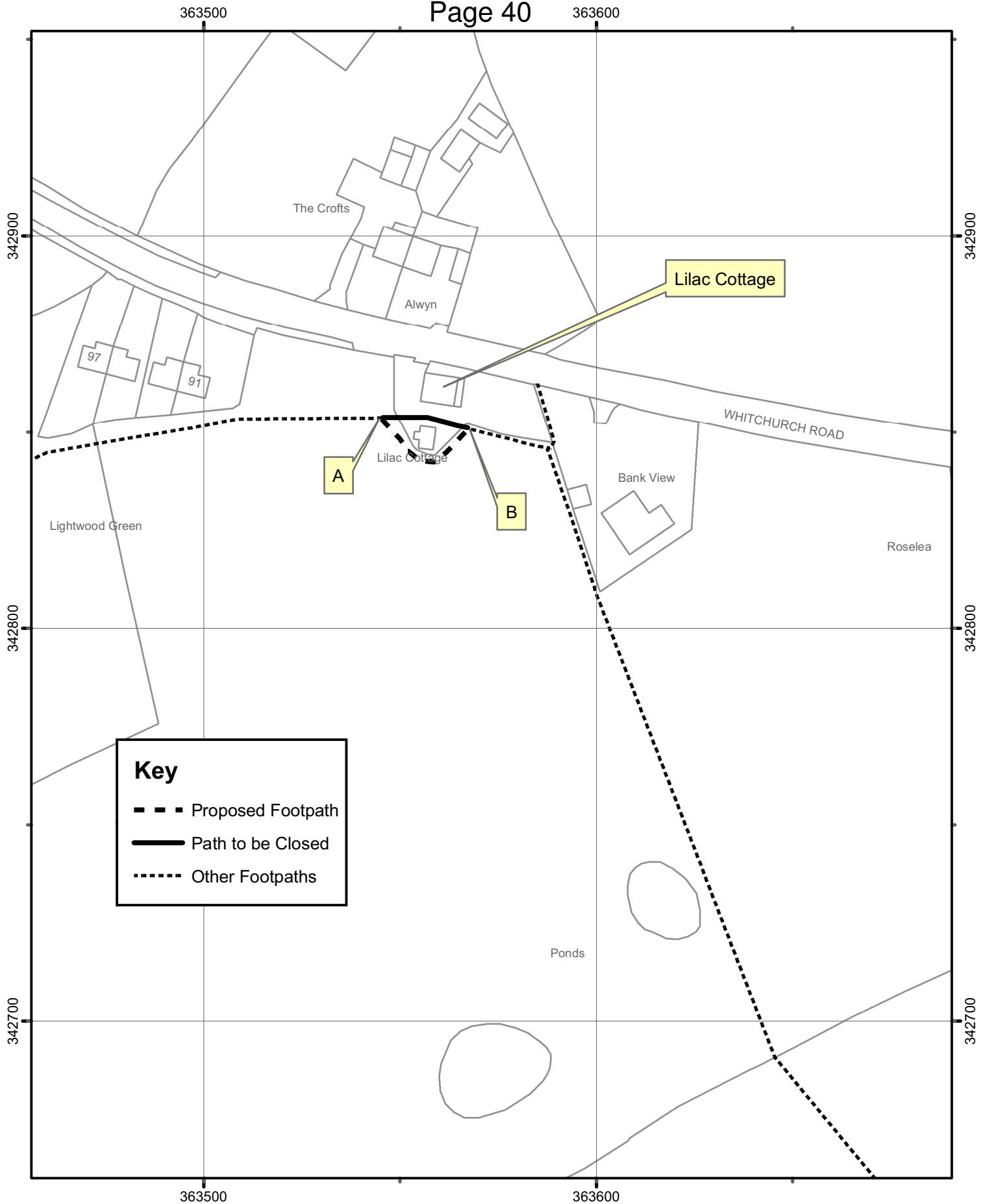
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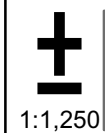
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**Key**

- - - Proposed Footpath
- Path to be Closed
- ..... Other Footpaths



Proposed diversion of Public Footpath  
No. 20,  
Parish of Dodcott cum Wilkesley

Plan No.  
HA/033

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**

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**Date of Meeting:** 13 December 2010  
**Report of:** Greenspaces Manager  
**Subject/Title:** Highways Act 1980 – Section 119:  
Application for the Diversion of Public Footpath no. 20  
(part), Parish of Dodcott cum Wilkesley

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#### **1.0 Report Summary**

- 1.1 The report outlines the investigation to divert part of Public Footpath No.20 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.20 Dodcott cum Wilkesley by creating a new section of public footpath and extinguishing the current path as illustrated on Plan No. HA/033 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 privacy and security and for the purposes of selling the property. 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 Mr & Mrs Jackson of Lilac Cottage, Whitchurch Road, Audlem CW3 0EL ('the Applicants') requesting that the Council make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath no. 20 in the Parish of Dodcott cum Wilkesley.
- 10.2 Public Footpath No. 20, Dodcott, commences at its junction with Lightwood Green Avenue (UY 1430) at OS grid reference SJ 6325 4275 and runs in a generally easterly direction across pasture fields to its junction with Public Footpath no. 21, Dodcott. The section of path to be diverted is shown by a solid black line on Plan No. HA/033 running between points A-B. The proposed diversion is illustrated on the same plan with a black dashed line between points A-B.
- 10.3 Mr & Mrs Jackson own the land over which the current path runs. The proposed path runs over land owned by Mr Bailey, who has given his signed agreement to the diversion. 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. 20, Dodcott cum Wilkesley to be diverted is a very short section of about 22 metres length that currently runs through the garden of Lilac Cottage between the house and an outbuilding in close proximity to the rear entrance to the house. This section of footpath has been unavailable for many years and an unofficial diversion exists which avoids the property. This seems to have been used by the public as no complaints about the path being obstructed have been received in the past decade. Lilac Cottage is currently on the housing market and a recent search revealed the existence of the footpath. The sale was nearing completion but subsequently fell through as the buyer's mortgage company would not proceed with the footpath affecting the property. This caused significant concern to the landowner and in order to be sure that a future sale wouldn't be similarly undermined, he is seeking this diversion. The diversion would also be in the interests of the privacy and security of any future occupier.
- 10.5 The proposed new route (A-B) would follow the boundary fence from the west around the south of Lilac Cottage continuing in the pasture field it currently runs

through and rejoining the current alignment to the east of the property. The path would have a recorded width of 2 metres throughout and is approximately 7 metres longer than the current route but with no requirement for gates or other path furniture.

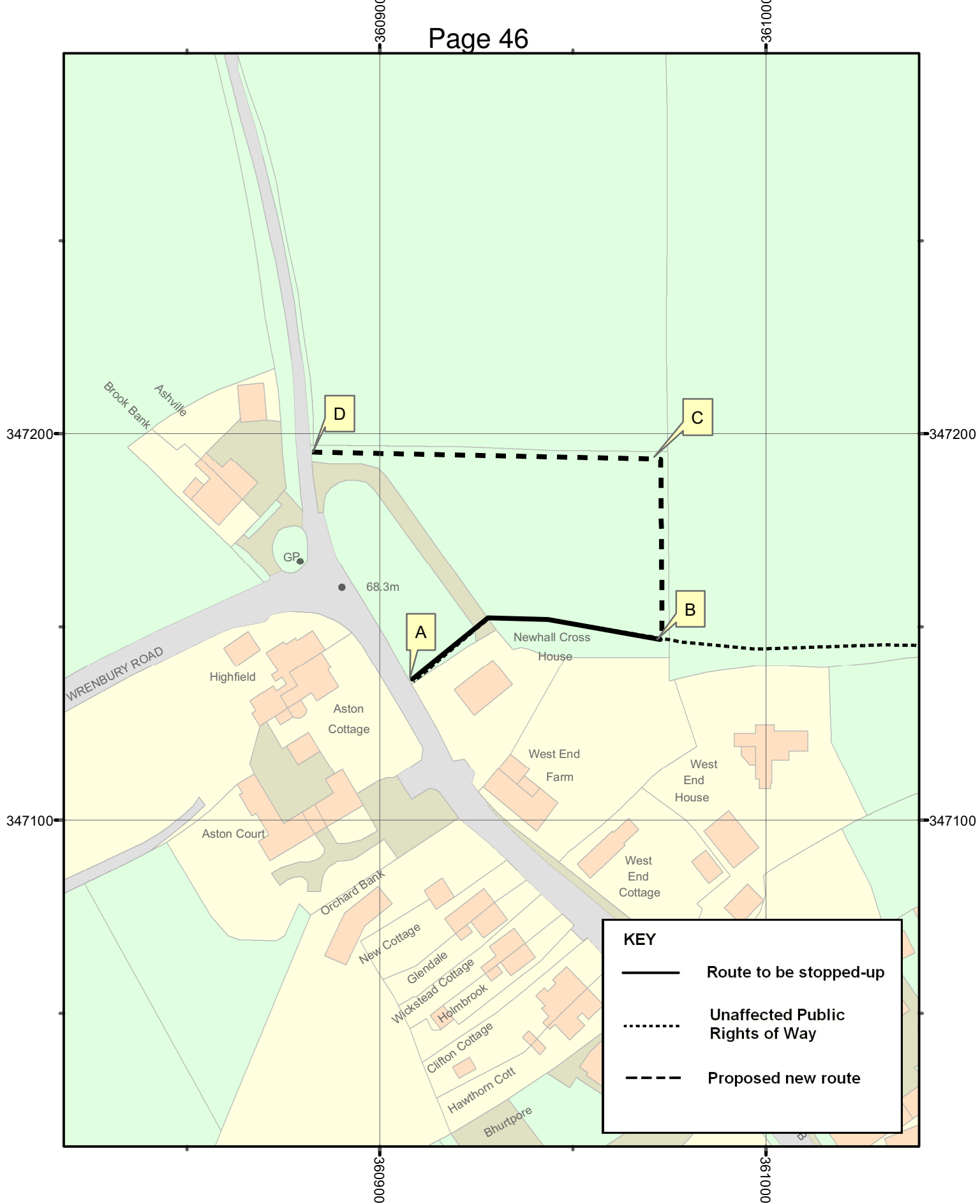
- 10.6 Ward Councillors have been consulted about the proposal and Councillor Rachel Bailey responded to state that she had no objection but also to highlight her involvement as her husband is the landowner of the field where the diversion is to run. No other comments were received.
- 10.7 Dodcott cum Wilkesley Parish Council has been consulted.
- 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 Access to Information**




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

Name: Clare Hibbert  
Designation: Definitive Map Officer  
Tel No: 01606 271823  
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PROW File: 109D/415

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**KEY**

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



1:1,250

Highways Act 1980  
Proposed diversion of Newhall FP2

Plan No.  
HA/031

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## **CHESHIRE EAST COUNCIL**

### **Public Rights of Way Committee**

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**Date of Meeting:** 13 December 2010  
**Report of:** Greenspaces Manager  
**Subject/Title:** Highways Act 1980 – Section 119  
Application for the Diversion of Public Footpath No. 2 (part),  
Parish of Newhall

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#### **1.0 Report Summary**

- 1.1 The report outlines the investigation to divert part of Public Footpath No.2 in the Parish of Newhall. 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.2 Newhall by creating a new section of public footpath and extinguishing the current path as illustrated on Plan No. HA/031 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 Objections have been received through the informal consultation process particularly in relation to increased path length and user safety on a road section that would be used by walkers accessing the new route from the village to the south. Although not all consultees agree, the path length is not onerous or time consuming in relation to the wider network and the road section already exists for any walkers travelling north from the west end of the existing route.

On balance, the proposed route will not be 'substantially less convenient' than the existing route and diverting the footpath will be of benefit to the landowner, especially in terms of privacy, security and the need to remove conflict between the landowner and public over misuse of the garden area traversed by the current route. 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 R Bailey, Councillor S Davies 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 Mr and Mrs Hutchins, Newhall Cross House, Wrenbury Road, Aston, Nantwich, CW5 8DQ, 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 Newhall.

10.2 Public Footpath No. 2, Newhall, commences at its junction with Wrenbury Road at OS grid reference SJ 6090 4713 (point A) and runs through the grounds of Newhall Cross House and then across farmland in a generally easterly and then northerly direction to OS grid reference SJ 6135 4792 . The section of path to be diverted is shown by a solid black line on Plan No. HA/031 running between points A-B. The proposed diversion is illustrated on the same plan between points D-C-B.

10.3 Mr and Mrs Hutchins own 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. 2, Newhall to be diverted runs in a generally easterly direction across the garden of the property to the west of a hedge that is broken only by the property drive. The garden to the east of this hedge is landscaped and furnished for use by the owner whereas to the west, it is open mown grass. The impact of this layout is that some users misuse of the open area and others stray from the definitive route to exit the garden via following the drive onto Woodcott Hill Lane. The relative closeness of the current path to the property of the owner also creates privacy and security concerns.

10.5 The proposed new route (points D - C - B) would enter the garden of Newhall Cross House through a gap/gate in the wall off Woodcote Hill Lane (point D) to run around the garden boundary in an easterly direction, turning right at a hedge (point C) to continue south to point (point B). The new route would be fenced along the

southern and western edges of the footpath leaving a recorded width of 2.5m between the existing fence/hedge and the proposed new fence.

- 10.6 Ward Councillors have been consulted about the proposal and Councillor Rachel Bailey responded to register that she had no concerns. No other comments were received.
- 10.7 Newhall Parish Council has been consulted. Objection was expressed regarding the danger of negotiating the bend on Wrenbury Road when walking the section north from the current start point to reach the start point of the proposed new route on Woodcott Hill Lane. There is no footway on Wrenbury Road north of point A.

In response, the Parish Council were informed that the speed limit at this point (30mph) and the nature of the bend forces drivers to slow down and no injury accidents have been recorded to date along this stretch of road. Furthermore, the bend already exists for any walkers travelling north from the west end of the existing route and is a relatively short stretch (approximately 35m).

For users of the new route whose onward direction of travel is south towards the village, the time it would take to walk from the end of Woodcote Hill Lane (point D) to the start of the footway (at point A) is roughly 30 seconds and visibility for users is better in this direction than travelling north.

- 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 objections were received from the Peak and Northern Footpath Society, South Cheshire Ramblers and Mid-Cheshire Footpath Society. The objections related to additional path length and user safety on the Wrenbury Road.

Following discussions about these issues, in particular the fact that the bend already exists for any walkers travelling north from the west end of the existing route (see 10.7) and that the additional length is not onerous in the context of the overall path length and wider network, the Mid-Cheshire Footpath Society stated that they would not object 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:

Name: Marianne Nixon

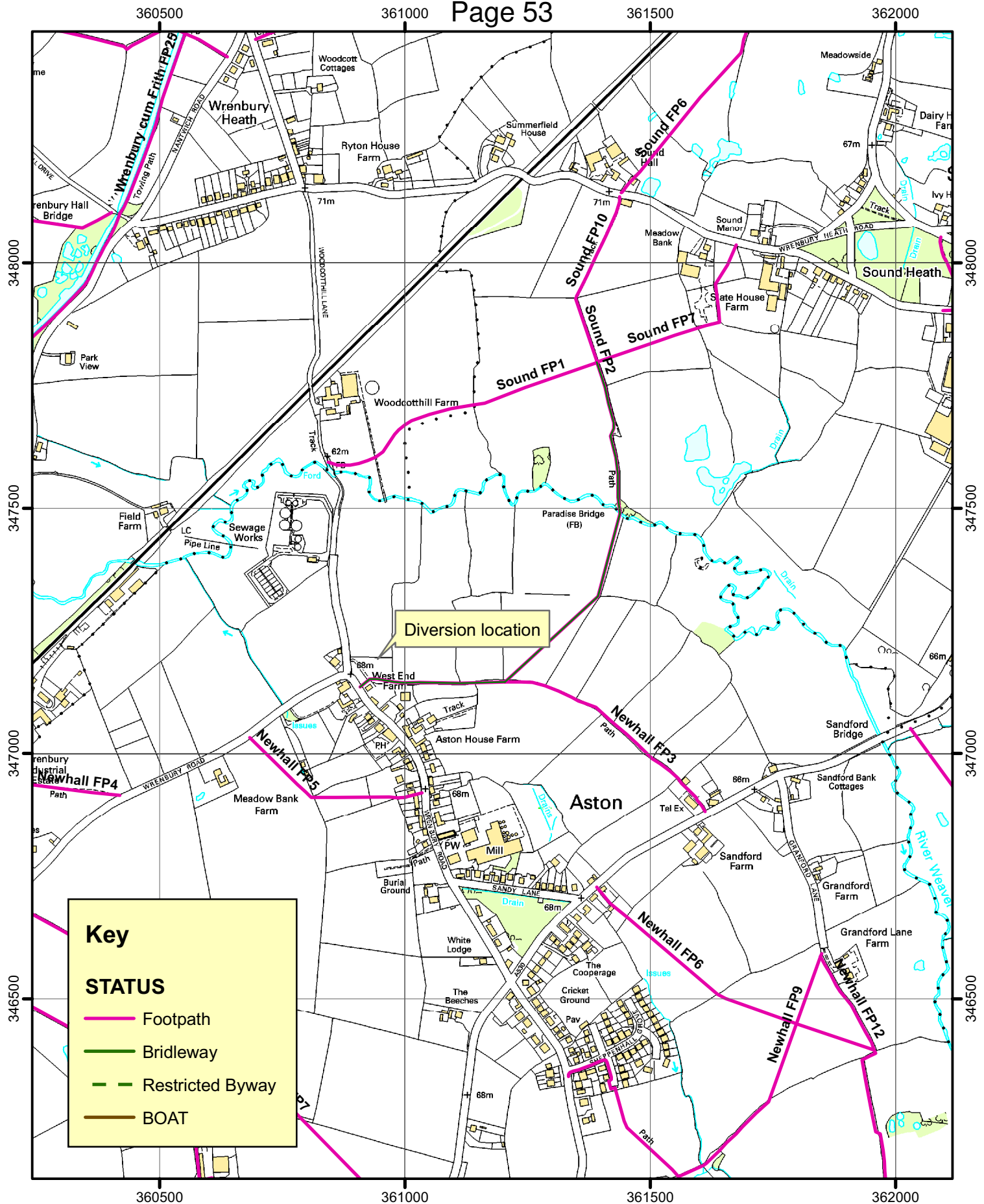
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PROW File: 384D/413

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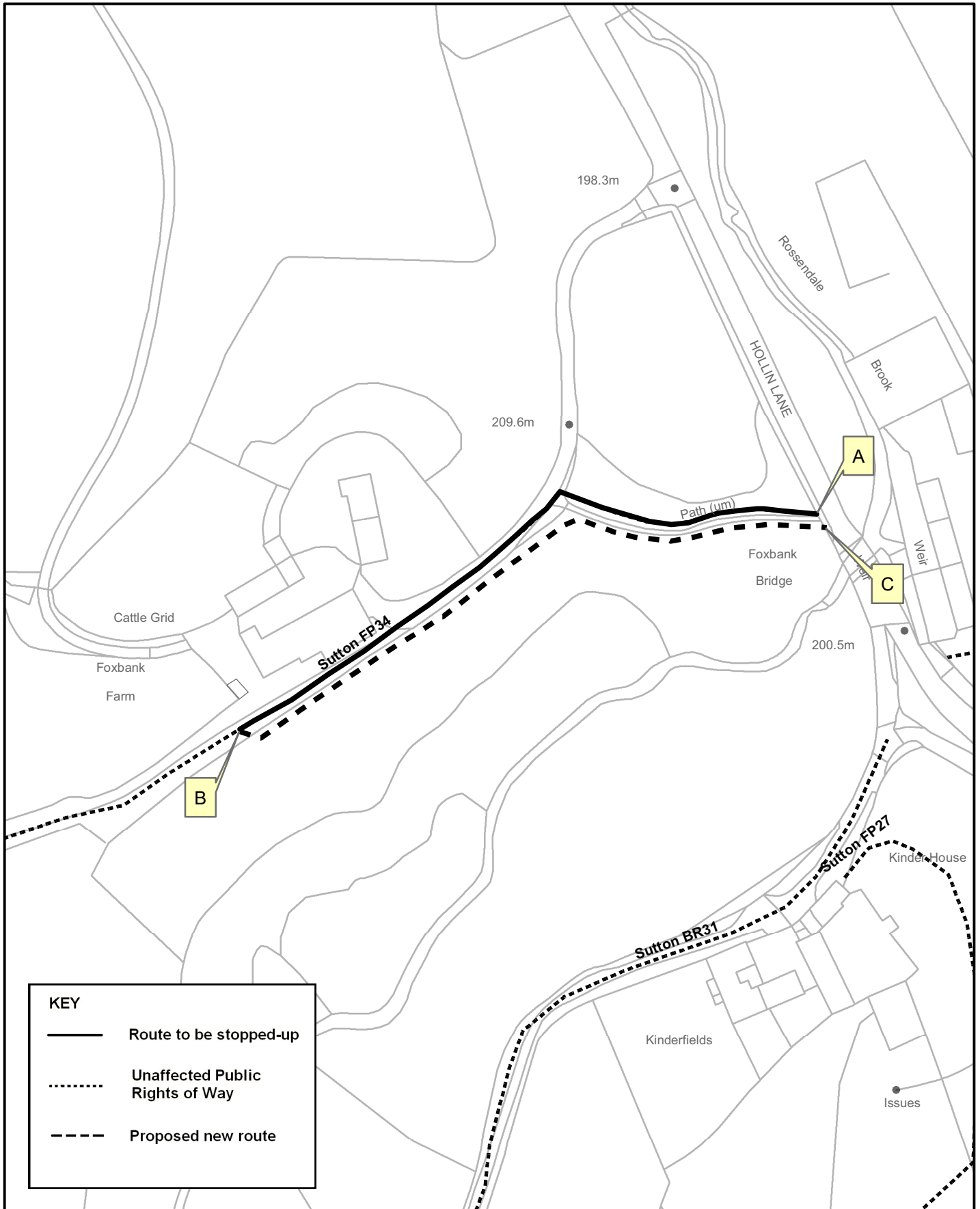
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Newhall FP2  
Plan of wider network

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Highway Act 1980  
Proposed diversion of  
Public Footpath 34 Sutton (part)

Plan No.  
HA/028

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## **CHESHIRE EAST COUNCIL**

### **Public Rights of Way Committee**

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**Date of Meeting:** 13 December 2010  
**Report of:** Greenspaces Manager  
**Subject/Title:** Highway Act 1980 – Section 119  
Application for the Diversion of Public Footpath No.34  
(part), Parish of Sutton

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#### **1.0 Report Summary**

- 1.1 The report outlines the investigation of an application to divert part of Public Footpath No. 34 in the Parish of Sutton. 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 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. 34 as illustrated on Plan No. HA/028 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 11.5 and 11.6 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 at informal consultation stage. 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, particularly in terms of security and privacy. 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 Macclesfield Forest

#### **5.0 Local Ward Members**

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

#### **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 Mr Stanley of Foxbank Farm, Sutton ('the Applicant') requesting that the Council make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath No.34 in the Parish of Sutton.
- 10.2 Public Footpath No. 34 Sutton commences at its junction with Hollins Lane at O.S. grid reference SJ 9384 6972 (point A on plan HA/028) and runs in a generally westerly direction along the northern side of a field boundary up a steep wooded slope for approximately 64m to O.S. grid reference SJ 9377 6973 where it joins the surfaced driveway to Foxbank Farm. This first section of the path is not available on the ground and may represent a mapping anomaly on the definitive map. The public use a permissive path along the southern side of the field boundary instead, through pasture.
- 10.3 The definitive line of Public Footpath No.34 Sutton then continues along the surfaced farm drive, which is steep and narrow. It continues to the end of the surfaced drive and passes the farm house to a field gate at O.S. grid reference SJ 9370 6967 (point B on plan HA/028). This section is available to the public, but most choose to continue along the permissive path on the southern side of the boundary, along the edge of the pasture field, rejoining the definitive line at the aforementioned field gate. The definitive line of the path continues through the field gate and proceeds west and then south for a further 2.5km, along the Hill of Rossencloves. The route forms part of the promoted Gritstone Trail.
- 10.4 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 and/or the public to make an order diverting the footpath.
- 10.5 The proposed new route for the path (C-B on plan HA/028) follows the aforementioned permissive alternative to the definitive line, along the northern edge of the pasture field, already much used by the public. It has a natural grass surface, which the applicant will improve with stone flags or gritstone (to the Council's specification) where it is narrow; although the path is completely

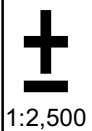
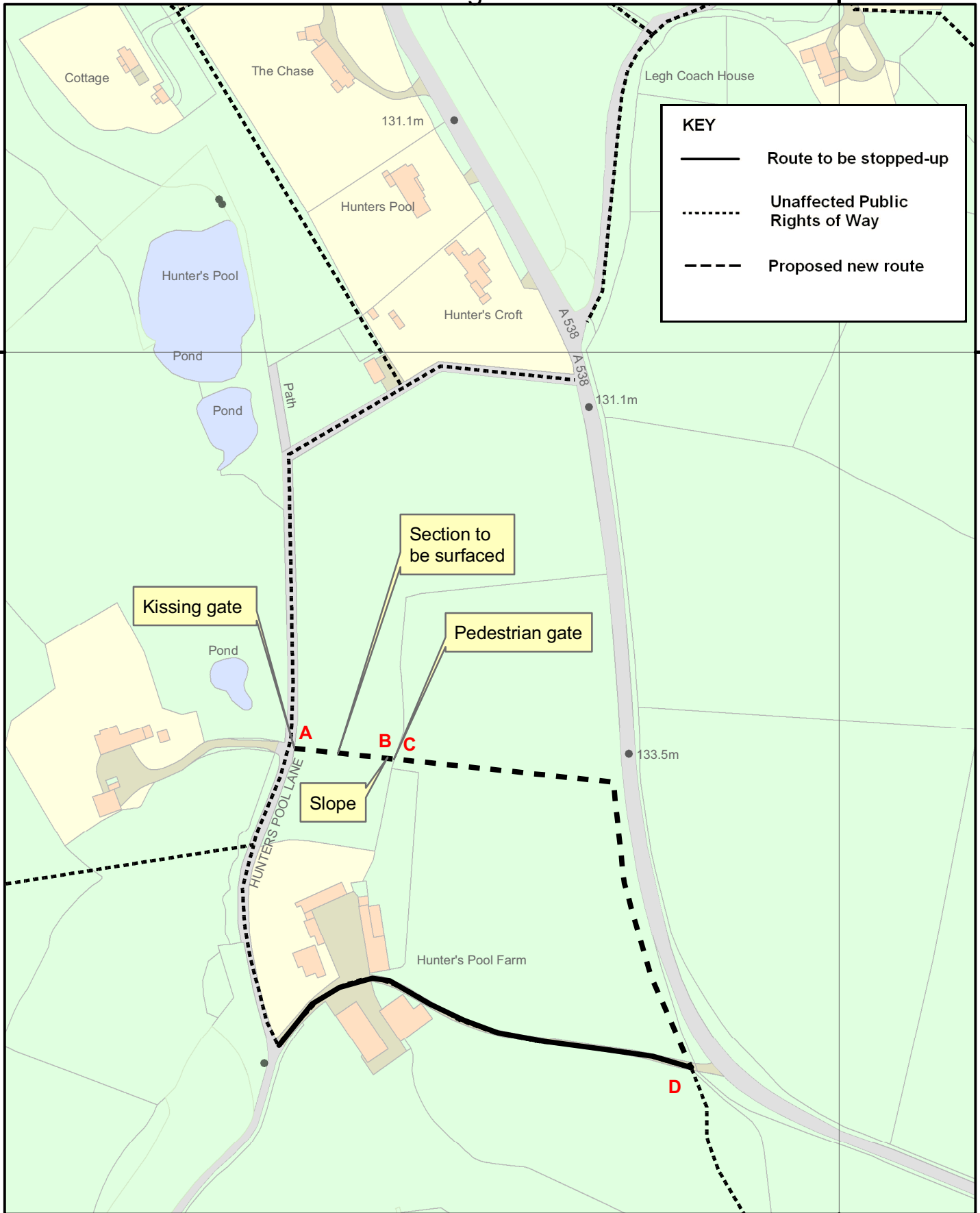
unenclosed, it is along the edge of a steep slope and some work will be required to provide a level 1m width in front of the farm buildings. The route affords spectacular views to the south across the valley, which are not available from most of the definitive route, as there is a tall hedge and wall separating it from the field. The current stile onto Hollins Lane at point C is to be replaced with a timber kissing gate; there are to be no other barriers or structures on the new route.

- 10.6 The proposal will formalise the situation on the ground by making the route currently used by the public the legal line of the route. This will benefit the landowner in terms of moving the legal line of the path away from the farm buildings, thereby increasing security and privacy at the farm, an issue which is increasingly of concern to the applicant. It will also reduce the potential for conflict between the public and farm vehicles (often large) using the steep, narrow farm driveway, which becomes slippery in wet weather. It will also create a more enjoyable route for the public, as the uninterrupted views of the valley to the south are not available from the definitive line. It will also resolve the issue of the possible mapping anomaly of the section of definitive route along the steep wooded slope up from Hollins Lane, which would be costly and problematic to install on the ground.
- 10.7 The local Councillors have been consulted about the proposal, no objections have been received.
- 10.8 Sutton Parish Council have been consulted and no objection has 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. The Peak and Northern Footpaths Society has responded to state that it supports the proposal. The East Cheshire Ramblers' Association has no objection to the proposal and has asked to have the opportunity to inspect the new route with the Council prior to the signing of the Article 2 certificate for the Order.
- 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: 037D/398



Highways Act 1980  
Proposed diversion of  
Mottram St Andrew FP2

Plan No.  
HA/030

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:** 13 December 2010  
**Report of:** Greenspaces Manager  
**Subject/Title:** Highways Act 1980 – Section 119  
Application for the Diversion of Public Footpath No. 2,  
Parish of Mottram St Andrew

---

#### 1.0 Report Summary

- 1.1 The report outlines the investigation to divert Public Footpath No.2 in the Parish of Mottram St Andrew. 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.2 Mottram St Andrew by creating a new section of public footpath and extinguishing the current path as illustrated on Plan No. HA/030 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 Although concerns were expressed about the proposed route during the initial consultation process, these were resolved following a site visit where agreement of the reasons for the selected route was reached and a slight amendment to the proposed new route made at the request of the landowner. The amended route did not trigger any objections during a second informal consultation exercise.

3.5 The proposed route will not be 'substantially less convenient' than the existing route and diverting the footpath will be of considerable benefit to the landowner in terms of enhancing the security and privacy of the property. It is 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 Prestbury and Tytherington

#### **5.0 Local Ward Members**

5.1 Councillor P Findlow, Councillor T Jackson and Councillor B Livesley

#### **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 AM Harle, Hunters Pool Farm, Mottram St Andrew, Macclesfield, SK10 4QQ, requesting that the Council make an Order under section 119 of the Highways Act 1980 to divert Public Footpath no. 2 in the Parish of Mottram St Andrew.

10.2 Public Footpath No. 2, Mottram St Andrew, commences at its junction with Hunters Pool Lane at OS grid reference SJ 8822 7766 and runs in a generally easterly direction along a broken metalled track that passes through the applicant's property (formerly a farm) and through a field to OS grid reference 8842 7765 where it joins with Public Footpath No.1, Mottram St Andrew. The section of path to be diverted is shown by a solid black line on Plan No. HA/030. The proposed diversion is illustrated on the same plan with a black dashed line between points A-B-C-D.

10.3 Mr AM Harle 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 Public Footpath No. 2, Mottram St Andrew to be diverted runs through the property of the landowner giving rise to concerns relating to security and safety. The landowner also has planning permission to convert some of the outbuildings into holiday apartments, adding to the need for increased privacy and security at the property.

10.5 The proposed new route (A-B-C-D) would pass through a kissing gate at point A on plan HA/030 and continue along a level, surfaced path through rough ground to point B where it would climb a slope to a pedestrian gate at point C. From point C, the remaining route would cross open pasture land to terminate at point D. The new route would have a recorded width of 2m and would not be enclosed on either side. Of benefit to the public, the new route would be significantly more enjoyable as it would pass through more open and scenic

landscape and it would also provide a more direct link to Mottram St Andrew FP22.

- 10.6 Ward Councillors have been consulted about the proposal and Councillor Bill Livesley responded to register support. No other comments were received.
- 10.7 Mottram St Andrew Parish Council has been consulted and did not raise any objections.
- 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. No objections were received although concerns were received from the Ramblers Association, Alderley Edge Footpath Society and the Peak and Northern Footpath Society regarding the effect of traffic noise on the enjoyment of the new route between points C-D. These concerns were allayed after a site visit allowed representatives of these organisations to see that this section of path would provide good views and would take the path where it would naturally follow the dip in the land to and from point B. Diverting the path from D-B by any other route would involve taking the user across land of steeper gradient.

The Peak and Northern Footpath Society registered no objection to the proposal but requested that along section A-B on plan HA/030, the new surface should be of appropriate materials to make a good walking surface since the ground is very soft.

- 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.

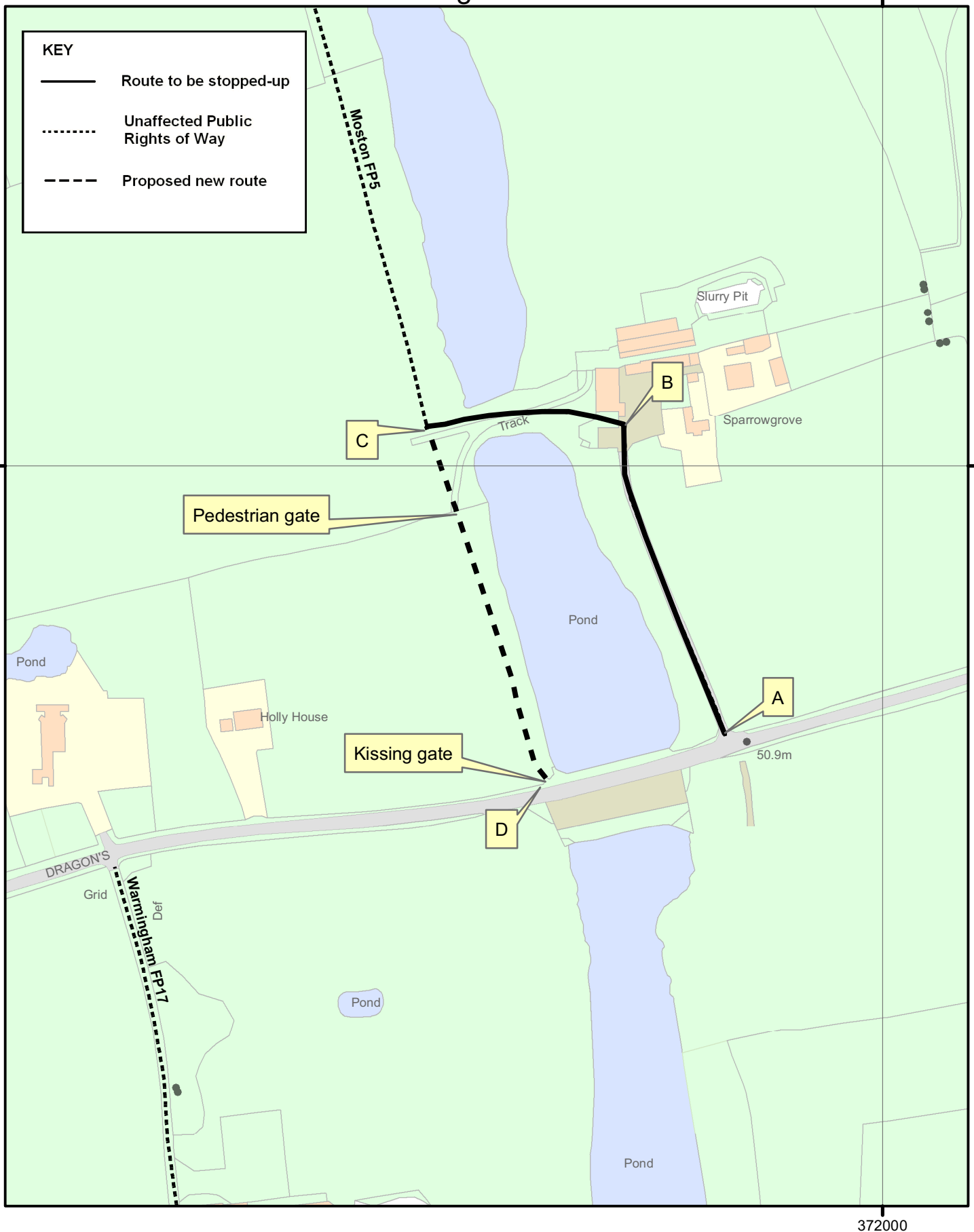
## **11.0 Access to Information**

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PROW File: 216D/412



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Highways Act 1980  
Proposed diversion of Moston (formerly  
Tetton) FP5 (Part)

Plan No.  
HA/029

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



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## **CHESHIRE EAST COUNCIL**

### **Public Rights of Way Committee**

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**Date of Meeting:** 13 December 2010  
**Report of:** Greenspaces Manager  
**Subject/Title:** Highways Act 1980 – Section 119:  
Application for the Diversion of Public Footpath No. 5 (part),  
Parish of Moston (formerly Tetton)

---

#### **1.0 Report Summary**

- 1.1 This report outlines the investigation to divert part of Public Footpath No.5 in the Parish of Moston (formerly Tetton). 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.5 Moston (formerly Tetton) by creating a new section of public footpath and extinguishing the current path as illustrated on Plan No. HA/029 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 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 and 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 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 and public, particularly in terms of safety from the subsiding barn and enjoyment. 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 Congleton Rural ward

#### **5.0 Local Ward Members**

5.1 Councillor L Gilbert, Councillor A Kolker and Councillor J Wray

#### **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 Mrs Maureen Keeble, 1 Colleys Lane, Willaston, Nantwich, CW5 6NS requesting that the Council make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath no. 5 in the Parish of Moston (formerly Tetton).
- 10.2 Public Footpath No. 5, Moston (formerly Tetton), commences at its junction with Dragons Lane at OS grid reference SJ 7192 6236 and runs in a generally northerly direction to the farmyard where it turns to follow a westerly direction between two lakes before following a northerly and then north easterly direction to OS grid reference 7142 6304. The section of path to be diverted is shown by a solid black line on Plan No. HA/029 running between points A-B-C. The proposed diversion is illustrated on the same plan between points D-C.
- 10.3 Mrs M Keeble 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. 5, Moston (formerly Tetton) to be diverted runs along a farm drive and through a working farm yard where there is a barn suffering from subsidence. This poses safety issues to passing walkers and a temporary closure is already in place to divert the path along the proposed diversion route.
- 10.5 The proposed new route would leave the road at point D which is west of point A (the start of the current path). It would enter a pasture field (part of a SSSI) to follow a northerly direction along the west side of a fishing lake before joining the current path at point C. The new path would have a recorded width of 2 metres throughout and would have two gates; a kissing gate at the road and a pedestrian gate at a field boundary marked on the plan HA/029. It forms a more direct route for the public, as it disposes of the current "dog leg" through the farmyard. It disposes of the possible conflict between walkers and vehicular traffic on the driveway. It also forms a more pleasant walk for the public in terms of its proximity to the wildlife on the lake and views of the same. From the landowner's point of view, the diversion is advantageous by moving the path further from the property, affording greater privacy and

security and overall enjoyment of the property. It also removes the possibility of danger to the public from the subsiding barn, which, although temporary in nature, requires substantial work to resolve in the long-term.

- 10.6 Ward Councillors have been consulted about the proposal and Councillor Les Gilbert responded to state he foresaw no issues with the diversion although isn't aware of the area so would forward any comments he received. No other comments were received.
- 10.7 Moston (formerly Tetton) Parish Council has been consulted and have raised no objections to the proposed diversion.
- 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. Mr Alan Hooley of the Peak and Northern Footpath Society and Mr Alan Soper of the Ramblers Association responded to register member support for the proposed diversion.
- 10.10 The Council's Nature Conservation Officer has been consulted and
- Mr Keiran Preston of Natural England responded to express support providing Natural England agreement is sought to ensure that the gate installations will not adversely affect the land which is a SSSI.
- 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 Access to Information**

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

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PROW File: 214D/410

## **CHESHIRE EAST COUNCIL**

### **Public Rights of Way Committee**

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|                         |   |
|-------------------------|---|
| <b>Date of Meeting:</b> | 13 December 2010  |
| <b>Report of:</b>       | Green Spaces Manager  |
| <b>Subject/Title:</b>   | Cheshire East Rights of Way Improvement Plan 2011-2026:<br>Approval of Strategy and Notification of Implementation Plan<br>Prioritisation Methodology |

---

#### **1.0 Report Summary**

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

#### **2.0 Recommendation**

- 2.1 That recommendation be made to the Portfolio Holder to approve Appendix 1 as the Cheshire East Rights of Way Improvement Plan 2011-2026;
- 2.2 That the prioritisation methodology for projects to be delivered under the ROWIP Implementation Plan be noted;
- 2.3 That delegated powers be given to Mike Taylor, Green Spaces Manager, having first consulted with the Chairman of this Committee, to confirm the final form of the Implementation Plan, taking into account the prioritisation methodology advised by Cheshire Local Access Forum, to be recommended to the Portfolio Holder for approval.

#### **3.0 Reasons for Recommendation**

- 3.1 Member recommendation is sought in order for the Portfolio Holder to approve the final document prior to publication and as an integrated document of the Cheshire East Local Transport Plan 2011-2026 (LTP3). The LTP3 document is to appear before the Full Council in February 2011.
- 3.2 Members are informed of the prioritisation methodology to be used to draw up the first Implementation Plan for the delivery of the ROWIP.
- 3.3 Member recommendation is sought for delegated powers for the officer to develop the Implementation Plan, based on the prioritisation methodology, for the approval of the Portfolio Holder. This approval is required prior to the next meeting of this Committee.

#### **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, is set within the context of the Local Area Agreement indicators concerning air quality and CO<sub>2</sub> emissions.

#### **7.0 Financial Implications**

7.1 The ROWIP strategy document contains the policies and initiatives of the relevant sections of the (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 LTP3/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 are specific to the ROWIP, the content of the



chapter of the ROWIP containing the policies and initiatives of the strategy is common across the 2 documents.

- 10.3 As the LTP3 document is finalised, amendments to wording within the ROWIP may be made, although these can be expected to be minor. The final document will be put to the Portfolio Holder for approval.
- 10.4 Public consultation has been undertaken on the Draft ROWIP document, in compliance with Sections 61 (1), (2) and (3) of the Countryside and Rights of Way Act 2000. Responses to these consultations have been assessed and changes made accordingly.
- 10.5 The ROWIP document before the Committee sets out the strategy by which the Council aims to improve the public rights of way over the next 15 years. Which improvements are to be made will be set out in 3-yearly Implementation Plans.
- 10.6 Suggestions for improvement projects have been submitted by members of the public. In order for these to be fairly assessed, a prioritisation methodology has been devised. Three options for this methodology, shown in Appendix 2, have been put before the Cheshire Local Access Forum on 10<sup>th</sup> December 2010. The local authority is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to the relevant advice from this Forum in carrying out its functions.
- 10.7 A verbal report will be delivered to the Committee as to the prioritisation methodology selected by the Forum. The Implementation Plan covering 2011-2014 will be drawn up using this methodology. An officer delegation is requested so that the advice of the Forum can be taken into account by him, in consultation with the Chairman of this Committee, in the final version of the Implementation Plan which will be recommended to the Portfolio Holder for approval. The Implementation Plan will be presented to the March meeting of this Committee for information.

#### **11.0 Access to Information**

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

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# Rights of Way Improvement Plan

2011-2026

[www.cheshireeast.gov.uk/prow](http://www.cheshireeast.gov.uk/prow)





The countryside of Cheshire East is well regarded; from the lush dairy pastures and waterways of the Cheshire Plain to the rugged gritstone edge of Cheshire's Peak District. The public rights of way network offers a vital route into this countryside for our residents and visitors alike.

These footpaths, bridleways and byways are probably best known as a leisure resource, but on a more local scale, they can also offer walking and cycling routes between people's homes, schools, shops and workplaces. It is widely acknowledged that such leisure and travel activities deliver both physical and mental health benefits and can help to reduce congestion and air pollution.

So our public rights of way network is an asset well worth investing in.

This document sets out the strategy for the next 15 years through which we can make the most of our public rights of way network. Times will be tough in the coming years for our private enterprises and the voluntary sector, as well as for our public bodies. We will all have to work more closely together in order to improve our public rights of way for the benefit of the people of Cheshire East.

A handwritten signature in black ink, appearing to read 'A Knowles'.

**Councillor Andrew Knowles**

Portfolio Holder, Health and Wellbeing

The scientific and medical community is increasingly becoming aware of the benefit that access to the countryside provides to the mental and physical health of people. The public rights of way network and green spaces are a major resource that can be used and developed to provide this access. It was also apparent from the foot and mouth outbreak of a few years ago that public rights of way contribute significantly to the economic health of this area.



In addition, we have the challenges of climate change and lower economic growth to manage with the implication of limited resources that need to be used effectively. Within this environment the Rights of Way Improvement Plan provides the strategic framework, within the Local Transport Plan, whereby the future development of countryside access can be effected.

The Cheshire Local Access Forum will use its influence to ensure that the three year plans to implement the strategy are adequately resourced and monitored; whilst maintaining the essential elements of the countryside viz: biodiversity, tranquillity, and aesthetic beauty.

A handwritten signature in black ink, appearing to read 'John White'.

**John White**

Chair, Cheshire Local Access Forum

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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 authority's area; 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' (a definition which includes both public and private land including farmland, woodland and parkland). 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<sup>(1)</sup>.

### 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<sup>(1)</sup>

"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, Visitor Economy Strategic Framework, Parish Plans, Climate Change Action Plan, Local Area Partnerships, Sport and Physical

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

## 1 Introduction

Activity Strategy, Open Space Strategy, North East Wales and Cheshire Green Infrastructure Framework, 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<sup>(2)</sup>

- 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<sup>(3)</sup> 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<br>– improving existing paths                         | <ul style="list-style-type: none"> <li>• Resurfacing of public footpaths Nos. 12 &amp; 17 in Neston</li> <li>• Surfacing and flood-proofing of footpath No. 14 in Middlewich</li> </ul>   |
| Sustainable Travel<br>– path improvements                    | <ul style="list-style-type: none"> <li>• New public footpath at Sandbach linking residential area with supermarket</li> <li>• Crewe – Nantwich Connect2 Greenway project</li> </ul>   |
| Social Inclusion<br>– developing a few key accessible routes | <ul style="list-style-type: none"> <li>• Progress on developing fully accessible riverside path at Frodsham, as part of Weaver Valley Regional Park</li> <li>• Kissing gate scheme</li> <li>• Replacement of stiles with kissing gates during routine maintenance and diversion routes</li> <li>• Provision of an easy access route all the way around Astbury Mere in Congleton</li> <li>• Publishing Walks for All leaflet</li> </ul> |
| Tourism and Leisure<br>– developing and improving routes     | <ul style="list-style-type: none"> <li>• Delamere Loop horse riding route</li> <li>• Bishop Bennet Way horse riding route</li> <li>• Discover Cheshire website development</li> <li>• Parish Small Grants Scheme</li> <li>• Installation of new bridleways on Newgate former landfill site, Wilmslow</li> </ul>   |
| Cross-cutting issues<br>– involving landowners               | <ul style="list-style-type: none"> <li>• Permissive paths on the Peckforton Estate</li> <li>• New footpath to White Nancy, Bollington</li> </ul>  |

**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

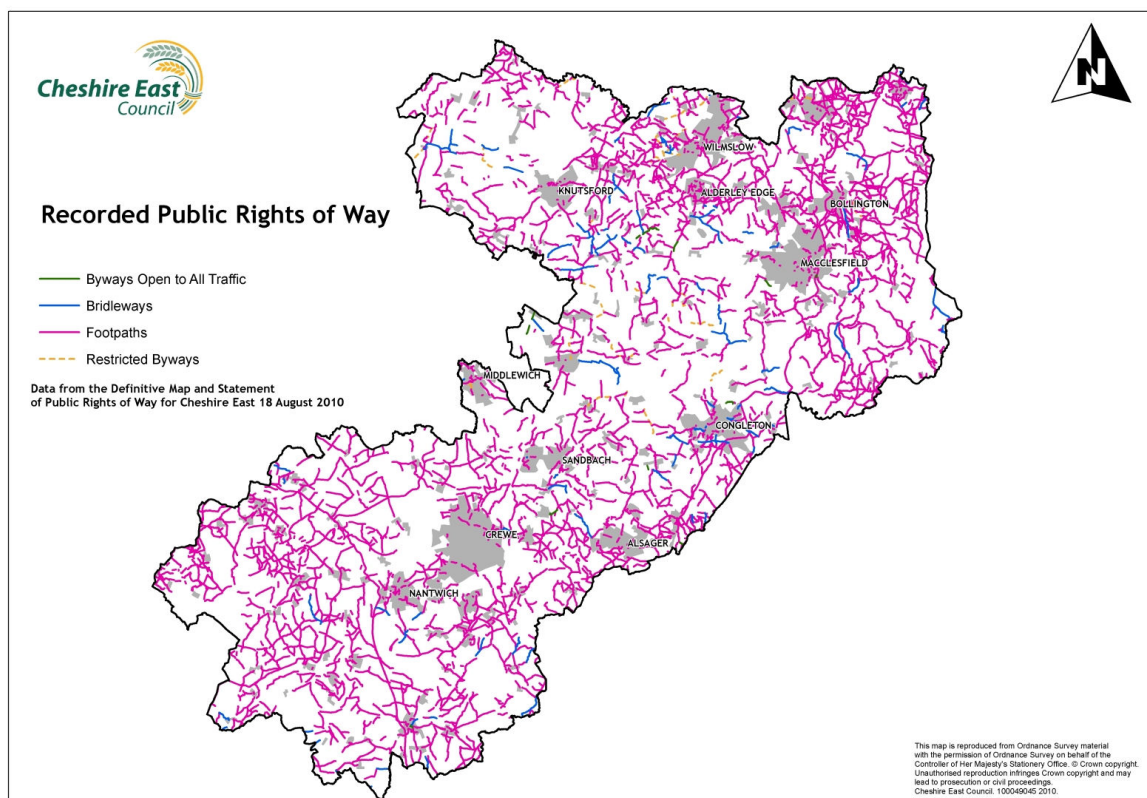
- 3.1.1** The different categories of public rights of way available to different categories of user are summarised in the table below. Since the publication of Cheshire's ROWIP in 2006, the category of Restricted Byway has been introduced via national legislation; these rights of way were largely formerly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



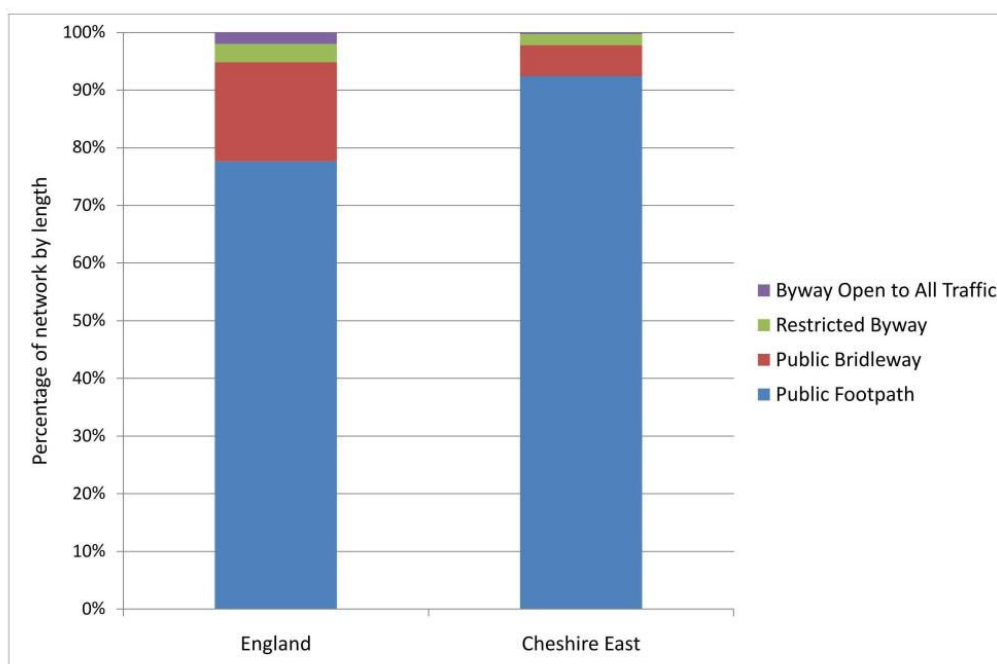
**Figure 1 The public rights of way network in Cheshire East**

### 3 Network assessment

**3.1.3** There is a variance between the Cheshire East data and the average for England<sup>(4)</sup> 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 <sup>(5)</sup> |              | 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 3<sup>rd</sup> 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.

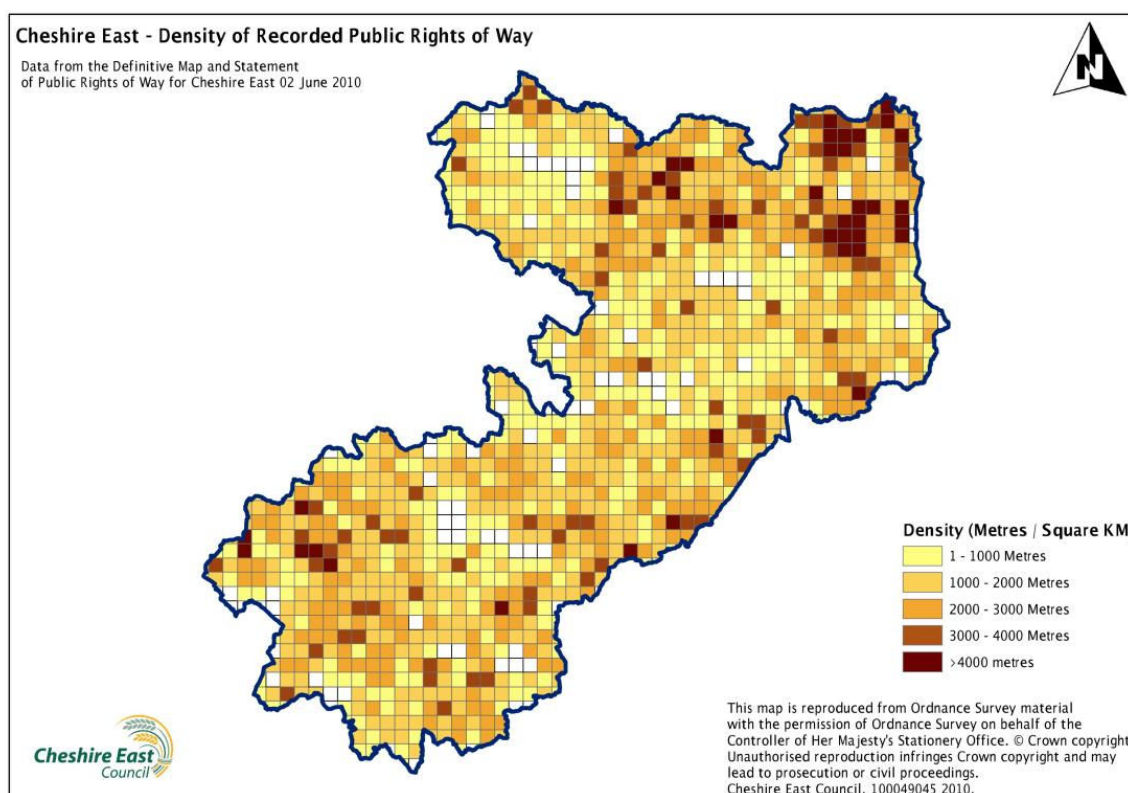


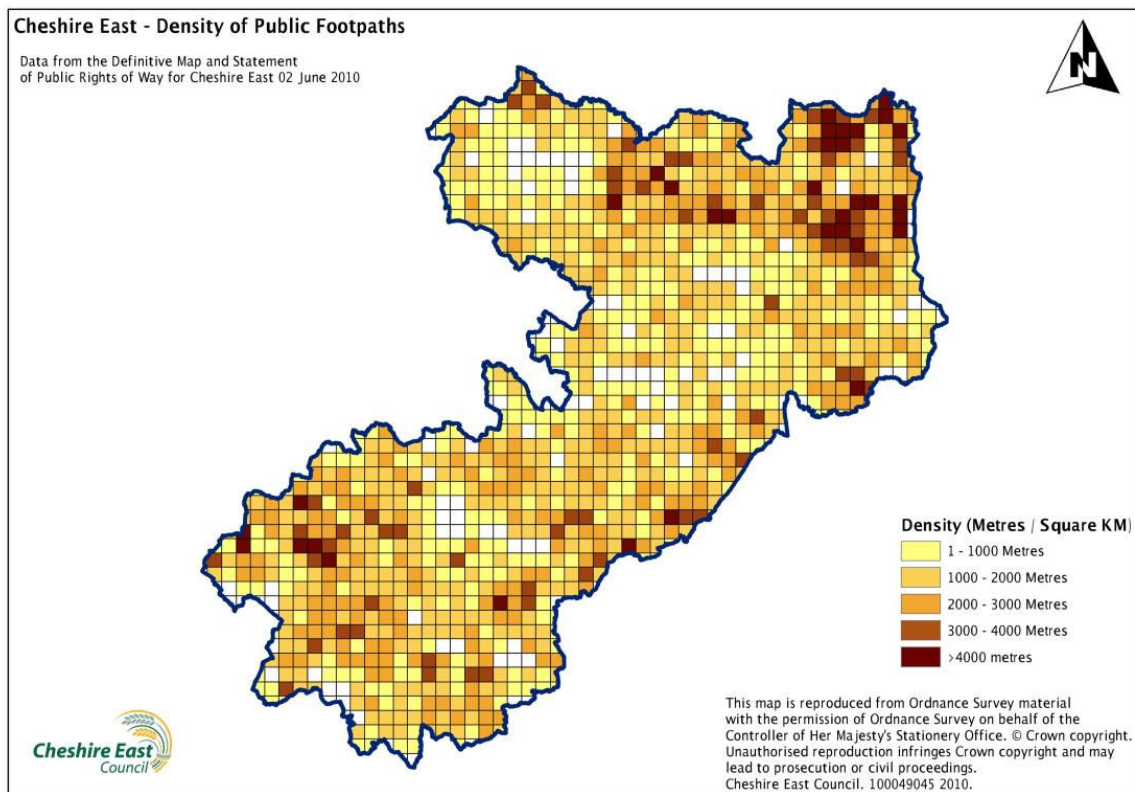
Figure 3 Density of all categories of public rights of way

#### 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:-
- routes don't always link together, requiring users to walk along rural roads;
  - 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;

### 3 Network assessment

- 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;
- 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 and Holmes Chapel to Middlewich;
- 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 Rode, either side of the A536, is sparse.

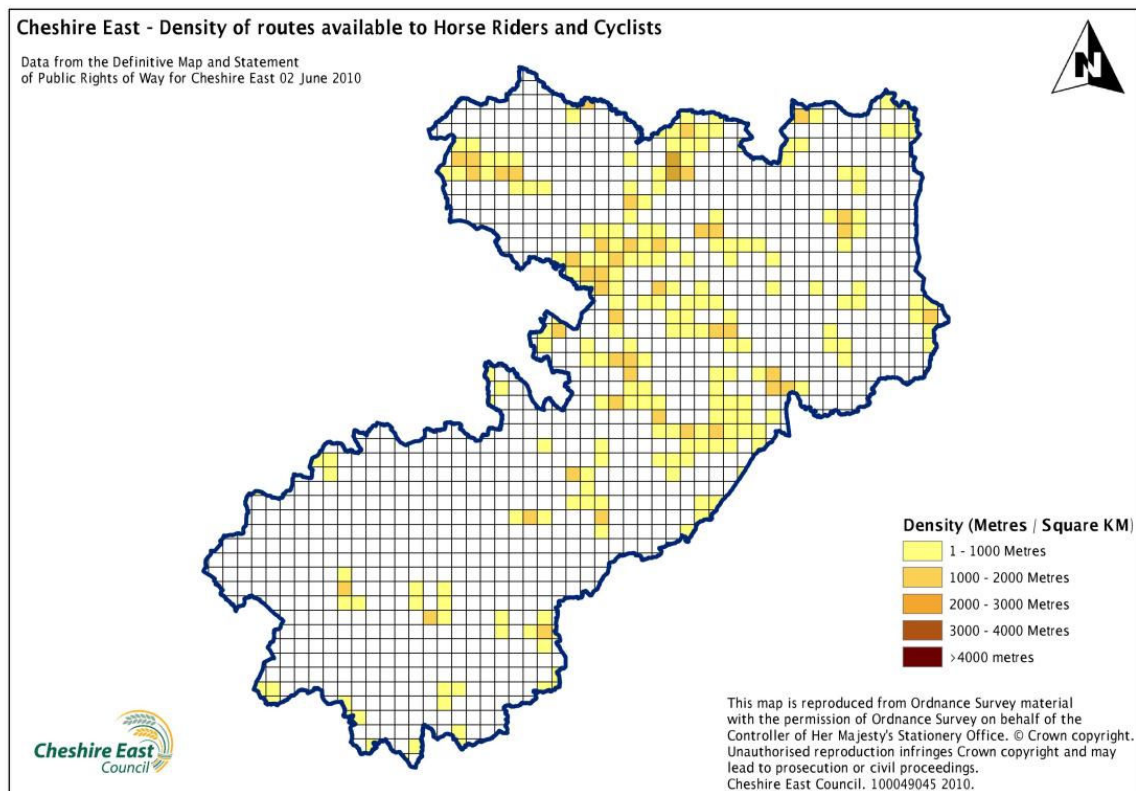


**Figure 4 Density of public footpaths**

#### 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**

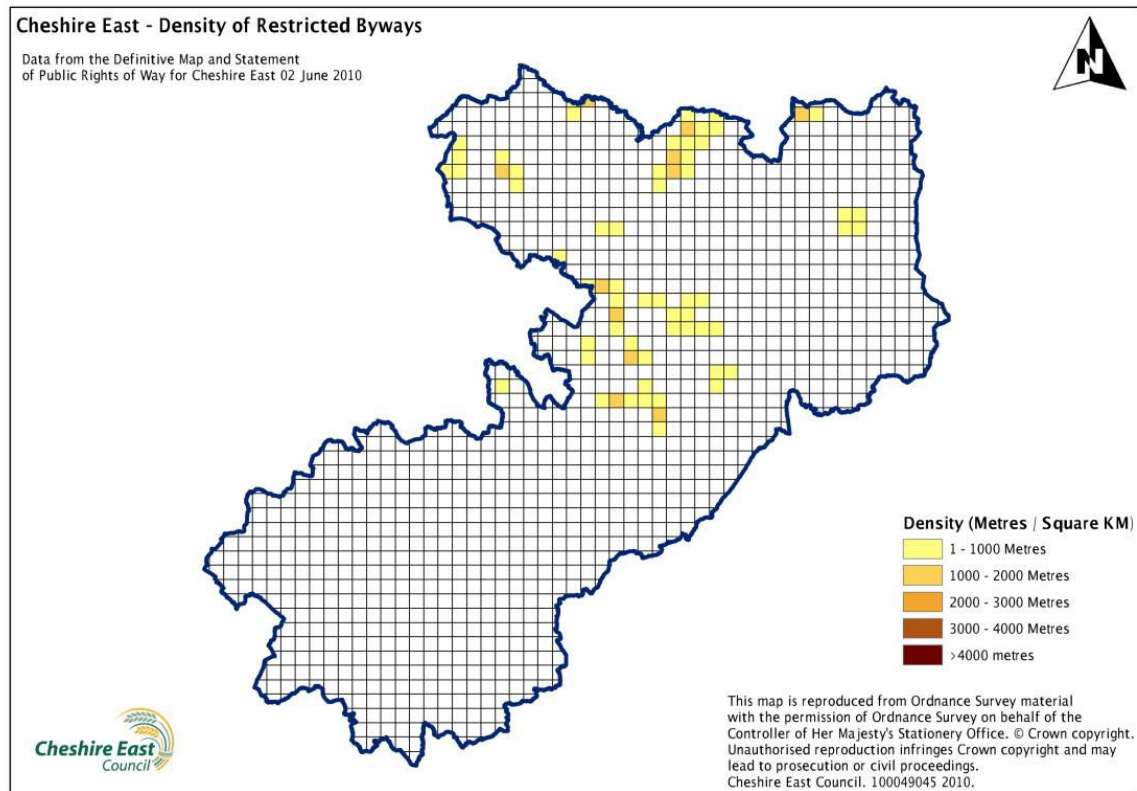
#### **Comment from respondent of a questionnaire on the priorities for the ROWIP, July 2010**

"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"

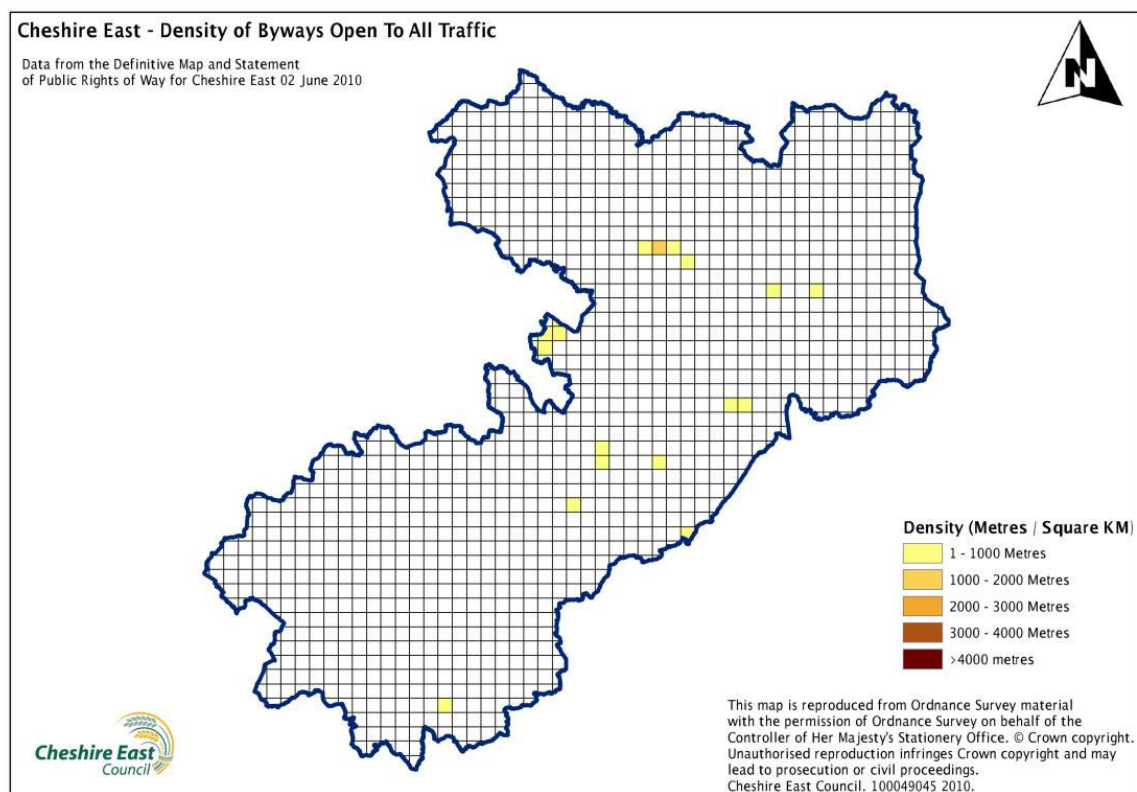
#### **What have we got for carriage drivers and recreational motor vehicles?**

**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<sup>(6)</sup>, 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**

<sup>6</sup> marked on Ordnance Survey maps and/or listed by the Long Distance Walkers Association [www.ldwa.org.uk](http://www.ldwa.org.uk)

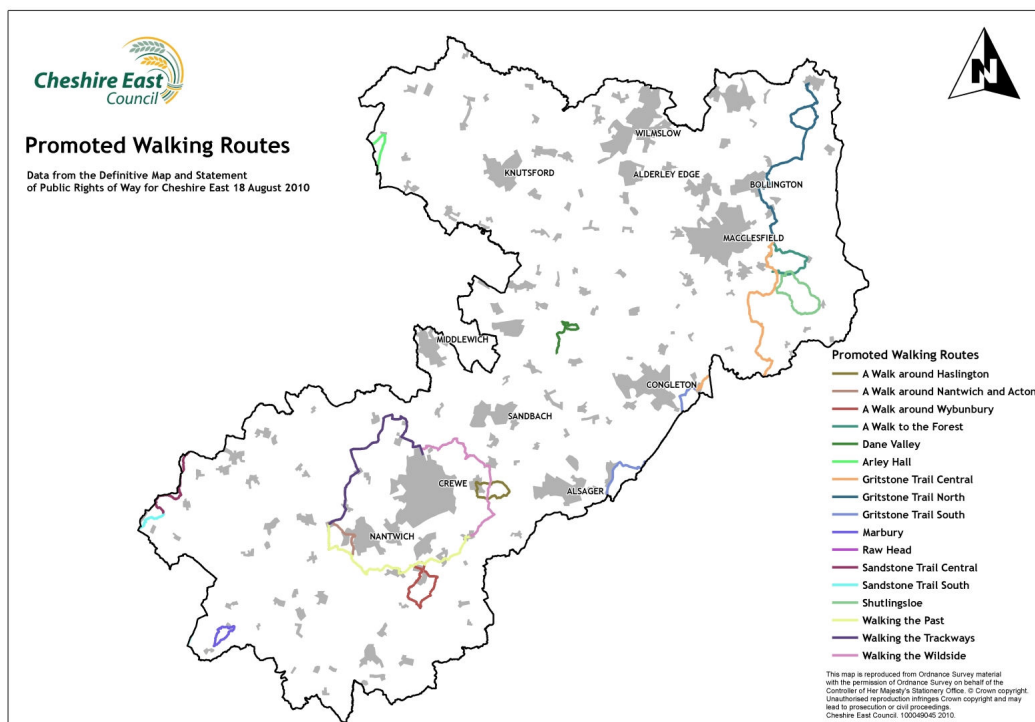
### 3 Network assessment

**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](http://www.discovercheshire.co.uk).

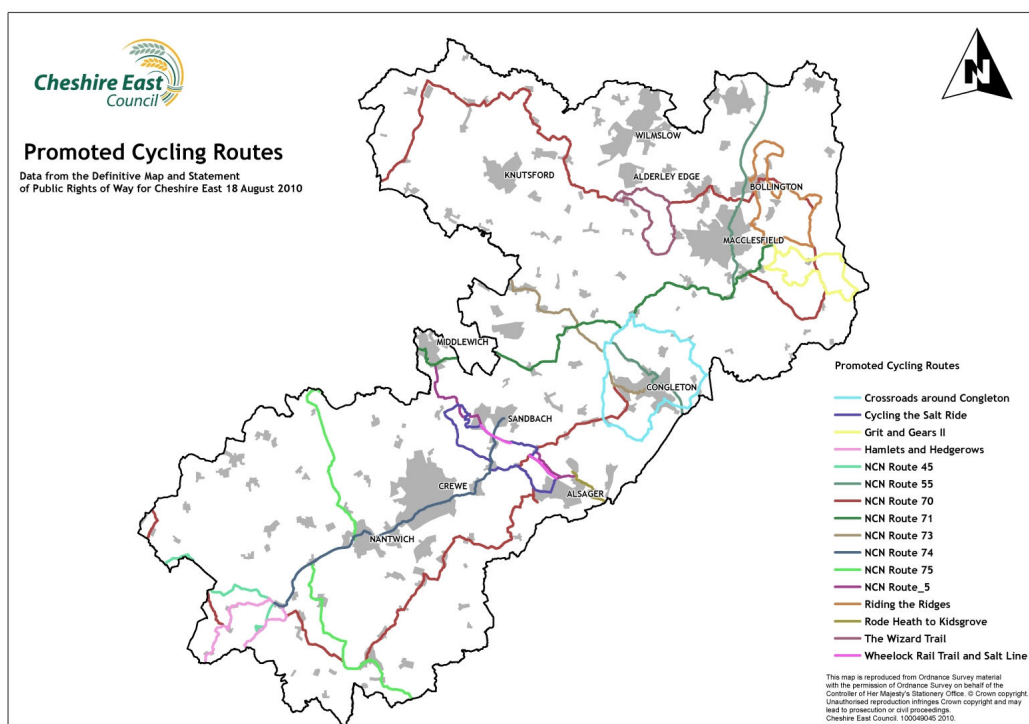


**3.1.11** Cheshire East Council has published a Walks for All leaflet detailing 10 routes around the borough and also leaflets detailing walks in Nantwich, around the Middlewood Way and the Bollington area. An 'Explorer' leaflet gives highlights across the borough for all users groups. Further, other 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

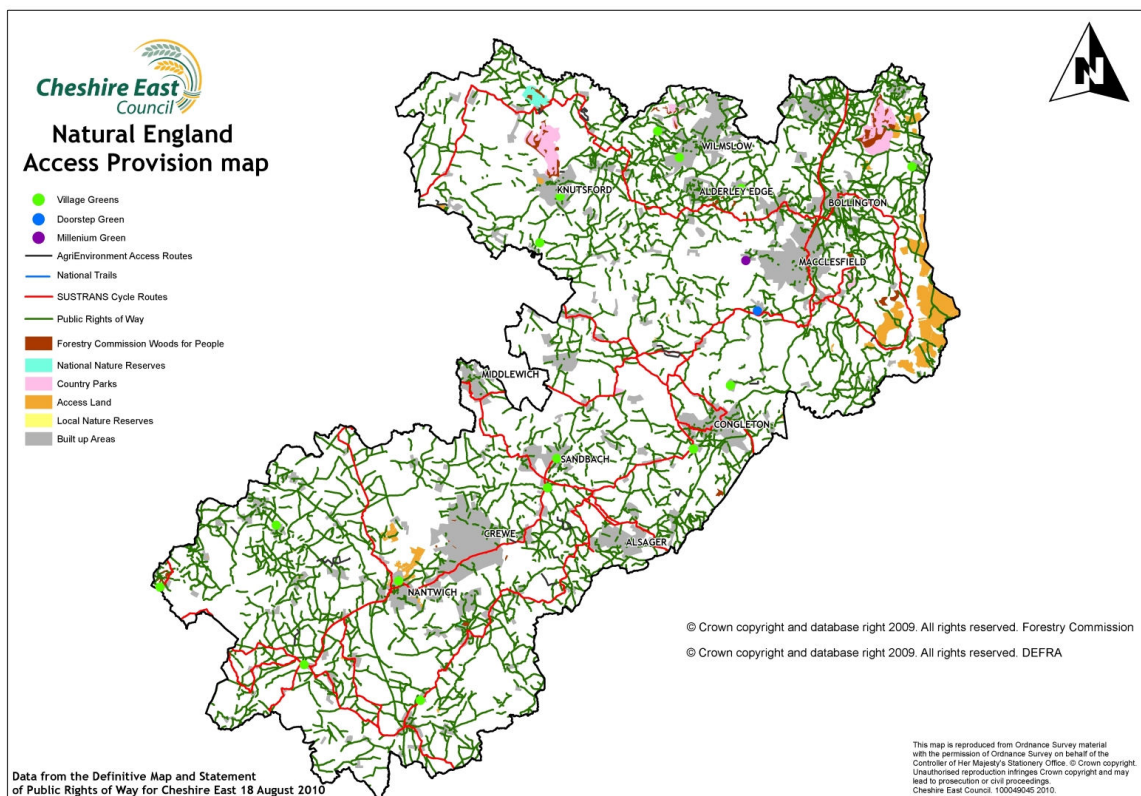
- 3.1.12** A number of the long distance routes noted above continue across the Cheshire East boundary into neighbouring authorities. Where this is the case, maintenance of routes is carried out by the respective authority. Other authorities, such as Stockport Metropolitan Borough Council and Staffordshire 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 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.



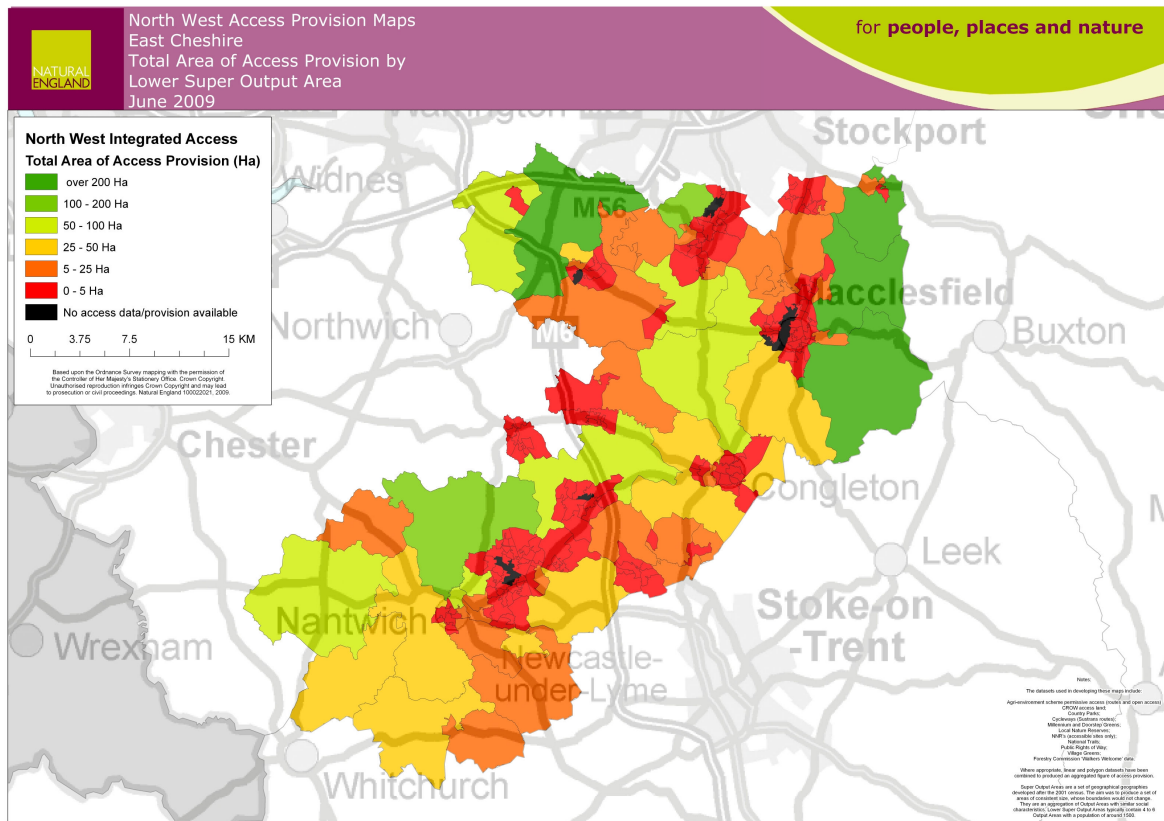
**Figure 10 Natural England Access Provision Mapping**

**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<sup>(7)</sup> so as to compare provision across Cheshire East<sup>(8)</sup>.



**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<sup>(9)</sup> 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](http://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 100022201. 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<sup>(10)</sup>, 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, due to the proximity of Macclesfield Forest. 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.

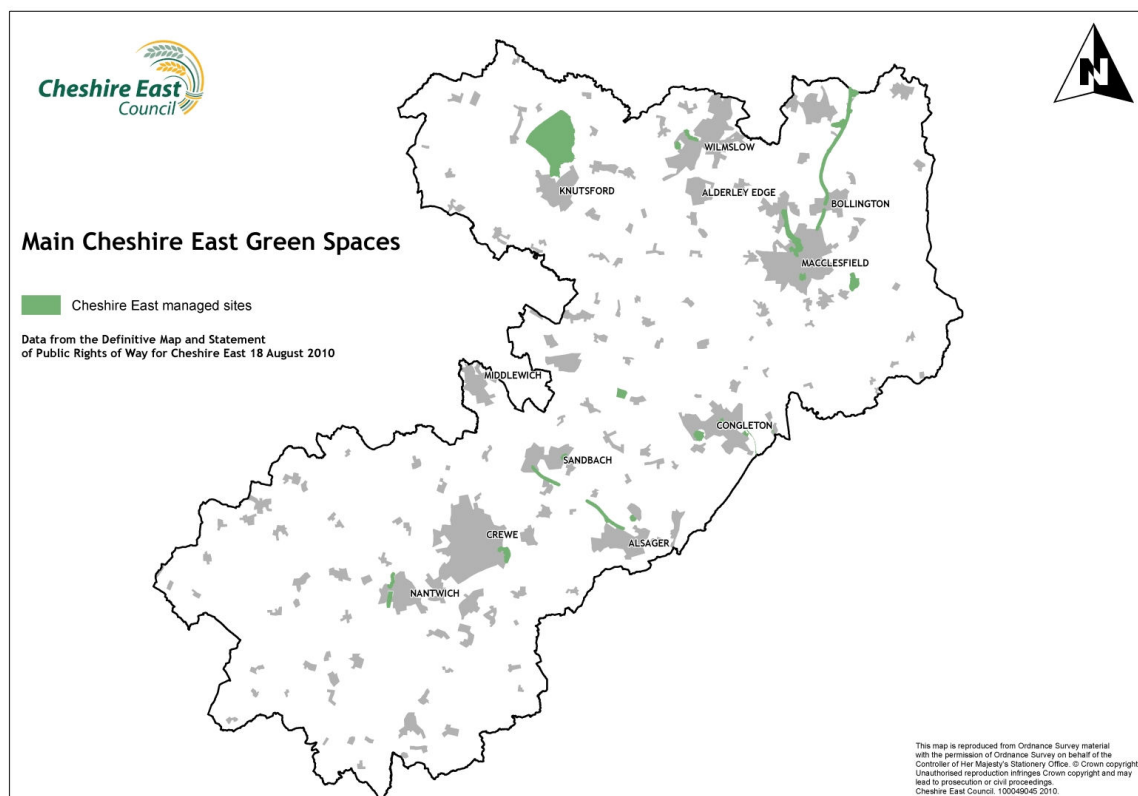


**3.1.20** Other forms of access to the countryside include canal towpaths (which are not always recorded as public rights of way). Public open space, such as Joey the Swan in Crewe and The Carrs in Wilmslow, are also key gateways for local access to the countryside. Further, concepts such as the Weaver Valley Regional Park and Bollin Valley Partnership offer areas of promoted access.

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

### 3 Network assessment

**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 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 Cheshire East managed green spaces**

### 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. This section presents a summary of the information available as to the quality of the network. 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.

### 3 Network assessment

#### **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"

#### **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<sup>(11)</sup> research concluded that there are "no robust, consistent and comprehensive datasets that could be used to measure overall progress".
- 3.2.3** 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.
- 3.2.4** 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 in Figure 13, below.
- 3.2.5** 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.
- 3.2.6** 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.

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

### 3 Network assessment

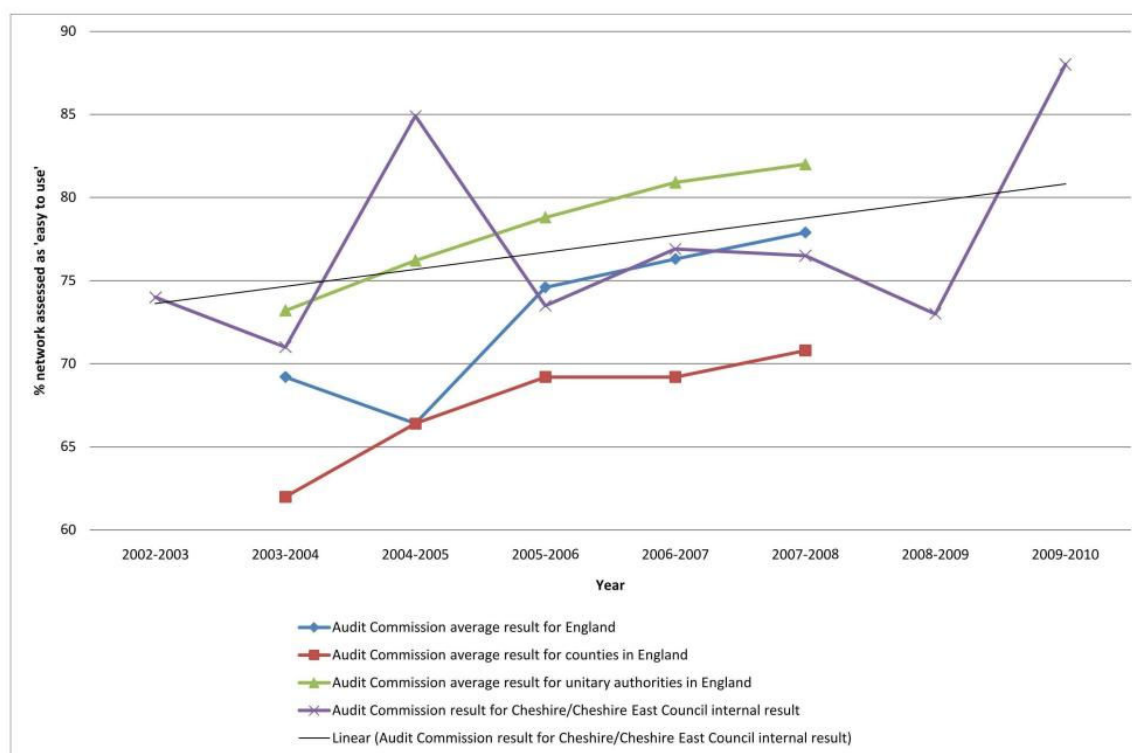


Figure 13 Best Value Performance Indicator results

#### National Highways and Transport Public Satisfaction Survey

**3.2.7** An alternative performance indicator is offered by the National Highways and Transport Public Satisfaction Survey<sup>(12)</sup> 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.

**3.2.8** 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 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.

12 National Highways and Transport Survey 2009, [www.nhtsurvey.org](http://www.nhtsurvey.org)

### 3 Network assessment

| 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**

#### Town and parish plans

**3.2.9** 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:-

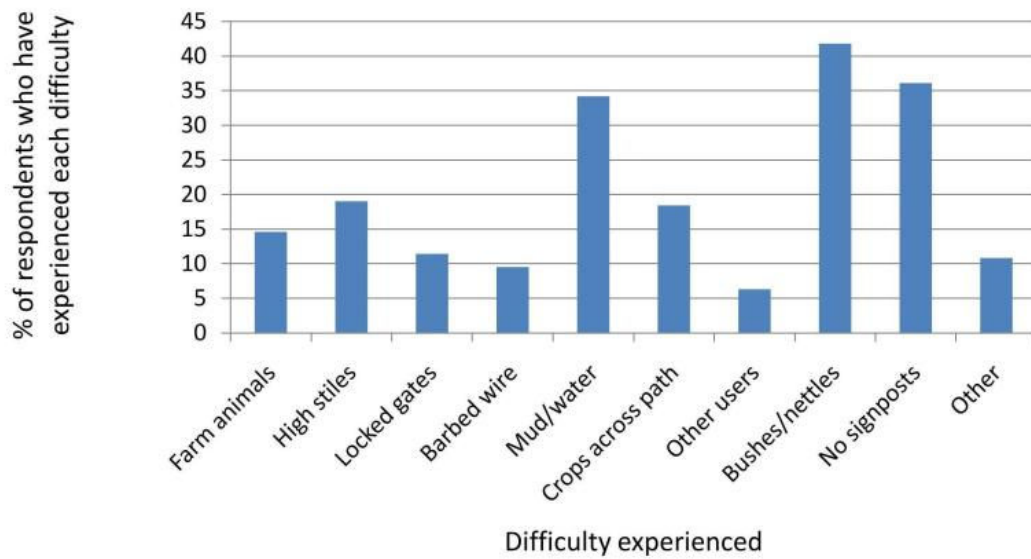
- in Audlem 70% of respondents considered the recreational footpaths and cycleways to be adequate; and,
- in Odd Rode 75% of residents are reported as being happy with the level of signposting and over 66% are happy with the maintenance of footpaths.

**3.2.10** 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.



### 3 Network assessment

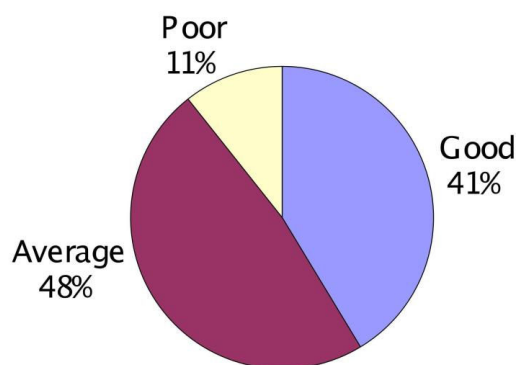


**Figure 14 Difficulties experienced on public rights of way in Odd Rode**

**3.2.11** 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 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

**3.2.12** The Mid Cheshire Bridleways Association conducted a survey during 2008<sup>(13)</sup> 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**

13 Mid Cheshire Bridleways Association Survey (2008)

### 3 Network assessment

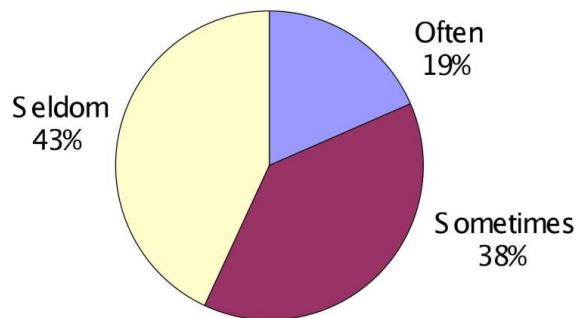


Figure 16 Reported frequency of obstructions on public bridleways

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

**3.2.13** 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. Local groups, such as the Ramblers, undertake regular surveys of paths and report in any problems identified. However, at the time of writing, a systematic gathering of path furniture and condition information is 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 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"

**3.2.14** Research undertaken for the Countryside Agency Rights of Way Condition Survey 2000<sup>(14)</sup> 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.

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



### 3 Network assessment

**3.2.15** 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<sup>(15)</sup>. 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 linear sites along disused railway lines: Middlewood Way, Salt Line and Biddulph Valley Way.

**3.2.16** 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 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;
- British Waterways: towpaths which can offer relatively level access to the green corridor of the canal;
- Peak District National Park: provides easy access routes and facilities at a few locations close to Cheshire East, such as in the Goyt valley, offering views over reservoirs; and,
- Natural England through Defra's Countryside Stewardship Scheme: promotes Messuage Farm near Congleton as an easy access route.

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

## Conclusion

**3.2.18** 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, of which there are none in the south of the borough. Access from individual towns to their surrounding countryside is generally lacking.

**3.2.19** 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.

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

## 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 available 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<sup>(16)</sup>. 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<sup>(17)</sup> 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.

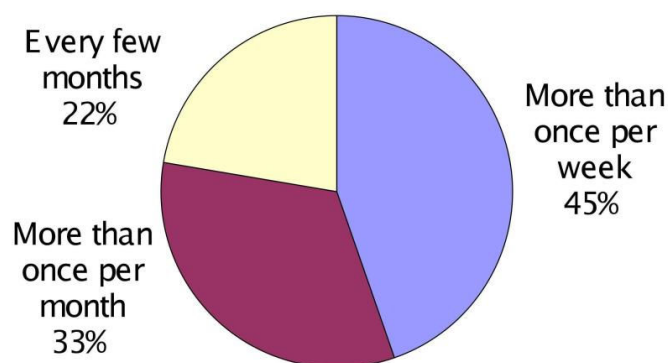


Figure 17 Reported frequency of horse riding on public bridleways

16 North Cheshire Riders Survey 2010

17 Mid Cheshire Bridleways Association Survey (2008)

## 4 Demand assessment

### 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"<sup>(18)</sup>.
- 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*

## 4 Demand assessment

**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 and new developments will be constructed which will 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<sup>(19)</sup> 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<sup>(20)</sup>.

**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<sup>(21)</sup>. Reversing this trend will require a society wide movement, in addition to the improvements led by the local authority.

19 National Highways and Transport Network Survey (2009), [www.nhtsurvey.org](http://www.nhtsurvey.org)

20 Cheshire East Council Air Quality Strategy preparatory work 2010

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

## 4 Demand assessment

### 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 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<sup>(22)</sup> 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.

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



## 4 Demand assessment

**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"

**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<sup>(23)</sup> and the following parish plans: Acton, Edleston and Henhull, Adlington, Audlem, Dodcott cum Wilkesley, Gawsworth, 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.
- 4.2.12** The Definitive Map Modification Order process, under section 53 of the Wildlife and Countryside Act 1981, enables users to submit claims for routes to be added to the Definitive Map and Statement as public rights of way. The determination of these applications prior to the cut-off date of 2026 for historical evidence based claims, may help to address some gaps in the network, as will the determination of user evidence based claims. The right to submit claims based on user evidence is not affected by the cut-off date.



23 Cheshire East Council (2009) Countryside Discussion Groups 2009

## 4 Demand assessment

### 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

- 4.2.13** 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"

- 4.2.14** The Sustainable Community Strategy<sup>(24)</sup> 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 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<sup>(25)</sup>. 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.
- 4.2.15** 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<sup>(26)</sup>. 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.

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

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



## 4 Demand assessment

**4.2.16** Indeed, the National Institute for Health and Clinical Excellence<sup>(27)</sup> 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 (both childhood and adult), as well as contributing towards improvements in mental health.

**4.2.17** 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<sup>(28)</sup>, whilst the cost of absenteeism, premature death and treatment nationally is between £8 and 10 billion.



**4.2.18** 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”<sup>(29)</sup>.

**4.2.19** 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.

### Considering the needs of disabled people

**4.2.20** 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.

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

## 4 Demand assessment

**4.2.21** 18% of the UK population have a disability<sup>(30)</sup> which equates to a population of 64,926 within the Cheshire East area<sup>(31)</sup>. 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<sup>(32)</sup>. People with one particular category of disability may have very differing needs to others when it comes to gaining access to the countryside.

**4.2.22** 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<sup>(33)</sup>. 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.

**4.2.23** Disabled people are recognised as amongst the 40% of the population who are 'missing visitors' to the countryside<sup>(34)</sup>. The Disability Discrimination Act 2005 introduced the Disability Equality Duty<sup>(35)</sup> 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 people's needs, even where that involves treating disabled people more favourably than other persons.



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

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*

## 4 Demand assessment

### Our increasingly older population

- 4.2.25** A further target group is our increasingly older population. The incidence of disability increases with age<sup>(36)</sup>, as do general restrictions in mobility. Combine this with the aging population and it is clear that the demand for accessible routes will increase.
- 4.2.26** The General Household Survey of 2001<sup>(37)</sup> 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.
- 4.2.27** It is recognised that people who have been active during their working life are more likely to remain active after retirement<sup>(38)</sup> with the associated health and wellbeing benefits. Indeed, the National Institute for Health and Clinical Excellence<sup>(39)</sup> recognises that increasing physical activity levels in the population can help older people to maintain independent lives.

### Barriers to access

- 4.2.28** 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

- 4.2.29** 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<sup>(40)</sup> 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.

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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

**4.2.30** 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”<sup>(41)</sup>.

**4.2.31** As a means to enshrine this into policy, Cheshire East adopted a Policy for Structures in March 2010<sup>(42)</sup> 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

**4.2.32** 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).

**4.2.33** A number of national research projects<sup>(43)</sup> 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 1<sup>st</sup> March 2010

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

## 4 Demand assessment

- 4.2.34** 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

- 4.2.35** The Fieldfare Trust<sup>(44)</sup> 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.

- 4.2.36** 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.

- 4.2.37** It is also important to note the importance of assessing potential conflicts when considering improvements for access. Rural communities are particularly aware of the need to retain the rural character of routes and that surfacing, signage and furniture changes should be sympathetic to the local environment. Potential conflict arising from different types of user sharing the same route is also highlighted by users as an area of concern.

### Conclusion

- 4.2.38** 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, these being:-

- filling in gaps in the network;
- improving access opportunities for horse riders and cyclists;
- improving access opportunities for disabled people;
- provision of information on where people can go;
- provision of signs and surfacing improvements appropriate to the locality;
- partnerships with local businesses and the tourism sector;
- education of users in responsible use of the countryside; and,
- maintenance of the network.

44 Communication at Managing and Delivering Countryside Access to include Disabled People course February 3<sup>rd</sup>-5<sup>th</sup> 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, hence the use of policy numbering which is not sequential. The priority policies within the LTP3 are H2 Promotion of Active Travel and Healthy Activities, H3 Public Rights of Way and Green Infrastructure and S8 Cycling. Cross-cutting aims, such as working with stakeholder groups who have local knowledge and expertise, the inclusion of the initiatives within plans for new developments 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.

#### Local Transport Plan 2011-2026 Objectives

**Objective 1 (Congestion):** Minimise congestion and improve the overall efficiency of the highway network

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

**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

## 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<sup>(45)</sup>. 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<sup>(46)</sup>.
- 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<sup>(47)</sup> 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"<sup>(48)</sup>. 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)<sup>(49)</sup>, 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"<sup>(50)</sup>. 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](http://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. However, the need for adequate vehicle parking for users has been highlighted as a reality which will improve access and minimise potential disruption for landowners.

**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**

Work in partnership to 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 What we need to do

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

### Initiatives - Promotion of active travel and healthy activities

**Promote opportunities and 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



In May 2010, the 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. Green infrastructure is defined in the Local Development Framework Core Strategy as “a network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities”<sup>(51)</sup>.
- 5.3.3** A major component of our transport-related 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 ¾ 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<sup>(52)</sup>. It is estimated that 18% of the UK population have a disability<sup>(53)</sup>, which equates to a population of 64,926 within Cheshire

51 Cheshire East Council (2010) *Local Development Framework Core Strategy: Issues and options paper*, November 2010

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

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

## 5 What we need to do

East<sup>(54)</sup>. 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<sup>(55)</sup>. 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 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<sup>(56)</sup> 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**

Protect and enhance our public rights of way and green infrastructure and endeavour to create new links where beneficial for health, safety 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 (through the Local Development Framework Core Strategy and Open Space Strategy) 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.

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

55 Office for National Statistics, *Census 2001*

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

## 5 What we need to do

- 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.
- 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. The planning and delivery of projects will be undertaken in partnership with local community groups.
- 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 where appropriate and creating links where gaps exist in the network.

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

**Litter, environmental health, safety and 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.

## 5 What we need to do

**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 Walking as active travel****The challenges**

- 5.4.1** The 2009 National Highways & Transportation Survey<sup>(57)</sup> 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.
- 5.4.2** 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 footways was felt most acutely in village locations, with HGV movements found to further discourage pedestrian movement due to safety concerns.
- 5.4.3** 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.
- 5.4.4** 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.

57 National Highway & Transport Network Survey (2009), [www.nhtsurvey.org](http://www.nhtsurvey.org)



## 5 What we need to do

### 5.4.5 The Council's policy to address these issues is:

#### Policy S7: Walking

Work with stakeholders to improve facilities for walking so that it is attractive for shorter journeys

### 5.4.6 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.



#### Initiatives - Walking

**Footway and footpath improvements:** promote improvements to the condition of highway footways, footpaths and public rights of way. In particular, support the development, on safety grounds, of low cost measures, such as verge improvements. Consideration will also be given to resurfacing, removal of litter and other environmental health issues, provision of lighting and seating, where appropriate, and the removal of barriers and obstacles 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, such as on rural roads and in villages, 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.

## 5 What we need to do

### Case Study – Urban public footpath surface improvements



During the year 2009/10, the Council resurfaced a number of routes within the town of Macclesfield.

The before and after photos speak for themselves in demonstrating the

improvements made which make the footpaths much more attractive to users.



### 5.5 Cycling as active travel

#### The challenges

- 5.5.1** 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.
- 5.5.2** The 2009 National Highway & Transport Network Survey<sup>(58)</sup> 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.
- 5.5.3** 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.
- 5.5.4** 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 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<sup>(59)</sup>.

58 National Highway & Transport Network Survey (2009), [www.nhtsurvey.org](http://www.nhtsurvey.org)

59 Communities of Cheshire Survey 2008 (Place Survey 2008)

## 5 What we need to do

- 5.5.5** 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.
- 5.5.6** Concerns regarding safety and perceptions of safety were identified as a barrier to additional cycling demand<sup>(60)</sup>. 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<sup>(61)</sup>.
- 5.5.7** 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<sup>(62)</sup>.
- 5.5.8** To address each of these issues, the Council has outlined a cycling policy for the borough:

### Policy S8: Cycling

Work with stakeholders to improve facilities for cycling so that it is attractive for shorter journeys

- 5.5.9** 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.



60 Colin Buchanan (2010) *DaSTS Behaviour Change Study: Evidence Review*, 2<sup>nd</sup> Edition

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

62 4NW Behavioural Change Study (2010) Evidence review - 2<sup>nd</sup> edition



## 5 What we need to do

### Initiatives - Cycling

**New cycle routes:** seek to provide appropriate highways improvements 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.

## 5 What we need to do

### 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 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 in surveying, maintaining and improving the network and the need to draw 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<br>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<br><br>Connect2 Greenway project ongoing  |
|                         | Provide pedestrian/cycle links between the Weaver Valley Regional Park and Crewe and Nantwich  | Nantwich Riverside Loop<br><br>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<br>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, both individuals and groups, who responded to the surveys and consultations undertaken during the preparation of this final document.

**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, 22<sup>nd</sup> 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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This information is available in other formats on request

## Option 1: focus on resources

|                     |  | Not met | Not met,<br>but<br>potential<br>to meet | Partially<br>met | Met | Met, with<br>potential<br>added<br>value |
|---------------------|--|---------|---|------------------|-----|--|
|                     | <b>Criteria</b>  |         |   |                  |     |  |
| LTP/ROWIP Policies  | H1 Promotion of active travel and healthy activities:work in partnership to promote walking, cycling and horse riding as active travel options and healthy activities                  | 1       | 2                                       | 3                | 4   | 5  |
|                     | H2 Green Infrastructure: protect and enhance our public rights of way and green infrastructure and endeavour to create new links where beneficial for health or access to green spaces | 1       | 2                                       | 3                | 4   | 5  |
|                     | S2 Walking: work with stakeholders to improve facilities for walking so that it is attractive for shorter journeys   | 1       | 2                                       | 3                | 4   | 5  |
|                     | S1 Cycling: work with stakeholders to improve facilities for cycling so that it is attractive for shorter journeys   | 1       | 2                                       | 3                | 4   | 5  |
| Staff Resources     | Project could be delivered easily within current staffing levels   | 1       | 2                                       | 3                | 4   | 5  |
|                     | Value for money: large improvement compared to staff resource  | 1       | 2                                       | 3                | 4   | 5  |
| Financial resources | Project can be delivered within anticipated revenue and capital budgets  | 1       | 2                                       | 3                | 4   | 5  |
|                     | Potential funding source already identified  | 1       | 2                                       | 3                | 4   | 5  |
|                     | Value for money: large improvement compared to financial resource  | 1       | 2                                       | 3                | 4   | 5  |
| Feasibility         | Landowner agreement  | 1       | 2                                       | 3                | 4   | 5  |
|                     | Community support (e.g. voluntary groups, local councils, councillors)   | 1       | 2                                       | 3                | 4   | 5  |
| <b>SCORES</b>       |  |         |   |                  |     |  |
| <b>TOTAL SCORE</b>  |  |         |   |                  |     |  |

## Option 2: focus on need

|                                  | Criteria  | Not met | Not met, but potential to meet | Partially met | Met | Met, with potential added value |
|----------------------------------|---|---------|--------------------------------|---------------|-----|---------------------------------|
| LTP/ROWIP Policies               | H1 Promotion of active travel and healthy activities:work in partnership to promote walking, cycling and horse riding as active travel options and healthy activities   | 1       | 2                              | 3             | 4   | 5                               |
|                                  | H2 Green Infrastructure: protect and enhance our public rights of way and transport related green infrastructure and endeavour to create new links where beneficial for health or access to green spaces        | 1       | 2                              | 3             | 4   | 5                               |
|                                  | S2 Walking: work with stakeholders to improve facilities for walking so that it is attractive for shorter journeys  | 1       | 2                              | 3             | 4   | 5                               |
|                                  | S1 Cycling: work with stakeholders to improve facilities for cycling so that it is attractive for shorter journeys  | 1       | 2                              | 3             | 4   | 5                               |
| Need                             | Route is in area of high level of deprivation   | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Improving urban access to countryside   | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Route is in area of with poor access provision or addresses gaps in the network   | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Value for money: large number of potential beneficiaries compared to cost of project  | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Improving disabled access   | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Improving access for equestrians  | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Improving access for cyclists   | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Improving access to woodland, moorland or other landscape feature lacking in access, or area of interest  | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Improving access in area of prospective development   | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Obvious transport theme: link between communities and facilities to avoid road use  | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Existing or new promoted route, providing more information for users  | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Source of request - (e.g. 1 - single individual, 2 -multiple individuals, 3 - parish council, user group, 4 - multiple groups, 5 - multiple groups with support from other organisations e.g British Waterways) | 1       | 2                              | 3             | 4   | 5                               |
| By All Reasonable Means criteria | Tourism / visitor economy benefit   | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Route / terrain - existing standard of route (e.g. 1 - remote and difficult so accessible only to a few individuals, 5 - flat and easy so accessible to most)   | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Connectivity - route offers link between other routes or facilities like shops and schools  | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Interest: route offers link to area of conservation or landscape value or other place of interest   | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Demand - improvements will result in added demand from potential users  | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Popularity - current route popularity   | 1       | 2                              | 3             | 4   | 5                               |
| Feasibility                      | Landowner agreement   | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Community support (e.g. voluntary groups, local councils, councillors)  | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Funding source identified   | 1       | 2                              | 3             | 4   | 5                               |
|                                  | Staff resource demand: achievable with current staffing levels  | 1       | 2                              | 3             | 4   | 5                               |
| SCORES                           |   |         |                                |               |     |                                 |
| TOTAL SCORE                      |   |         |                                |               |     |                                 |



## Option 3: focus on targets

|  | Criteria   | Not met | Not met, but potential to meet | Partially met | Met | Met, with potential added value |
|--|--|---------|--------------------------------|---------------|-----|---------------------------------|
| LTP/ROWIP Policies                     | H1 Promotion of active travel and healthy activities:work in partnership to promote walking, cycling and horse riding as active travel options and healthy activities                                    | 1       | 2                              | 3             | 4   | 5                               |
|  | H2 Green Infrastructure: protect and enhance our public rights of way and transport related green infrastructure and endeavour to create new links where beneficial for health or access to green spaces | 1       | 2                              | 3             | 4   | 5                               |
|  | S2 Walking: work with stakeholders to improve facilities for walking so that it is attractive for shorter journeys   | 1       | 2                              | 3             | 4   | 5                               |
|  | S1 Cycling: work with stakeholders to improve facilities for cycling so that it is attractive for shorter journeys   | 1       | 2                              | 3             | 4   | 5                               |
| National Local Transport Plan Goals    | Reducing carbon emissions  | 1       | 2                              | 3             | 4   | 5                               |
|  | Supporting economic growth   | 1       | 2                              | 3             | 4   | 5                               |
|  | Promoting equality of opportunity  | 1       | 2                              | 3             | 4   | 5                               |
|  | Contributing to better safety, security & health   | 1       | 2                              | 3             | 4   | 5                               |
|  | Improving quality of life & healthy natural environment  | 1       | 2                              | 3             | 4   | 5                               |
| LTP Objectives                         | 1. Congestion: minimise congestion in our urban areas and on important routes and improve the overall efficiency of the highway network  | 1       | 2                              | 3             | 4   | 5                               |
|  | 2. Accessibility: improve accessibility to key services (employment, education, health, shopping and leisure)  | 1       | 2                              | 3             | 4   | 5                               |
|  | 3. Improve maintenance of the highway and transport network.   | 1       | 2                              | 3             | 4   | 5                               |
|  | 4. Community: support community involvement and decision-making  | 1       | 2                              | 3             | 4   | 5                               |
|  | 5. Health: support active and healthy lifestyles   | 1       | 2                              | 3             | 4   | 5                               |
|  | 6. Safety: improve road safety for all users and increase personal and community safety  | 1       | 2                              | 3             | 4   | 5                               |
|  | 7. Environment: protect and enhance our local and global environment   | 1       | 2                              | 3             | 4   | 5                               |
| Ambition for All priorities for action | Nurture strong communities   | 1       | 2                              | 3             | 4   | 5                               |
|  | Create conditions for business growth  | 1       | 2                              | 3             | 4   | 5                               |
|  | Unlock the potential of our towns  | 1       | 2                              | 3             | 4   | 5                               |
|  | Support our childrens and young people   | 1       | 2                              | 3             | 4   | 5                               |
|  | Ensure a sustainable future  | 1       | 2                              | 3             | 4   | 5                               |
|  | Prepare for an increasingly older population   | 1       | 2                              | 3             | 4   | 5                               |
|  | Drive out the sources of poor health   | 1       | 2                              | 3             | 4   | 5                               |
| Feasibility                            | Landowner agreement  | 1       | 2                              | 3             | 4   | 5                               |
|  | Community support (e.g. voluntary groups, local councils, councillors)   | 1       | 2                              | 3             | 4   | 5                               |
|  | Funding source identified  | 1       | 2                              | 3             | 4   | 5                               |
|  | Staff resource demand: achievable with current staffing levels   | 1       | 2                              | 3             | 4   | 5                               |
| SCORES                                 |  |         |                                |               |     |                                 |
| TOTAL SCORE                            |  |         |                                |               |     |                                 |

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