

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Public Rights of Way Committee**
held on Monday, 11th June, 2018 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor S Pochin (Chairman)

Councillors Rhoda Bailey, S Davies, L Gilbert, L Jeuda (substitute for Cllr D Flude), A Stott (substitute for Cllr T Fox) and J Wray

Councillor in attendance

Councillor G Williams, Deputy Portfolio Holder for Environment

Officers

Genni Butler, Acting Public Rights of Way Manager

Sarah Fraser, Public Path Orders Officer

Andrew Poynton, Planning and Highways Lawyer

Rachel Graves, Democratic Services Officer

1 APOLOGIES FOR ABSENCE

Apologies were received from Councillors D Flude and T Fox.

2 DECLARATIONS OF INTEREST

In the interests of openness, Councillor S Pochin declared that she knew the applicant of Item 6 – Application for the Diversion of Public Footpath No.8 (part) in the parish of Brindley and that she had not discussed the application with them.

3 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 12 March 2018 be confirmed as a correct record and signed by the Chairman.

4 PUBLIC SPEAKING TIME/OPEN SESSION

Mr Mark Hope of Friends of Heritage Green spoke in relation to the village green application considered at the last meeting and that the late objection by Rochdale Borough Council had been made by telephone and had not been submitted in writing. He had contacted the previous Chairman of this Committee seeking for the application to be called back to the Committee for reconsideration and was disappointed that it was not on the agenda today.

In response it was reported that Rochdale Council had informed Cheshire East Council that they were recalling their delegation of this application and therefore Cheshire East Council could no longer deal with the matter.

5 WILDLIFE & COUNTRYSIDE ACT 1981- PART III, SECTION 53 APPLICATION NO. MA/5/232 & 233: APPLICATIONS FOR THE UPGRADE OF FOOTPATH NO.13, SIDDINGTON TO BRIDLEWAY AND UPGRADE OF FOOTPATH NO. 8(PT) SIDDINGTON TO BRIDLEWAY.

The Committee considered a report which detailed an application to upgrade Public Footpath No.13 Siddington to Bridleway and upgrade part of Public Footpath No.8 Siddington to Bridleway.

Section 53(2)(b) of the Wildlife and Countryside Act 1981 required that the Council keep the Definitive Map and Statement under continuous review and make such modifications to the Map and Statement as appears requisite in consequence of the occurrence of certain events.

Section 53 (3)(c) allowed the Authority to act on the discovery of evidence that suggests that the Definitive Map and Statement needed to be amended. The Authority must investigate and determine the evidence and decide on the outcome whether to make a Definitive Map Modification Order. The event relevant to the application was Section 53 (3)(c)(ii), which required modification of the map by change of status of a right of way:

“(c) discovery by the authority of evidence which (when considered with all other relevant evidence) shows:

(ii) that a highway shown in the map and statement as a highway of a particular description ought to be shown as a highway of a different description.”

The evidence could consist of documentary/historical evidence or user evidence or a mixture of both. All evidence had to be evaluated and weighed and a conclusion reached whether, on the ‘balance of probabilities’ the alleged rights subsist. Other issues such as safety, security, suitability, desirability or the effects on property or the environment were not relevant to the decision.

Where the evidence in support of the application was user evidence, section 31(1) of the Highways Act 1980 applied, which states:

“Where a way... has been actually enjoyed by the public as of right and without interruption for a full period of twenty years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.”

The twenty year period was calculated retrospectively from the date when the right of the public to use the way was brought into question.

The application had been submitted in April 2005 by Pat Amies on behalf of Border Bridleways Association to amend the Definitive Map and Statement by upgrading part of Public Footpath No.8 and Public Footpath No. 13 in the parish of Siddington to bridleways. The applications were based on user and documentary evidence. As the two routes claimed were largely used in conjunction with one another via the interconnecting Restricted Byway No.12, the applications were considered together.

Investigation of the application for the upgrade of Public Footpath No.13 Siddington had revealed that the whole of the route was now recorded as an unclassified road. The section of Woodside Close that was of uncertain status had been the subject of a Highways Dedication agreement in 2005 between Macclesfield Borough Council, the landowner and Cheshire County Council. This added a section of highway between the already adopted part of Woodside Close and the part of Nursery Lane (Public Footpath No.13) which had been left as a cul de sac following the stopping up at Magistrates Court of part of the lane in 2003 due to the construction some time previously of a row of terraced bungalows on the line of the route.

The use of Footpath No. 8 (part) as a bridleway had been brought into question when the Captesthorne Estate deposited a Section 31(6) Statement and Map declaring that they had no intention to dedicate any additional rights except those shown on the map attached to the statement. This was made in 2008 and therefore the relevant twenty year period to be considered for user evidence was 1988 to 2008.

An investigation of the nine user evidence forms that had submitted had been undertaken, together with additional research on historical evidence of the route submitted.

The five copies of the County Maps submitted all showed Nursery Lane as a cross road but did not show Footpath No.8. The current status of Nursery Lane as an unclassified road was in keeping with these Maps. The Ordnance Survey Maps of 1870-71, 1897 and 1909 all showed Public Footpath No.8 as a track commencing from Restricted Byway No.12 and linking to Congleton Lane. The Ordnance Survey revised New Series 1897 showed a double dotted track which indicated an unfenced, unmetalled road. It was similarly depicted on Bartholomew's Maps of 1902-06 and 1919-1924.

The original survey report for Siddington, which was used for the completion of the Definitive Map, showed the route as a footpath with a description of Cart Road for the first 85 yards. This corresponded with the length of the path up to its junction with Restricted Byway No.12.

The investigation of the user evidence submitted had showed that the claimed part of Public Footpath No.8 as a bridleway had been used for over a period of 30 years up to 2008 and that use had continued to the

present day. None of the riders had been stopped or challenged whilst using the route nor had they seen any signs or notices to indicate that they should not ride there. All the witnesses interviewed commented that without the use of this part of Public Footpath No.8, the Restricted Byway would be redundant for use other than by pedestrians.

The tenant for Blake House Farm had objected to the proposal to upgrade the section of Public Footpath No.8 as they were concerned over Health and Safety implications of the narrow driveway being shared by horses, cars and farm machinery and that it would increase the risk of accidents occurring. A response had been sent stating the legal basis on which the application is decided and that no other factors such as suitability and safety could be taken into consideration.

The report concluded that on the balance of probabilities evidence supported the allegation that a bridleway subsists along the section of Public Footpath No.8 claimed and it was considered that the requirements of Section 53(3)(c)(ii) had been met.

The Committee considered the user and historical evidence submitted and the Definitive Map Officer's conclusion and considered that there was sufficient evidence to support the existence of public bridleway rights on the route A-B of Public Footpath No.8 Siddington, as shown on Plan No.WCA/014. The Committee considered that, on the balance of probabilities, the requirements of Section 53(3)(c)(i) had been met and that the Definitive Map and Statement should be modified to add the claimed route as a Public Bridleway.

The Committee considered that, as the status of Nursery Lane which ran along the same alignment of Public Footpath No.13 Siddington and its connection to Woodside Close had now been verified as highways and that bridleway rights were in effect already recognised, the application to upgrade the path should be refused.

The Committee unanimously

RESOLVED: That

- 1 an Order be made under Section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by upgrading to bridleway, that part of Footpath No.8 in the parish of Siddington as shown between points A-B on Plan No.WCA/014 (Application No.MA/5/233).
- 2 Public Notice of the making of the Order be given and, in the event of there being objections within the specified period or any objections received being withdrawn, the Order be confirmed in exercise of the power conferred on the Council by the said Act.

- 3 in the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry,
 - 4 That the application to upgrade Public Footpath No.13 Siddington (Application No. MA/5/232) be refused on the grounds that there is an unclassified county road along the length of the claimed route, as shown between points A-B-C-D on Plan No.WCA/014(2).
- 6 **HIGHWAYS ACT 1980 SECTION 119 APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO. 8 (PART), PARISH OF BRINDLEY**

The Committee considered a report which detailed an application requesting the Council to make an Order to divert part of Public Footpath No.8 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 to divert a public footpath if it appeared to the Council to be expedient to do so in the interests of the public or the owner, lessee or occupier of the land crossed by the path.

The land over which the section of Public Footpath No.6 Brindley to be diverted and the proposed diversion belonged to the applicant. Part of the path to be diverted was currently obstructed by a large building and the public currently followed a permissive route around the building and a pond.

The proposed diversion between Points C-D-B on Plan No.HA/130, would commence at a new junction with Public Footpath No.11 Brindley and continue in a south westerly direction alongside a field boundary and would then turn south easterly to re-join the current definitive line at Point B. The proposal would be in the interest of the applicant due to reasons of privacy and security. By diverting the footpath it would remove it from a farm area and also resolve the issue of the farm building obstructing the definitive line.

The Committee noted that no objections had been received during the informal consultations. The Committee considered that the proposed route would not be substantially less convenient than the existing route. Diverting the footpath from the applicant's farmyard, would improve their privacy and security. It was 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.

The Committee unanimously

RESOLVED: That

- 1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of Public Footpath No.8 in the parish of Brindley by creating a new section of public footpath and extinguishing the current path, as illustrated on Plan No.HA/130, on the grounds that it is expedient in the interests of the landowners.
- 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.

7 HIGHWAYS ACT 1980 SECTION 119 APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO. 32 (PART), PARISH OF NETHER ALDERLEY

The Committee considered a report which detailed an application requesting the Council to make an Order to divert part of Public Footpath No.32 in the parish of Nether Alderley.

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

The land over which the diversion ran jointly belonged to a group of landowners. The land had been jointly purchased and written permission had been provided by each landowner. The current line of the section of footpath to be diverted ran through the boundaries of a number of paddocks. There was one pedestrian gate to pass through with the rest of the paddocks having gaps in their boundaries to keep the definitive line clear.

The proposed diversion would follow a current permissive route between Points A-C-B as shown on Plan No.HA/131. The proposed path would commence at Point A and continue to cross the field to a kissing gate (Point C), already installed by the applicant, on the paddock boundary. It would then follow an enclosed section to Point B. The proposal was in the interests of the applicants due to reasons of privacy, security and better land and livestock management.

The Committee noted the comments received from Nether Alderley Parish Council, East Cheshire Ramblers in relation to the ongoing maintenance of

the new path and also the issues raised by the local residents and the responses sent by the Public Rights of Way Officers.

The Committee considered that the proposed route would not be substantially less convenient than the existing route. Diverting the footpath would move the footpath out of the paddocks, improving their privacy and security. It was 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.

The Committee unanimously

RESOLVED: That

- 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.32 in the parish of Nether Alderley by creating a new section of public footpath and extinguishing the current path, as illustrated on Plan No.HA/131 on the grounds that it is expedient in the interests of the landowners.
 - 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.
- 8 HIGHWAYS ACT 1980 SECTION 119 APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO. 5 (PART), PARISH OF BOSLEY**

The Committee considered a report which detailed an application requesting the Council to make an Order to divert part of Public Footpath No.5 in the parish of Bosley.

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

The land over which the section of Public Footpath No.5 Bosley to be diverted and the proposed diversion ran belonged to the applicant. Stiles Meadow Farm had been a large commercial farm and had subsequently been sold as individual smallholding properties. The section to be diverted commenced next to an outbuilding and ran along a tarmacked private driveway and passed directly in front of a residential property. There had been issues with privacy and security at Stiles Meadow Farm mainly due

to the remote location and lack of secure gates. Livestock was also kept at the applicant's property and these were at risk when being moved due to the fact that a lockable gate could not be put across the driveway.

The proposed diversion would be to the east of the present path – between Points A-C-B on Plan No.HA/129. It would have a minimum width of 2 metres and the area would be cleared of the trees and shrubbery that were currently in place. The path would be surfaced with material that was of equal quality to the tarmacked drive. The proposed diversion would run alongside a farm building where there was currently a large drop on the northern side and to ensure safety of walkers this section would be enclosed with a post and rail fence.

The Committee noted that no objections had been received during the informal consultations and noted the comments reported at the meeting from East Cheshire Ramblers and the response from the Public Rights of Way Officer. The Committee considered that the proposed route would not be substantially less convenient than the existing route. Diverting the footpath would be of benefit to the applicant as it would remove the path from their driveway and improve their privacy and security. It was 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.

The Committee unanimously

RESOLVED: That

- 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 in the parish of Bosley by creating a new section of public footpath and extinguishing the current path, as illustrated on Plan No.HA/129, on the grounds that it is expedient in the interests of the landowners.
 - 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.
- 9 **HIGHWAYS ACT 1980 SECTION 119 APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO. 12 (PART), PARISH OF ADLINGTON**

The Committee considered a report which detailed an application from Mr and Mrs Wildblood of Lower Pedley Hill Farm, Aldlington requesting the

Council to make an Order to divert part of Public Footpath No.12 in the parish of Adlington.

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

The legal definitive line of Public Footpath No.12 Adlington had been partially obstructed and offline for decades. When the current owners purchased the property they had opened up the definitive line and requested to be placed on the diversions application waiting list. The section of footpath to be diverted ran in very close proximity to the applicant's home. In addition, it was at an elevated level close to two bedroom windows, facilitating a clear view directly into the house. There was a stile and seven steps for users to negotiate up a short steep slope with a gradient of 1:3. The path ran beneath a low established tree and bush canopy which afforded little natural day light for walkers.

The proposed diversion would follow the field boundary directly to the east of the property and re-join the existing line of the footpath at the northern end of the field. Written permission had been obtained from the adjacent landowner. The footpath would leave Pedley Hill 20 metres to the east of the current route at a slightly wider section of the road, which would provide improved visibility for walkers, drivers and horse riders using the road. A kissing gate would be installed as the path left Pedley Hill, with one step between the road and gate. There was then a short slope with a gradient of 1:4, which would provide a slightly easier walking route. The proposal was in the interests of the applicant as it would improve their privacy and security of their property.

The Committee noted that no objections had been received during the informal consultation. The Committee considered that the proposed route would not be substantially less convenient than the existing route. Diverting the footpath would be of the benefit to the applicant as it would move the footpath away from the applicant's home, improving privacy and security and also provide a safer and more accessible exit onto Pedley Hill for walkers. It was considered that the proposed route would be a satisfactory alternative to the current one that the legal tests for the making and confirming of a Diversion Order were satisfied.

The Committee unanimously

RESOLVED: That

- 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.12 in the parish of Adlington by creating a new section of public footpath and extinguishing the current path, as

illustrated on Plan No.HA/125, on the grounds that it is expedient in the interests of the landowners.

- 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.

10 HIGHWAYS ACT 1980 SECTION 119 APPLICATION FOR THE PROPOSED DIVERSION OF PUBLIC FOOTPATH NO.16 (PART) IN THE PARISH OF WILMSLOW

The Committee considered a report which detailed an application by the National Trust requesting the Council to make an Order to divert part of Public Footpath No.16 in the parish of Wilmslow.

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

The land over which the section of path to be diverted and the proposed diversion ran both belonged to the applicant. The section of path to be diverted took walkers from the junction between Restricted Byways Nos. 18 and 22, Point A as shown on Plan No.HA/128, up a slight embankment, through a narrow gap between an oak tree and stone wall and across the corner of an agricultural field to the gate at Point B.

The proposed diversion would move the path out of the field and to the east of the current alignment onto a permissive path, which ran parallel to the agricultural field boundary and reconnected with the definitive line of the path at Point B. The permissive path was already in use by members of the public and was 2.5 metres wide with a hard, level well drained surface throughout. The diversion would be in the interests of the landowner as it would divert walkers out of the agricultural field and improve land management.

The Committee noted that no objections had been received during the informal consultations and noted the comments from the Peak and Northern Footpaths Society stating that this was a retrospective application, which satisfied all the requirements with the only qualification being that it no longer visibly linked to Footpath No.21. The Committee considered that the proposed diversion would not be substantially less convenient than the existing route. Diverting the footpath would improve the landowners' agricultural and land management responsibilities. It was 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.

The Committee unanimously

RESOLVED: That

- 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.16 in the parish of Wilmslow by creating a new section of public footpath and extinguishing the current path, as illustrated on Plan No.HA/128, on the grounds that it is expedient in the interests of the owners of the land crossed by the right of way.
- 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 being received, Cheshire East Borough Council be responsible for the conduct of any hearing or Public Inquiry.

11 HIGHWAYS ACT 1980 SECTION 119 APPLICATION FOR THE PROPOSED DIVERSION OF PUBLIC FOOTPATH NO.12 (PART) IN THE PARISH OF BUNBURY

The Committee considered a report which detailed an application requesting the Council to make an Order to divert part of Public Footpath No. 12 in the parish of Bunbury.

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

The land over which the section of the current path to be diverted and the proposed diversion ran belonged to the applicant. It was proposed that approximately 48 metres of public footpath than ran through the middle of the applicant's garden be diverted closer to the property's boundary – as shown on Plan No.HA/127. The path was to be separated from the garden area by a planted hedge. The path would have a recorded width of 2.5 metres and would run through an open area of approximately 15.5 metres and its widest point and 4.5 metres at its narrowest point.

The diversion would be in the interests of the landowner as it would divert walkers way from the middle of the garden and the improve privacy and security of the property.

Responses to the informal consultation had been received from the Open Spaces Society on the height of the proposed hedge and the Mid Cheshire Footpath Society had opposed the diversion on the grounds that it was longer, more confusing and added nothing to the walk or for the householder. Bunbury Parish Council had objected to the diversion on the basis that it was not in the garden, that the land had never been a garden and that it was a field and had always been a field. The applicant had confirmed that the land was formally classified as a garden/amenity land and not a field in a planning decision notice under section 191 TCPA.

The Committee noted the responses to the informal consultation and the Public Rights of Way Officers responses. The Committee considered that the proposed route would not be substantially less convenient than the existing route. Diverting the footpath would preserve the landowner's privacy and security. It was 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.

The Committee unanimously

RESOLVED: That

- 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.12 in the parish of Bunbury by creating a new section of public footpath and extinguishing the current path, as illustrated on Plan Number HA/127, on the grounds that it is expedient in the interests of the owners of the land crossed by the right of way.
- 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 being received, Cheshire East Borough Council be responsible for the conduct of any hearing or Public Inquiry.

Prior to consideration of the remaining items, the meeting adjourned for 5 minutes.

12 PUBLIC RIGHTS OF WAY ANNUAL REPORT 2017-18 AND WORK PROGRAMME 2018-19

The Committee considered a report which detailed the achievements of the Public Rights of Way team during 2017-18 and set out the proposed work programme for 2018-19.

The Acting Public Rights of Way Manager reported on the work carried out during 2017-18 by the Network Management and Enforcement Officer, Technical Administration Officer, Countryside Access Development Officer and the Legal Orders Officers. Specific performance was detailed in the Appendices to the report.

The budget for Public Rights of Way had remained as set throughout the year which had allowed the team to plan spending more efficiently.

The addition of the two fixed term appointments to the Rights of Way Team had helped to reduce the Public Path Order waiting list. Measures were being considered to make the process for Public Path Orders and Definitive Map Modification Orders more efficient in an effort to reduce the back log.

The Deputy Portfolio Member for Environment, on behalf of the Portfolio Holder – Councillor D Stockton, thanked the Public Rights of Way Team for their work and contribution to Cheshire East Council and stated that the Portfolio Holder recognised the challenges faced by the Team.

RESOLVED:

That the Annual Report for 2017-18 be noted and the proposed Work Programme for the Public Rights of Way Team for 2018-19 be approved.

13 CHANGES TO PROCESSES ASSOCIATED WITH DIVERSION ORDERS AND DEFINITIVE MAP MODIFICATION ORDER APPLICATIONS

The Committee considered a report which detailed proposals to change the way some applications for Diversion Orders and Definitive Map Modification Orders were processed and determined.

It was proposed that the previous pilot scheme to allow applicants for Public Path Orders under the Highways Act 1980 and Town and Country Planning Act 1990 to instruct agents to act on their behalf to process their applications would continue. The Public Rights of Way Team would exercise discretion in all cases as to whether or not to accept an applicant's request to use an independent agent.

A system using external consultants to investigate Definitive Map Modification Orders applications was to be introduced to reduce the backlog and deal with cases set against tight timescales. If an applicant's case had not been determined within 12 months of registration they could appeal to the Secretary of State for a direction, requiring their case to be investigated and determined to a given timescale. Due to staffing pressures it was difficult to meet the timescales imposed by the Secretary of State directions and investigate cases on the existing backlog.

Currently Public Path Order cases were presented to the quarterly Rights of Way Committee for determination. This could have a knock on effect on the speed at which they could be processed, Orders made, advertised and confirmed and costs recovered by creating a log jam of cases awaiting determination. It was proposed that a report be taken to the Constitution Committee seeking an amendment to the scheme of delegation so that that any Public Path Order applications that were not contested or contentious at the pre-Order consultation stage be delegated for determination to the Public Rights of Way Manager in consultation with the Chairman and Vice Chairman of the Public Rights of Way Committee.

RESOLVED: That

- 1 the report be noted, and
- 2 the Constitution Committee be recommended to amend the scheme of delegation to allow the Public Rights of Way Manager to determine, in consultation with the Chairman and Vice Chairman of the Public Rights of Way Committee, any Public Path Order applications that are not contested or contentious at the pre-Order consultation stage.

The meeting commenced at 2.00 pm and concluded at 4.03 pm

Councillor S Pochin (Chairman)