

# Public Rights of Way Committee

## Agenda

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**Date:** Monday 8th June 2020  
**Time:** 2.00 pm  
**Venue:** Virtual Meeting

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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 top of each report.

It should be noted that Part 1 items of Cheshire East Council decision meetings are recorded and the recordings are uploaded to the Council's website.

### **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 disclosable pecuniary and non-pecuniary interests in any item on the agenda.

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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)

3. **Minutes of Previous Meeting** (Pages 3 - 8)

To approve the minutes of the meeting held on 9 March 2020.

4. **Public Speaking Time/Open Session – Virtual Meetings**

In accordance with paragraph 9 of Appendix 7 of the Procedure Rules, members of the public may speak on a particular application after the Chairman has introduced the report, provided that notice has been given in writing to Democratic Services by 12 noon three clear working day before the meeting. A total of 6 minutes is allocated for each application, with 3 minutes for objectors and 3 minutes for supporters. If more than one person wishes to speak as an objector or supporter, the time will be allocated accordingly or those wishing to speak may agree that one of their number shall speak for all.

Also in accordance with paragraph 2.32 of the Committee Procedural Rules and Appendix 7 of the Procedural Rules 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 body in question. Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Members of the public wishing to ask a question or make a statement at the meeting 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.

5. **Town and Country Planning Act 1990 Section 257 Proposed Diversion of Public Footpath Aston Juxtra Mondrum No. 5 (Part)** (Pages 9 - 18)

To consider the application to divert part of Public Footpath No.5 in the parish of Aston Juxtra Mondrum.

6. **Informative Report on Cases of Uncontested Public Path Orders Determined under Delegated Decision** (Pages 19 - 22)

To note the Public Path Orders determined under Delegated Powers.

7. **Informative Report: Public Rights of Way Annual Report 2019-20 and Work Programme 2020-21** (Pages 23 - 54)

To receive a report on the achievements of the Council in terms of its Public Rights of Way functions during the year 2019-20 and the proposed work programme for the year 2020-21.

**Membership:** Councillors S Edgar (Chairman), H Faddes, I Macfarlane, R Moreton, B Puddicombe (Vice-Chairman), D Stockton and L Wardlaw.

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Public Rights of Way Committee**  
held on Monday, 9th March, 2020 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor S Pochin (Chairman)

Councillors H Faddes, I Macfarlane, D Stockton and L Wardlaw

**Officers in Attendance**

Genni Butler, Acting Rights of Way Manager  
Jennifer Miller, Definitive Map Officer  
Marianne Nixon, Public Path Orders Officer  
Andrew Poynton, Planning and Highways Lawyer  
Rachel Graves, Democratic Services Officer

**33 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors S Akers Smith and B Puddicombe.

**34 DECLARATIONS OF INTEREST**

Item 7 – Proposed Diversion of Public Footpath Hatherton No.8 (part):  
Councillor S Pochin declared a personal interest as the applicant was a personal friend and stated that she would vacate the chair and leave the meeting when the application was considered.

**35 MINUTES OF PREVIOUS MEETING****RESOLVED:**

That the minutes of the meeting held on 2 December 2019 be confirmed as a correct record.

**36 PUBLIC SPEAKING TIME/OPEN SESSION**

The Chairman advised she would invite those registered to come forward to speak when the relevant application was being considered by the Committee.

**37 WILDLIFE & COUNTRYSIDE ACT 1981 - PART III, SECTION 53:  
APPLICATION NO. CO/8/52: APPLICATION FOR THE ADDITION OF A  
PUBLIC RIGHT OF WAY ALONG A ROUTE KNOWN AS MANOR  
DRIVE BETWEEN NANTWICH ROAD (A530) AND KERRIDGE CLOSE,  
PARISH OF MIDDLEWICH**

The Committee considered a report which detailed an application made by Mr John Bayley on behalf of the Middlewich Public Rights of Way Group to amend the Definitive Map and Statement by adding a public right of way along a route known as Manor Drive, between Nantwich Road (A530) and Kerridge Close, in the parish of Middlewich.

Under section 53 of the Wildlife and Countryside Act 1981, the Council had a duty to keep the Definitive Map and Statement under continuous review and make such modifications to the Map and Statement as appear requisite in consequence of the occurrence of certain events. The event relevant to his application is Section 53(3)(c)(i):

*“(c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:-*

*(i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates...”*

The evidence could consist of documentary evidence or user evidence or a mixture of both.

The application had been submitted in November 2018 for the addition a bridleway along a route known as Manor Drive in the parish of Middlewich and had been made on the basis of user evidence from ten users, submitted with the application, and 2 further forms submitted later. Although the application stated it was for the addition of a bridleway, Officers considered that the evidence suggested that the status should be that of Restricted Byway. An additional route between Manor Drive and Buckley Close had also been considered as part of the application, based on the user evidence.

Mr John Bayley addressed the Committee and stated that the application had been made because the Middlewich Guardian on 24 August 2017 had printed an article which said that the owners of Manor Lodge wanted to gate the driveway to stop residents from using it as a thoroughfare into Middlewich or on to the canal. The route had been used as link into Middlewich to visit the cemetery, doctors surgery and shops in Middlewich for well over twenty years and the alternative route was a mile longer in length. The owners of Manor Lodge had removed the original gatepost and had relocated them further forward and built walls which they did not have permission to do so.

Mrs Samantha Richards addressed the Committee and informed them that they were not questioning the public right of way, and having listened to public opinion, had decided against installing a gate between the posts but wanted the gateposts to remain as they had been erected to stop lorries turning around outside their home causing damage.

The report before the Committee detailed the investigation carried out into the application and concluded that the user evidence submitted demonstrated regular, continuous and long term use of the claimed route on foot and bicycle. The documentary evidence showed that the route of Manor Drive had been in existence for over a hundred years, most likely since the Manor Hall was built. The historical documents showed that route A-B-C on Plan No.WCA/021 was historically used as private access to the Hall. The nature and purpose of the use of the route then changed with the development of the area from the 1970s onwards. The section of the route between B-C and between points B-D was owned by Cheshire East Council and public use of this section was not disputed. The user evidence showed that use, on both foot and bicycle, had been uninterrupted for a fully twenty year period between 1996 and 2016 in the case of route A-B-C without challenge, permission or secrecy and in the case of B-D between 1997 and 2017.

The Committee considered the user evidence submitted and the Definitive Map Officer's conclusion and considered that there was sufficient user evidence to support the existence of restricted byway rights along routes A-B-C and B-D. The issue of the gateposts was outside the remit of the Committee and they hoped that a resolution could be found that would satisfy both the owners and path users. 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 two restricted byways in the parish of Middlewich.

The Committee unanimously

**RESOLVED:** That

- 1 an Order be made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by adding as Restricted Byways the routes shown between points A-B-C and B-D on Plan No. WCA/021.
- 2 Public Notice of the making of the Order be given and, in the event of there being no 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 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.

38     **TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257:  
APPLICATION FOR THE EXTINGUISHMENT OF PUBLIC  
FOOTPATH NO. 20, PARISH OF CONGLETON**

The Committee considered a report which detailed an application received from Miller Homes requesting that the Council make an Order under section 257 of the Town and Country Planning Act 1990 to extinguish Public Footpath No.20 in the parish of Congleton.

In accordance with section 257 of the Town and Country Planning Act 1990, as amended by Section 12 of the Growth and Infrastructure Act 2013, a competent authority may by order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they were satisfied that it was necessary to do so in order to enable development to be carried out in accordance with planning permission granted.

Planning permission had been granted for the development of a residential scheme composing up to 140 dwellings – planning references 16/0514C and 18/4888C.

Public Footpath No.20 Congleton would be directly affected by the proposed residential development – as shown on Plan No.TCPA/061. The approved planning layout provided alternative linkages to shared use footway/cycleway alongside Back Lane and the shared use footway/cycleway alongside the Link Road.

The Committee considered the application and concluded that it was necessary to extinguish Public Footpath No.20 Congleton to allow for the approved residential development to take place. It was considered that the legal tests for the making and confirming of an Extinguishment Order under section 257 of the Town and Country Planning Act 1990 were satisfied.

The Committee unanimously

**RESOLVED:** That

- 1     an Order be made under Section 257 of the Town and Country Planning Act 1990 to extinguish Public Footpath No.20 Congleton, between points A and B as illustrated on Plan No.TCPA/061 on the grounds that the Borough Council is satisfied that it is necessary to do so to allow development to take place.
- 2     Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.

- 3 in the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

**39 TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257: PROPOSED DIVERSION OF PUBLIC FOOTPATH HATHERTON NO. 8 (PART)**

Having declared a personal interest Councillor S Pochin vacated the chair and left the meeting for this item.

In the absence of the Vice Chairman, Councillor I Macfarlane was appointed Chairman for this item.

The Committee considered a report which detailed an application received from Joseph Heler Farms requesting that the Council make an Order under section 257 of the Town and Country Planning Act 1990 to divert a section of Public Footpath No.8 in the parish of Hatherton to enable the building of a Cold Store extension.

In accordance with section 257 of the Town and Country Planning Act 1990, the Borough Council, as planning authority, could make an Order diverting a public footpath if it was satisfied it was necessary to do so with a planning permission which had been applied for or granted.

Planning permission had been granted, subject to conditions, on 11 September 2019 for a Cold Store extension at Laurels Farm, Crewe Road, Hatherton – planning reference 19/2086N.

The existing alignment of Public Footpath No.8 Hatherton would be directly affected by the development. The proposed line for the footpath was a short diversion curving round in a south easterly direction, following the boundary of the cold store extension for approximately 151 metres, as shown on Plan No.TCPA/059 between points A-B. The new path would be unenclosed with a grass surface, no path furniture and a width of two metres. The path would have 2.5 metre ‘grass strips’ on either side and there would be a 2.5 metre native shrub mix border along the full length of the eastern boundary and the majority of the western boundary, as indicated on Drawing No.5412.05 Rev D.

The Committee considered the application and noted the comments received from the Peak and Northern Footpaths Society and the Open Spaces Society along with the Public Rights of Way Officer’s responses.

The Committee concluded that it was necessary to divert part of Public Footpath No.8 Hatherton to allow for the extension to the Cold Store as detailed in the approved planning application. It was 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 were satisfied.

The Committee unanimously

**RESOLVED:** That

- 1 a Public Path Diversion Order be made under Section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No.8 in the parish of Hatherton on the grounds that the Cheshire East Borough Council is satisfied that it is necessary to do so in order to enable development to be carried out.
- 2 Public notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Act.
- 3 In the event of objections being received, Cheshire East Council be responsible for the conduct of any hearing or public inquiry.

**40 INFORMATIVE REPORT ON CASES OF UNCONTESTED PUBLIC PATH ORDERS DETERMINED UNDER DELEGATED DECISION**

The Committee received an information report on the uncontested Public Path Order cases that had been determined under delegated decision.

Two decisions had been taken under delegation, which related to Town and Country Planning Act 1990 Section 257 applications. One was for the diversion of part of Restricted Byway Wilmslow No.22 and the second one for the diversion of parts of Public Footpath Nos.7 and 8 in the parish of Weston.

**AGREED:**

That the uncontested Public Path Orders determined under delegated decision be noted.

The meeting commenced at 2.00 pm and concluded at 2.58 pm

Councillor S Pochin (Chairman)





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## **Public Rights of Way Committee**

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**Date of Meeting:** 08 June 2020

**Report Title:** Town and Country Planning Act 1990 Section 257 Proposed Diversion of Public Footpath Aston Juxtra Mondrum No. 5 (Part)

**Senior Officer:** Frank Jordan, Executive Director Place

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### **1. Report Summary**

- 1.1. This report outlines the investigation to divert part of Public Footpath No. 5 in the Parish of Aston Juxtra Mondrum. This includes a discussion of the consultations carried out in respect of the proposal and the legal tests to be considered for a diversion Order to be made under the Town and Country Planning Act 1990. The proposal has been put forward by the Public Rights of Way team on behalf of MJ and MC Thomasson, as a response to a planning application that has been approved by the Council's Planning Department, for a **Milking Parlour (Planning Application No. 18/4485N)**.
- 1.2. The report makes a recommendation based on that information, for a quasi-judicial decision by Members as to whether or not a diversion Order should be made for that section of public footpath.
- 1.3. The proposal contributes to the Corporate Plan Outcomes 4 "Cheshire East is a green and sustainable place" and 5 "People live well and for longer", and the policies and objectives of the Council's statutory Rights of Way Improvement Plan.

### **2. Recommendation/s**

- 2.1. A public path diversion Order be made under Section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No. 5 in the Parish of Aston Juxtra Mondrum on grounds that the Cheshire East Borough Council is satisfied that it is necessary to do so in order to enable development to be carried out.
- 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, and in the event that

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planning consent has been granted, the Order be confirmed in the exercise of the powers conferred on the Council by the said Act.

- 2.3. In the event of objections being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

### **3. Reasons for Recommendation/s**

- 3.1. In accordance with Section 257 of the Town and Country Planning Act 1990 ("TCPA") as amended by Section 12 of the Growth and Infrastructure Act 2013:

"(1A) Subject to section 259, a competent authority may by Order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they are satisfied that—

(a) an application for planning permission in respect of development has been made under Part 3, and

(b) if the application were granted it would be necessary to authorise the stopping up or diversion in order to enable the development to be carried out."

- 3.2. The Council as the Local Planning Authority can make an Order diverting a public footpath if it is satisfied that it is necessary to do so to enable development to be carried out, provided a planning application has been formally registered with the Council.

- 3.3 It is considered that it is necessary to divert part of Footpath No. 5 in the Parish of Aston Juxtra Mondrum as illustrated on Plan No. TCPA/063, to allow for the Milking Parlour as detailed within planning reference: 18/4485N.

### **4. Other Options Considered**

- 4.1. Not applicable – this is a non-executive matter.

### **5. Background**

- 5.1. An application has been received from MJ and MC Thomasson requesting that the Council make an Order under section 257 of the Town and Country Planning Act 1990 to divert a section of Public Footpath No. 5 in the Parish of Aston Juxtra Mondrum to enable a new Milking Parlour to be built.
- 5.2 The land over which the current route runs and over which the proposed route would run is owned by MJ and MC Thomasson.

- 5.3 Planning permission was granted, subject to conditions, on 13 December 2018. The application is cited as 'Milking Parlour' at Aston Lower Hall, Dairy Lane, Aston Juxtra Mondrum, CW5 6DS (Application No. 18/4485N).
- 5.4 Public Footpath No. 5 Aston Juxtra Mondrum commences at its junction with Dairy Lane at O.S. grid reference SJ 6396 5633 and runs in a generally north westerly and then generally westerly direction to O.S. grid reference SJ 6341 5649 for a distance of approximately 603 metres. The section of path to be diverted is shown by a solid black line on Plan No. TCPA/063 running between points A-B. It has a grass surface with no path furniture. The proposed diversion is illustrated with a black dashed line on the same plan, running between points C-B.
- 5.5 The existing alignment of the footpath will be directly affected by the Milking Parlour as illustrated on 'Sheet 1', a plan from the consented planning application. It is proposed to divert approximately 450 metres of the route.
- 5.6 The diverted footpath will be approximately 426 metres and unenclosed. It will have a grass surface, comparable to the existing route, and a two metre width. It will begin at a location on Dairy Lane approximately 97 metres south of the current path, connecting with Aston Juxtra Mondrum Footpath No. 1. There is a layby at this location on Dairy Lane which provides a safer exit point for walkers than the current definitive line, which exits directly onto the road. There is also a stile at this location which will be replaced with a kissing gate, thereby improving accessibility for users.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

- 6.1.1. 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 or Public Inquiry. It follows that the Committee decision may be confirmed or not confirmed. This process may involve additional legal support and resources.

### **6.2. Finance Implications**

- 6.2.1. If objections to the Order lead to a subsequent hearing or inquiry, this legal process would have financial implications for the Council.

### **6.3. Policy Implications**

- 6.3.1. There are no direct policy implications.

**6.4. Equality Implications**

- 6.4.1 An assessment in relation to the Equality Act 2010 has been carried out by the PROW Network Management and Enforcement Officer for the area and it is considered that the proposed diversion would be no less convenient to use than the current one.

**6.5. Human Resources Implications**

- 6.5.1. There are no direct human resource implications.

**6.6. Risk Management Implications**

- 6.6.1. There are no direct risk management implications.

**6.7. Rural Communities Implications**

- 6.7.1. There are no direct implications for rural communities.

**6.8. Implications for Children & Young People**

- 6.8.1. There are no direct implications for children and young people.

**6.9. Public Health Implications**

- 6.9.1. There are no direct implications for public health.

**6.10. Climate Change Implications**

- 6.10.1 The Council has committed to becoming carbon neutral by 2025 and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint.
- 6.10.2 The work of the Public Rights of Way team encourages a reduction in carbon emissions and increased environmental sustainability by reducing energy consumption and promoting healthy lifestyles through active travel.

**Ward Members Affected**

- 6.11. Councillor Sarah Pochin from the Bunbury Ward has been consulted. No comments have been received.

**7. Consultation & Engagement**

- 7.1. Worleston and District Parish Council have been consulted, no comments have been received.
- 7.2. The user groups have been consulted. No comments have been received.

- 7.3. Statutory Undertakers have been consulted. United Utilities and National Grid have no objection to the proposal.

## **8. Access to Information**

- 8.1. The Background papers and file 021D/589 relating to this report can be inspected by contacting the report writer.

## **9. Contact Information**

- 9.1. Any questions relating to this report should be directed to the following

Officer Name: Hannah Duncan

Job Title: Definitive Map Officer

Email: [hannah.duncan@cheshireeast.gov.uk](mailto:hannah.duncan@cheshireeast.gov.uk)

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# KEY

- Path to be Stopped Up (A-B)
- Proposed Diversion (C-B)
- Unaffected Rights of Way

Location of milking parlour

B

A

C

Aston juxtra Mondrum FP1



Town and Country Planning Act 1990 s257  
Proposed Diversion of Public Footpath  
No. 5 (part) Parish of Aston Juxtra Mondrum

Plan No.  
TCPA/063

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



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Project:	Aston Hall
Date:	04/09/2018
Time:	1:2500ZAL

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## **Public Rights of Way Committee**

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**Date of Meeting:** 08 June 2020

**Report Title:** Informative Report on Cases of Uncontested Public Path Orders Determined under Delegated Decision

**Senior Officer:** Frank Jordan, Executive Director - Place

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### **1. Report Summary**

- 1.1. The report informs Members of the uncontested Public Path Order cases that have been determined under delegated decision by the Executive Director of Place in consultation with the Chair and Vice Chair of the Committee.

### **2. Recommendation/s**

- 2.1. That the report be noted.

### **3. Reasons for Recommendation/s**

- 3.1. The report is for information only.

### **4. Other Options Considered**

- 4.1. Not applicable – this is a non-executive matter.

### **5. Background**

- 5.1 Under the Council's Constitution and Local Scheme of Delegation under the cascade principle, the Public Rights of Way Manager, in consultation with the Chair and Vice Chair of the Public Rights of Way Committee, may determine Public Path Order cases which are not contested or contentious at the pre-order consultation stage.
- 5.2 This report provides an update on decisions taken under this delegation:

Town and Country Planning Act 1990 Section 257 Proposed Diversion of Public Footpath No. 36 in the Town of Macclesfield

Town and Country Planning Act 1990 Section 257 Proposed Diversion of Public Footpath No. 1 (part) in the Parish of Leighton

- 5.3 Reports for cases determined through this process can be viewed on the Public Rights of Way webpages at [https://www.cheshireeast.gov.uk/leisure\\_culture\\_and\\_tourism/public\\_rights\\_of\\_way/path\\_orders/Public-Path-Order-Delegated-Decision-Reports.aspx](https://www.cheshireeast.gov.uk/leisure_culture_and_tourism/public_rights_of_way/path_orders/Public-Path-Order-Delegated-Decision-Reports.aspx).

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

- 6.1.1. There are no legal implications.

### **6.2. Finance Implications**

- 6.2.1. There are no financial implications.

### **6.3. Policy Implications**

- 6.3.1. There are no policy implications.

### **6.4. Equality Implications**

- 6.4.1. There are no equality implications.

### **6.5. Human Resources Implications**

- 6.5.1. There are no human resource implications.

### **6.6. Risk Management Implications**

- 6.6.1. There are no risk management implications.

### **6.7. Rural Communities Implications**

- 6.7.1. There are no implications for rural communities.

### **6.8. Implications for Children & Young People**

- 6.8.1. There are no implications for children and young people.

### **6.9. Public Health Implications**

- 6.9.1. There are no implications for public health.

### **6.10 Climate Change Implications**

- 6.10.1 The Council has committed to becoming carbon neutral by 2025 and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint.

6.10.2 The work of the Public Rights of Way team encourages a reduction in carbon emissions and increased environmental sustainability by reducing energy consumption and promoting healthy lifestyles through active travel

## **7. Ward Members Affected**

7.1. All Wards. Consultation with Ward Members is undertaken to inform the decision on each Public Path Order case.

## **8. Consultation & Engagement**

8.1. Consultation with Public Rights of Way user groups and statutory consultees is undertaken to inform the decision on each Public Path Order case.

## **9. Access to Information**

9.1. Not applicable.

## **10. Contact Information**

10.1. Any questions relating to this report should be directed to the following officer:

Name: Genni Butler

Job Title: Acting Public Rights of Way Manager

Email: [genni.butler@cheshireeast.gov.uk](mailto:genni.butler@cheshireeast.gov.uk)

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## **Public Rights of Way Committee**

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**Date of Meeting:** 08 June 2020

**Report Title:** Informative report: Public Rights of Way annual report 2019-20 and Work Programme 2020-21

**Senior Officer:** Frank Jordan, Executive Director - Place

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### **1. Report Summary**

- 1.1. This report records the achievements of the Council in terms of its Public Rights of Way (PROW) functions during the year 2019-20 and sets out the proposed work programme for the year 2020-21. Details are set out in Appendices 1, 2 and 3.
- 1.2. The work of the Public Rights of Way team contributes to the Corporate Plan Outcomes 4 "Cheshire East is a green and sustainable place" and 5 "People live well and for longer", and the policies and objectives of the Council's statutory Rights of Way Improvement Plan. The work of the team also contributes to Cheshire East's Quality of Place, with the network being both highly valued and regarded by residents. Contributing to transport, leisure, visitor economy and health and wellbeing functions across both the urban and rural areas of the borough, the Public Rights of Way network – together with wider networks of green infrastructure – form a key element of the Cheshire East landscape and policies related to the environment.

### **2. Recommendation/s**

- 2.1. That the report be noted.

### **3. Reasons for Recommendation/s**

- 3.1. The report is for information only.

### **4. Other Options Considered**

- 4.1. Not applicable.

## **5. Background**

5.1 The work of the Public Rights of Way Team is reviewed on an annual basis at the June meeting of the Public Rights of Way Committee and the forward work programme is outlined. The report covers both the duties and the powers of the Council as set out in highways legislation. The assessment is made in the context of the Natural England (former Countryside Agency) National Targets for Public Rights of Way, which have as their aim that the network in England and Wales should be:

- legally defined,
- properly maintained; and,
- well publicised.

5.2 Each area is examined individually below with some contextual information provided, with the specific achievements of 2019-20, together with the work programme for 2020-21, contained within the relevant Appendices.

### **5.3 Network Management and Enforcement**

5.3.1 Three full time equivalent Network Management and Enforcement Officer positions cover the borough, dealing with the protection and maintenance of the network. They operate on an area basis, with each area covering around one third of the length of the 1947km network. During the year one area was split into two sub-areas as the post holder reduced their hours and another Officer was appointed to the team. Within each area, the Officers are responsible for maintenance and enforcement to remove obstructions and keep the path network available and easy to use. A report detailing the working undertaken in relation to Network Management and Enforcement is attached at Appendix 1, with a summary highlighted below.

5.3.2 No cases required the Council to undertake enforcement action during 2019-20, as all reported obstructions were removed following receipt of warning letters or telephone calls. This indicates the good working relationships held with landowners and land managers, who, it is recognised, have many competing pressures and priorities to deal with.

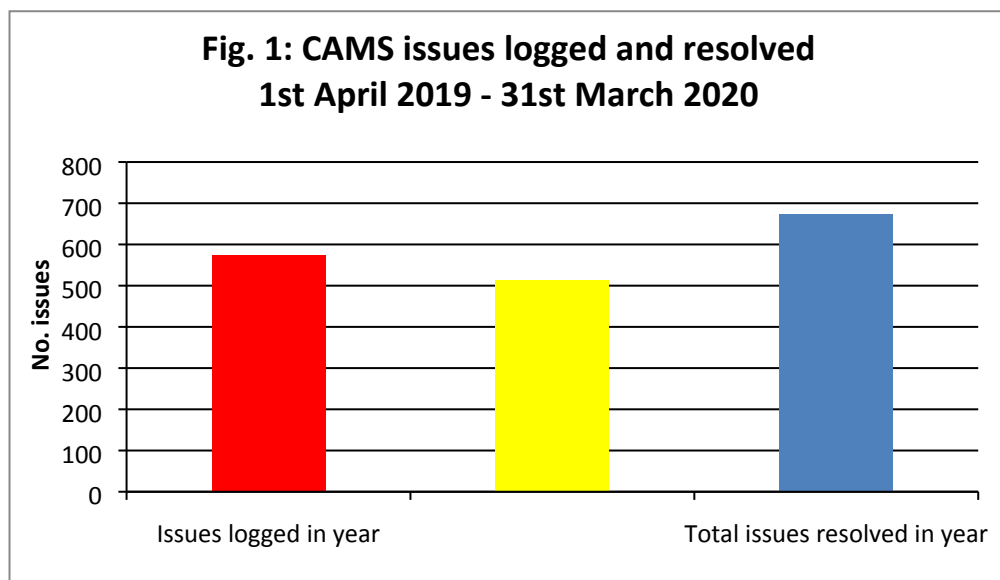
5.3.3 The number of long term closures on the network due to legal, environmental or other reason is currently 3. The Council's Legal team is providing assistance to progress two of these cases, whilst the third case is being assessed by Highways England as it relates to a bridge over the M6.

5.3.4 533 different Public Rights of Way benefitted from vegetation cutting either once, twice or three times in the year in order to keep the routes open and available for the public, a total length 201km of path.



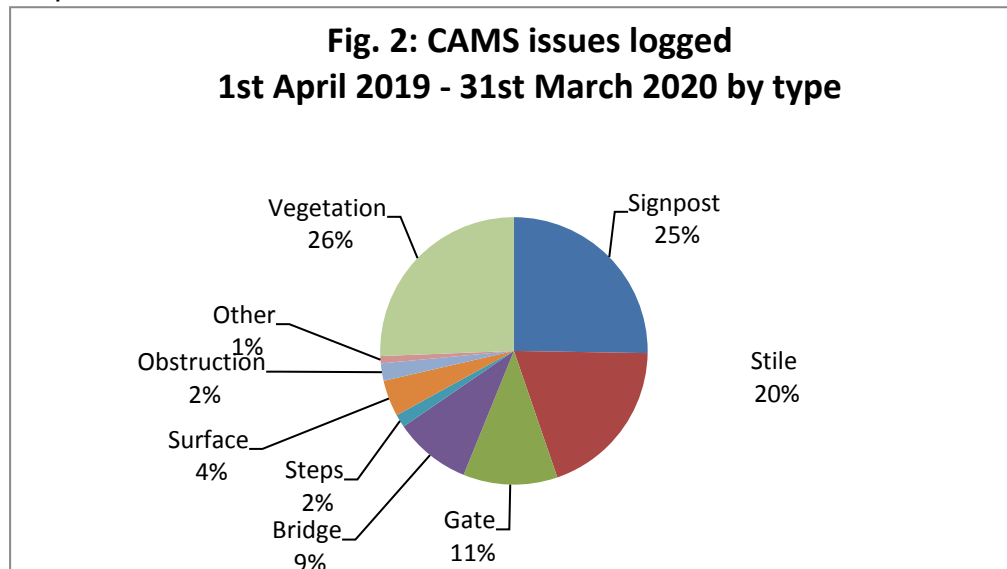
5.3.5 574 path problems have been logged throughout the year 2019-20, having been reported by the public, landowners or Officers. This is a lower number of issues compared to the 703 logged in the preceding year. We are grateful for those who report such issues, and who undertake the Ramblers' regular surveys, in acting as our 'eyes and ears' out on the network so that such issues can be resolved.

5.3.6 The charts below illustrate the numbers and types of problems reported, as recorded in the team's mapping and database software "CAMS" (Countryside Access Management System). In Fig. 1 the shortfall between issues logged in year and issues both logged and resolved in year is due to the number of issues that become complex legal matters, taking longer to resolve, or those matters which span the end of the financial year. In overview however, a greater number of issues were resolved in the year than were logged in the same year, therefore indicating that issues logged previously have now been resolved.

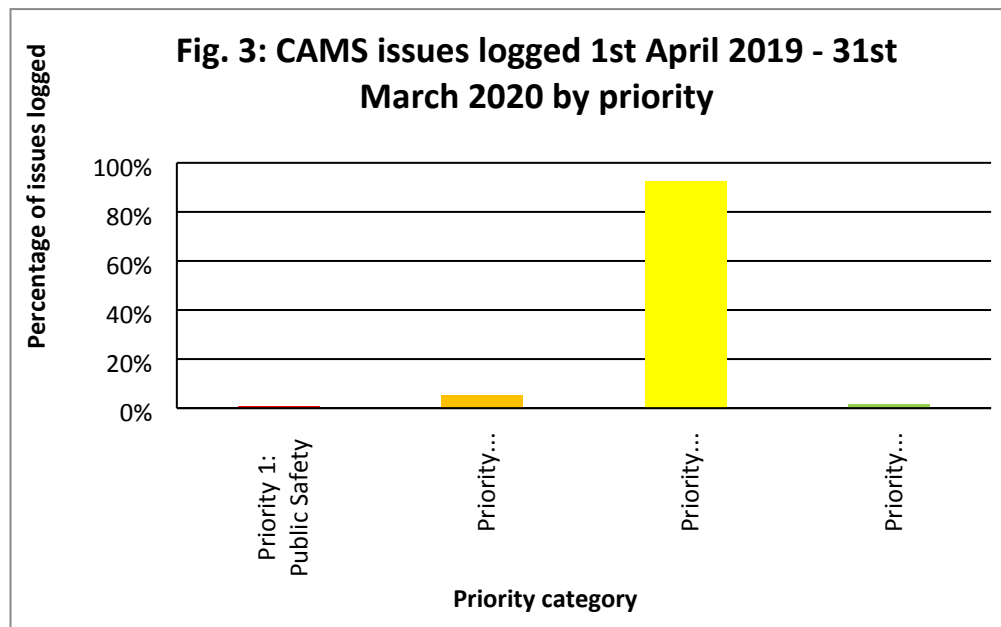


5.3.7 In Fig. 2 the numbers of different types of issues are very similar to previous years, showing relative consistency in the frequency of different types of issue being reported, with a small increase in issues relating to vegetation

on paths.



5.3.8 Fig. 3 shows a similar pattern to the previous year for the priority rating assigned to issues reported. It should be noted, however, that some urgent issues, such as fallen trees, are frequently reported but not entered into the database as they are resolved through by communication with landowners, rather than PROW contractors. Likewise, damaged bridges that cannot be repaired through framework contractor arrangements will be dealt with by specialist contractors and therefore again are not logged through the CAMS system which is used to issue work to PROW framework contractors.



5.3.9 The numbers of items of furniture installed by the team during the year are given in the table below:

<b>Furniture item</b>	<b>No. installed</b>
Fingerposts	227
Waymark posts	155
Stiles	124
Pedestrian gates	40
Kissing gates	118
Bridleway gates	6
2-in-1 combination gates	16
Bridges	38
<b>TOTAL</b>	<b>724</b>

5.3.10 It should be noted that the above figures do not include the large number of daily enquiries that the team receives and responds to by telephone, email, letter, web enquiry form and in person. Further, many issues are resolved without the need for them to be logged on the CAMS system and issued to contractors for remedy and therefore the above should be viewed simply as an indication of matters dealt with by the team.

5.3.11 In addition to day to day path management, the team also prepare for, procure and manage the delivery of improvement projects including drainage works and surfacing works. Examples of work conducted in this are given in Appendix 1 and also in Appendix 2 which summarises work delivered under the Rights of Way Improvement Plan. Further, works on the ground and Public Path Order cases can also resolve known anomalies, such as has been the case in Barthomley where anomalies arising for a number of reasons, including the construction of the M6, are being resolved.

## **5.4 Path Inspection**

5.4.1 The path inspection scheme which the Council employs is in the form of the former National Best Value Performance Indicator 178: percentage of paths deemed 'easy to use'. Although councils are no longer required to report on BVPI178, in Cheshire East it continues to be used as local performance indicator. Other authorities have also continued to use this methodology as it allows performance benchmarking to occur. The survey is carried out on a randomly generated basis of 5% of the network per year. The team duly carried out the BVPI 178 inspection, with the percentage pass rate being 70%, a lower than average result in large part due to the extreme weather events of 2019 resulting in flooding and damage to bridge structures. Whilst the small nature of the sample may throw up inconsistencies or temporary spikes, the sequence of years 2009 to 2019 shows results averaging 81%.

## **5.5 Technical Administration**

- 5.5.1 The Public Rights of Way team benefits from the work of one Technical Administration Officer who undertakes numerous technical and financial tasks to ensure the efficient running of the team and office.
- 5.5.2 The Officer processes search requests from developers and solicitors requesting confirmation of the Definitive Map for specific areas of land. During 2019-20, 125 search requests were processed, a reduction from the 155 in the previous year.
- 5.5.3 The Officer also processes applications for parking and canoe permits on behalf of the Countryside Ranger Service, of which there were 206 and 115 respectively during the year. In addition, the post holder undertakes numerous procurement and administration tasks to support both teams.
- 5.5.4 In addition to assigned tasks, the Officer is also the public's first point of contact for the team, receiving and assigning general enquiries via phone, letter, email and web form. The team's central email account received 1,630 emails and the central phone number alone received 1,129 calls in the year.
- 5.5.5 During the year, the team received and responded to 6 Freedom of Information requests, 5 enquiries from MPs and 40 enquiries received via the Members Enquiries Service or Customer Relations team.

## **5.6 Rights of Way Improvement Plan (ROWIP) - Access Development**

- 5.6.1 During the year, the Countryside Access Development Officer continued to cover the Acting Public Rights of Way Manager role. This has resulted in a reduced output in the implementation of the ROWIP, access development projects and proactive development of green space access opportunities.
- 5.6.2 However, whilst no new projects have been initiated, existing projects already in train have been progressed, such as the completion of the Twin Trails project of granted-funded investment on the Gritstone Trail and Sandstone Trail in partnership with Cheshire West and Chester Council. Outputs delivered under the ROWIP, such as the Twin Trails project, dovetail into the Council's Green Infrastructure Plan and other partnership work across the borough. Although Appendix 2 contains an outline report and work programme, the work of the whole team contributes to the delivery of the ROWIP and the aspirations and reality of improving the network.
- 5.6.3 The Countryside Access Development Officer role is also responsible for the administration of the Cheshire East Countryside Access Forum. In addition, the role facilitates the Rights of Way Consultative Group, advises

local user groups, encourages the promotion of walks and rides and responsible access and responds to general enquiries and requests for information.

## **5.7 Legal Orders Team**

- 5.7.1 The team comprises six Officers (4 full-time and 2 part-time) who operate on a caseload basis and deal with Public Path Orders, (diversions and extinguishments), Definitive Map Modification Orders, (changes to the Definitive Map) emergency and temporary closures, land owner deposits and statements and planning applications as well as day to day enquiries from the public and landowners. Appendix 3 provides a review of work undertaken and the forward work programme.
- 5.7.2 The team has continued to benefit from the work of two Officers on a fixed two-year basis in order to process Public Path Orders and temporary closures. These two posts, as with the existing Public Path Order Officer post, are managed on a net nil basis, with the salaries covered by administration fees.
- 5.7.3 During 2019-29, the team assessed 318 planning applications in order to ensure the protection and seek enhancement of the PROW network. Whilst this number of applications was lower than the preceding year, this is a task which has set deadlines and involves protracted tracking of the application processes and associated input. Whilst some responses are straightforward, others involve continued correspondence to seek the best possible outcome for the protection and enhancement of the PROW network.
- 5.7.4 Additionally, 135 temporary closures were processed, predominantly following application from developers and utility companies. These processes can involve repeated negotiation and communications between applicants and Officers, involve public notice being made and also initiate enquiries from the general public.
- 5.7.5 The team received and processed 2 deposits, statements and declarations from landowners under section 31 of the Highways Act 1980. The team also responds to enquiries for information following Local Land Charge searches, numbering 18 during the year, as well as internal requests for Definitive Map information. Additionally, Officers attended a Land Registry Tribunal in relation to a contested land parcel affecting a PROW.
- 5.7.6 5 Town and Country Planning Act section 257 Orders to enable development to go ahead have been made, with 27 cases in progress. These applications take precedence over conventional Highway Act 1980

diversions due to the tight timetables involved. The need to respond to these in parallel with the planning process and the consequent work generated liaising with developers and colleagues in the Planning Department has a significant impact on other areas of work.

- 5.7.7 9 Highways Act 1980 Public Path Orders have been made and 8 Orders confirmed, with 21 cases in progress. One Public Inquiry was held for a case following submission to the Secretary of State for determination of an Order which had attracted objections.
- 5.7.8 14 Definitive Map Modification Order application cases were in progress during the year, with 3 Orders being made, 3 Orders confirmed and 1 case determined which resulted in no order being made. 3 Definitive Map Modification Order applications are being resolved through Public Path Order processes.
- 5.7.9 During the year, the Council received 1 direction from the Secretary of State to determine a Definitive Map Modification Order application following appeal from the individuals who submitted the application because the Council had not determined the case within 12 months of registration.
- 5.7.10 The waiting list of Definitive Map Modification Order applications currently stands at 37, with 3 new applications having been registered during 2019-20.
- 5.7.11 In addition to the above work, each year a Legal Event Order is completed to collate all Order cases completed during the year; this is the administrative function which legally changes the Definitive Map and Statement.

## **5.8 Policies**

- 5.8.1 The policies currently in place reflect the following activity:
- Network management and enforcement protocol;
  - Policy for structures on Public Rights of Way;
  - Prioritisation system for different categories of maintenance & enforcement issues on Public Rights of Way;
  - Statement of priorities for Definitive Map Modification Order applications;
  - Charging policy for Public Path Orders, searches & temporary closures and Highways Act 1980 section 31 deposits and statements; and,
  - Policy for determination of uncontested Public Path Order applications by Public Rights of Way Manager in consultation with the Chair and Vice Chair of the Public Rights of Way Committee.

## **5.9 Countryside Access Forum and ROW Consultative Group**

5.9.1 The primary purpose of the Forum is to provide advice to Cheshire East Borough Council, and other bodies, such as Government Departments, Natural England, the Forestry Commission, English Heritage, Sport England and Town and Parish Councils, on how to make the countryside more accessible and enjoyable for open air recreation, in ways which address social, economic and environmental interests. The Forum consists of volunteer members. Further details on the role of the Forum, the interest areas of its members and its annual reports can be found on the Forum's webpage at [www.cheshireeast.gov.uk/cecaf](http://www.cheshireeast.gov.uk/cecaf).

5.9.2 The Access Forum is complemented by the Cheshire East Rights of Way Consultative Group which meets twice yearly with Officers from the team. The Group operates to achieve the following purposes:-

- to enable interest groups (users, landowners and others) to engage in constructive debate and discussion about issues of law, policy, principle and work programming with Members and Officers of the Cheshire East Council;
- to encourage understanding of each others' concerns; and,
- to participate in the consultation process and ongoing monitoring associated with the Rights of Way Improvement Plan.

5.9.3 The Consultative Group meetings are extended to allow user group representatives to meet Network Management Officers on a one to one basis in order to discuss work priorities and individual case issues. .

## **5.10 Budget**

5.10.1 The annual budget for the years 2019-20 and 2020-21 are set out in the table below. During 2019-20 financial year, as in the previous, the budgets remained as forecast throughout the year, and have remained level across the years, allowing the team to plan spending efficiently throughout the year.

5.10.2 However, budgets over recent years have remained static in contrast to increased costs from suppliers for items such as timber and metal path furniture. The Office for National Statistics' [Construction Output Price Indices \(OPIs\), UK: July to September 2019 Report \(13 November 2019\)](#) stated that "Overall, prices in the construction industry, as estimated by the Construction Output Price Index (OPI), rose 11.8% between January 2015 and September 2019". In fact, timber prices, secured via competitive tendering process have increased 12.5% since 2015 and metal supplies by



15%. Thus, the outputs of work on the PROW network are effectively reduced year on year as budgets are not increased in line with costs.

- 5.10.3 The PROW team have, year-on-year, secured competitive prices through a tendered framework of PROW contractors who undertake works on the ground at the direction of the Network Management and Enforcement Officers. Whilst the average contractors' charges for standard works have been subject to a significant rise (of 71%) over the last five years, the most competitive prices have decreased (by 38%) due to the success of the tendering process and good working relationships with our contractors. Whilst this demonstrates the efficiency of the PROW team, we are also mindful of the great value for money we, the public and landowners, benefit from which is dependent on a relatively few specialist contractors.
- 5.10.4 Another matter impacted budgets during 2019-20; parts of the north and east of the borough experienced extreme weather and the end of July and early August 2019, with half a month's rain falling in 24 hours. The wet weather continued throughout the latter part of the year, affecting all areas of the borough. The effect on the PROW network included scouring of path surfaces, appearance of sink holes, fallen trees and bridges which were swept downstream, undercut or damaged. Affected routes were closed by means of 44 temporary closure orders which incurred administration costs and advertising fees totalling £18,690. This resulted in a knock-on impact as other income-generating tasks were not undertaken whilst Officers dealt with the impact of the flooding. The total damage repair cost is estimated at £182,733 across 30 sites. Minor repairs have been undertaken using existing budgets where possible. However, 7 PROW structures remain closed or with longer term repairs still required as large scale repair/replacement works cannot be funded from available budgets. Should future weather events cause additional damage, further closures to assets may be required, and costs may escalate.
- 5.10.5 Looking to 2020-21, the PROW team's revenue budgets have remained the largely the same as the previous year, whilst the core capital budget has been reduced by 20%. This will have an obvious effect in terms of what can be delivered on the network. A separate budget has been secured in the Council's Budget Book for investment in our bridge structures that has been required for a number of years and exacerbated by the impact of the extreme weather events of the year. Further investment in future years is proposed, with additional funding over and above that already secured being required to address the impact of the flooding events. The financial impact of the Covid-19 pandemic, on both income and expenditure, will largely be seen within the 2020-21 financial year.



	2019-20	2020-21
<b>Length of PROW network</b>	1947km	1946km
<b>Total PROW revenue budget</b>	£418k	£428k
<b>Network maintenance budget</b>	£52k revenue + £100k capital	£53k revenue + £80k capital + £39k structures (tbc)
<b>Maintenance budget per PROW km</b>	£78/km	£68/km + structures budget (tbc)
<b>Other funding</b>	<ul style="list-style-type: none"> <li>•£ 81k LTP ROWIP/ Cycling 'Active Travel' capital budget</li> <li>•S106 funding: <ul style="list-style-type: none"> <li>○ £30k Nantwich FP28</li> <li>○ £41k Alsager FP10</li> <li>○ £10k Wheelock Rail Trail</li> <li>○ £20k Disley FP66</li> <li>○ £1k Alsager FP3</li> <li>○ £12k non-PROW path in Nantwich</li> </ul> </li> <li>•£100k A6MARR PROW Complementary Measures package</li> <li>•£81k Twin Trails grant for Gritstone Trail project</li> </ul>	<ul style="list-style-type: none"> <li>•£40k LTP ROWIP 'Active Travel' capital budget</li> <li>•S106 funding: <ul style="list-style-type: none"> <li>○ £10k Wheelock Rail Trail</li> <li>○ £20k Disley FP66</li> <li>○ £1k Alsager FP3</li> <li>○ £12k non-PROW path in Nantwich</li> </ul> </li> <li>•£100k A6MARR PROW Complementary Measures package</li> </ul>

## 5.11 Conclusion

- 5.11.1 As in previous years, the Public Rights of Way team has delivered a very high standard of service to the public. The good condition of the network is highly regarded by user groups, the processing of legal orders continues to serve both users and landowners, and the high standard of response and service from the team as a whole is widely recognised.
- 5.11.2 The fixed term Officer appointments in the team, now extended for a further two years, continues to help to manage the Public Path Order waiting list. With the return to full strength of Officers in the Legal Orders team, the Definitive Map Modification Order application waiting list is being actively addressed, though new applications continue to be registered. The use of

new methods of working has expedited processes for Public Path Order cases. Any indication that the delayed Deregulation Act 2015 is to be implemented will necessitate a fresh appraisal of policies and procedures to deal this change in legislation, along with the timescales and workload implications that may result.

- 5.11.3 The impact of the extreme weather events this year has highlighted the vulnerability of the network to such events and the requirement for investment to be able to repair and protect paths and structures. As recognised by the Council's Environment Strategy, both the cause and effect of climate change will need to be considered and addressed to ensure the continued viability of the network.
- 5.11.4 Within this context, the reduction in capital budget this coming year is concerning and will result in a lower level of investment in the network. Stakeholder expectations will have to be managed accordingly along with further exploration of different models of delivery, such as increased use of volunteers and parish level involvement in prioritisation of investment.
- 5.11.5 In another challenge, this year also saw the team continuing to deliver an excellent service across all functions under the difficult circumstances of the Covid-19 pandemic. Office tasks were relocated to home-based remote working and rapid setting up of ICT processes enabled a continuation of service. The Network Management and Enforcement team continued to function, albeit on a re-prioritised basis, to ensure the availability and safety of the network. All team members dealt with the large number of enquiries from both landowners and users that the team received, often involving heightened tensions and users unfamiliar with rural walking routes. Advice for both groups of stakeholders was collated and kept up to date from national government guidance.
- 5.11.6 The longer term implications of Covid-19 will become clear with time, but will certainly involve a severe reduction of income during the coming year. What this situation has reinforced is the vital importance of the network for our communities' physical and mental wellbeing, and in doing so, the validity of protecting the necessary resources to maintain that asset.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

- 6.1.1. The implementation of the Deregulation Act 2015 represents a risk to the capability of the team to meet the duties of the Highway Authority with regards to Public Rights of Way. The effect of the Act, when implemented, will require an appraisal of processes and policies for

dealing with Definitive Map Modification Orders and Public Path Orders. Tight timescales are to be introduced by the legislation requiring application processing within specified time limits and additionally the processing of Public Path Orders under the Highways Act 1980 will become a duty rather than a discretionary service, as it is at present.

6.1.2. In addition, the impact of the flooding events of the year have created a requirement for investment in bridge structures which will need to be funded in order to avoid any further impact on the Council's ability to maintain the network and keep paths open.

## **6.2. Finance Implications**

6.2.1. There are no additional financial implications foreseen a this report is for information only. However, additional resource will be required in order to continue maintaining the PROW network going forwards.

## **6.3. Policy Implications**

6.3.1. There are no policy implications foreseen.

## **6.4. Equality Implications**

6.4.1. There are no equality implications.

## **6.5. Human Resources Implications**

6.5.1. There are no additional human resource implications foreseen.

## **6.6. Risk Management Implications**

6.6.1. The lack of resource for proactive network surveying puts the Council at potential risk of claims for accidents arising from users of the network. During the year 3 claims were reported to and investigated by the team.

## **6.7. Rural Communities Implications**

6.7.1. There are no direct implications for rural communities.

## **6.8. Implications for Children & Young People**

6.8.1. There are no direct implications for children and young people.

## **6.9. Public Health Implications**

6.9.1. There are no direct implications for public health.

#### **6.10. Climate Change Implications**

6.10.1 The Council has committed to becoming carbon neutral by 2025 and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint.

6.10.2 The work of the Public Rights of Way team encourages a reduction in carbon emissions and increased environmental sustainability by reducing energy consumption and promoting healthy lifestyles through active travel.

#### **7. Ward Members Affected**

7.1. All Wards. No Ward Member engagement is required as the report is for information only.

#### **8. Access to Information**

8.1. Not applicable.

#### **9. Contact Information**

9.1. Any questions relating to this report should be directed to the following officer:

Name: Genni Butler

Job Title: Acting Public Rights of Way Manager

Email: [genni.butler@cheshireeast.gov.uk](mailto:genni.butler@cheshireeast.gov.uk)

## Appendix 1 – Network Management and Enforcement

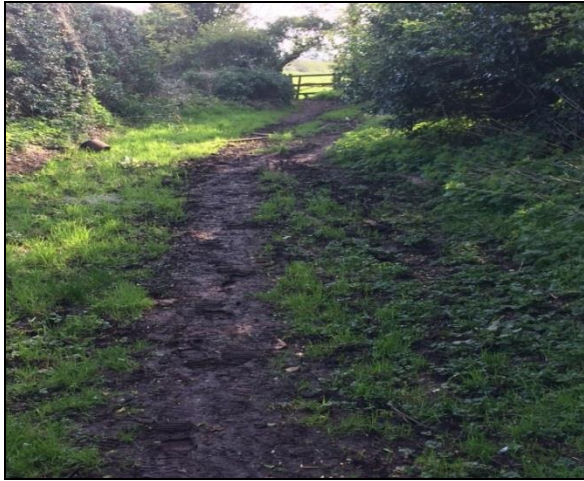
Measure of Success	Source	Achievements 2019-20 (2018-19)	Anticipated work programme 2020-21
All footpaths, bridleways and byways correctly signposted where they leave a metalled road.	C/side Act 1968 NERC Act 2006	<ul style="list-style-type: none"> <li>382 signs erected across the borough (393)</li> </ul>	<ul style="list-style-type: none"> <li>Installation of additional signs and replacement signs following loss and damage to ensure the requirements of Countryside Act 1968 s 27 are fulfilled.</li> </ul>
All PROW clear of obstructions, misleading notices, other hindrances or impediments to use.	HA 1980 s130	<ul style="list-style-type: none"> <li>Enforcement actions saw 4 notice served for copping and 3 for general obstruction (3 and 2, respectively).</li> <li>Additionally 23 “7 day” warnings were issued in relation to cropping offences (24).</li> <li>0 enforcement actions were required to physically remove obstructions on the PROW network (0).</li> </ul>	<ul style="list-style-type: none"> <li>Carry out necessary enforcement work in line with adopted protocols to ensure that the duty set out in Highways Act 1980 is fulfilled.</li> </ul>
Surface of every PROW is in proper repair, reasonably safe and suitable for the expected use.	HA 1980 s41	<ul style="list-style-type: none"> <li>A routine maintenance programme is in operation, with a total length of 201 km having received routine strimming during the year. Strimming is undertaken either once, twice or three times during the growing season.</li> </ul>	<ul style="list-style-type: none"> <li>The routine maintenance programme will be extended as new PROW requiring routine maintenance are encountered (e.g. paths created through ROWIP), within resource constraints.</li> <li>Officers will continue to work with colleagues in other departments and other partners in order to facilitate additional funding for special projects in relation to PROW wherever possible.</li> </ul>
All PROW inspected regularly by or on behalf of	HA 1980 s58	<ul style="list-style-type: none"> <li>Bridges are inspected every three years, but paths in general are not</li> </ul>	<ul style="list-style-type: none"> <li>Network Management Officers will continue to hold bi-annual meetings</li> </ul>

Measure of Success	Source	Achievements 2019-20 (2018-19)	Anticipated work programme 2020-21
the authority.		<p>inspected due to a lack of resources. This could result in a lack of a legal defence to claim(s) for personal injury.</p> <ul style="list-style-type: none"> <li>• Network Management Officers hold bi-annual meetings with the relevant representative of the walking, cycling and equestrian user groups, are in regular contact with users throughout the year and receive Ramblers reports including Path Watch Reports.</li> </ul>	<p>with the relevant representatives of the walking, equestrian and other user groups to agree work priorities and to discuss the results of the survey work carried out by these groups.</p>
The authority is able to protect and assert the public's rights and meet other statutory duties (e.g. to ensure compliance with the Rights of Way Act 1990).	HA 1980 s130	<ul style="list-style-type: none"> <li>• All cropping obstructions were responded to within 4 weeks of reporting.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to adhere to the response times set out in the current standard.</li> </ul>
Waymarks or signposts are provided at necessary locations and are adequate to assist users. Waymarking scheme/initiative in place.	C/side Act 1968 s27	<ul style="list-style-type: none"> <li>• Waymarking is undertaken by staff and contractors as appropriate. Additionally waymarkers are provided to registered PROW volunteers to enable them to replace missing and damaged waymarkers.</li> </ul>	<ul style="list-style-type: none"> <li>• Waymarking and signposting will be undertaken as appropriate.</li> </ul>



**Appendix 1 – Examples of improvement projects delivered**

**Nantwich Footpath No. 12:** 250m of surfacing works and associated drainage improvements:

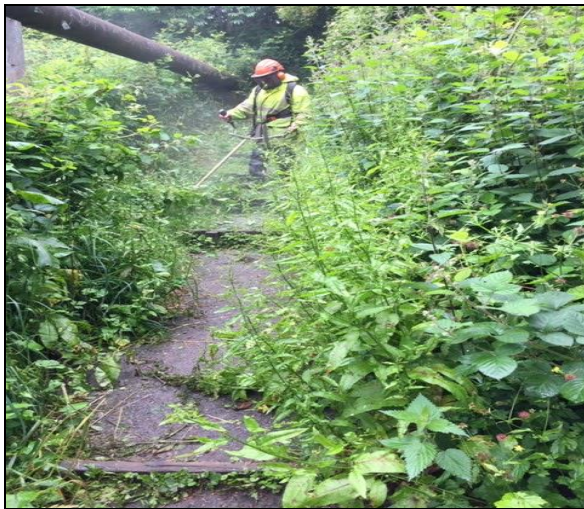


Before



After

**Wistaston Footpath No. 3:** Steps and surfacing works:



Before



After

**Rainow Footpath No. 28, Donkey Bridge:** Essential repair to this historic stone arch bridge has enabled the footpath, which forms part of the long distance promoted route the Gritstone Trail, to be re-opened. The repairs were part-funded through contributions from Rainow and Pott Shrigley Parish Councils, the Ramblers and the Peak and Northern Footpath Society.



Before



After

**Poynton Footpath No. 8:** Funded by the Council and delivered by volunteers from the local community, path resurfacing has taken place along 340m of Prince Road upto the canal towpath in Higher Poynton.



Before



After



**Macclesfield Forest Footpath No. 27:** investment to place a footbridge damaged in floods in this popular walking area:



Before

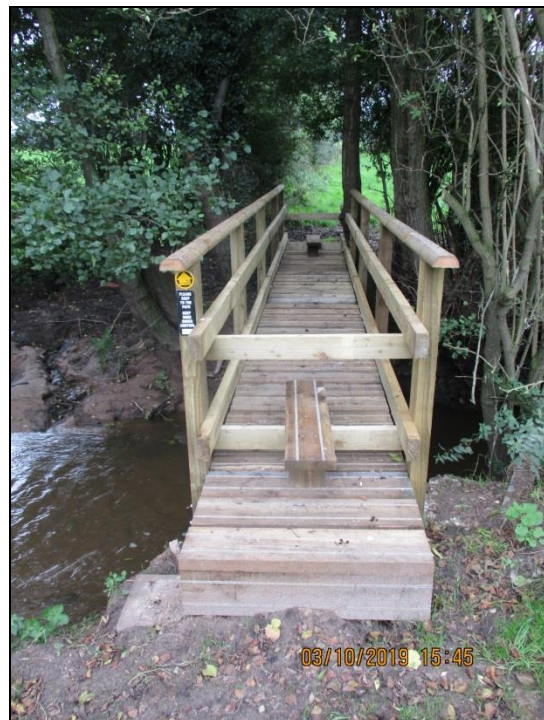


After

**Barthomley Footpath No. 10:** investment in the replacement of a bridge structure to provide a more accessible and durable asset:



Before



After



**Wincle Footpath No. 4:** installation of revetment, handrail and steps on an eroded path to create a safer and more accessible route:



Before



After

**Accessibility improvements:** investment in durable metal path furniture, such as the following example of a gate replacement of a stile on Chelford Footpath No. 4, results in reduced maintenance, reduced liabilities and more accessible routes:



Before







After

## RIGHTS OF WAY IMPROVEMENT PLAN ANNUAL REPORT 2019-20






Policy Ref.	ROWIP Ref.	Achievements 2019-20	Ongoing targets 2020-21
H2 H3 S7 S8	Various	<b>Planning Applications, Pre-Applications and Developer Contributions</b> <ul style="list-style-type: none"> <li>Planning applications and pre-applications commented upon from the perspective of active travel and leisure walking, cycling and horseriding, putting forward ROWIP aspirations.</li> <li>Developer contributions sought and secured for off-site improvement through section 106 agreements and unilateral undertakings.</li> <li>Delivery of s106-funded improvement works in Nantwich and Alsager, with works in Disley commenced but delayed due to Covid-19.</li> <li>Securing improvements to Public Rights of Way and other walking and cycling access routes, to be delivered by developers within sites.</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing, as arising.</li> </ul>
H2 H3 S7	N/a	<b>Nantwich Footpath No. 28 improvements</b> <ul style="list-style-type: none"> <li>Improvements to the accessibility of a footpath linking a new housing development with schools and onward to town centre and transport links.</li> <li>The path now provides a year-round walking route to facilities and as a link from town to the surrounding countryside.</li> <li>Funded from developer contributions secured from new housing and timed so improved path was available as residents move into their new homes.</li> </ul> <div data-bbox="477 901 882 1342" data-label="Image"> </div> <div data-bbox="925 901 1254 1342" data-label="Image"> </div> <div data-bbox="1305 901 1635 1342" data-label="Image"> </div> <p>Before photo (©Google) and after photos</p>	<ul style="list-style-type: none"> <li>Project completed.</li> </ul>




# RIGHTS OF WAY IMPROVEMENT PLAN ANNUAL REPORT 2019-20

Policy Ref.	ROWIP Ref.	Achievements 2019-20	Ongoing targets 2020-21
H2 H3 S7	N/a	<p><b>Alsager Footpath No. 10 improvements</b></p> <ul style="list-style-type: none"> <li>Improvements to the accessibility of a footpath linking a new housing development with schools and onward to town centre and transport links.</li> <li>The project also involved a legal order process to divert the footpath away from the stream which had eroded across the definitive line.</li> <li>The path now provides a year-round walking route to facilities and as a link from town to the surrounding countryside.</li> <li>Funded from developer contributions secured from new housing.</li> </ul> <div>     </div> <p>Before and after the improvement works</p>	<ul style="list-style-type: none"> <li>Project completed.</li> </ul>

## RIGHTS OF WAY IMPROVEMENT PLAN ANNUAL REPORT 2019-20

Policy Ref.	ROWIP Ref.	Achievements 2019-20	Ongoing targets 2020-21
H2 H3	N/a	<p><b>Gritstone Trail</b></p> <ul style="list-style-type: none"> <li>• Delivery of grant-funded project to improve the accessibility of the Gritstone Trail.</li> <li>• Part of the Twin Trails partnership project with Cheshire West and Chester Council, to deliver high quality consistent standards across the Gritstone and Sandstone Trails, aimed to maximise the potential of both routes for the benefit of visitors, the rural economy and local residents.</li> <li>• Works included replacing 38 stiles with gates with landowner agreement, 1.7km of surfacing and drainage works, installation of 71 bespoke signposts and 49 new waymark posts, 2 new interpretation benches and 2 new and 3 refurbished interpretation panels.</li> <li>• Grant was secured from the Rural Development Programme for England.</li> </ul> <div style="display: flex; justify-content: space-around; align-items: flex-start;">    </div> <p>Before and after surfacing works on the canal feeder, one of the new signposts, the waymark disk image and a kissing gate which replaced a stile on the path.</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;">   </div>	<ul style="list-style-type: none"> <li>• Infrastructure improvement project completed.</li> <li>• Aspiration to increase promotion of Trails</li> </ul>

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H2 H3	N/a	<b>Sandbach Footpaths Group New Homes Bonus</b> <ul style="list-style-type: none"> <li>Working in partnership with Sandbach Footpaths Group who secured £21k of funding from the New Homes Bonus scheme.</li> <li>The Group also secured landowner agreements to replace stiles with gates to improve the accessibility of circular walking routes around Sandbach and adjacent communities.</li> <li>The funding was used by the Public Rights of Way team to procure materials and assign contractors to install the gates.</li> <li>The improvements in accessibility have been well received by local walkers.</li> </ul>	<ul style="list-style-type: none"> <li>Project ongoing</li> </ul>
H2 H3 S7	N/a	<b>Kent's Green, Winterley</b> <ul style="list-style-type: none"> <li>Installation of a surfaced footpath to link a new housing development with existing residential areas of the village.</li> <li>Developer installed path within development site and provided bridge.</li> <li>Path installed by ansa who maintain the public open space through which it runs.</li> </ul>  <p>The path following construction</p>	<ul style="list-style-type: none"> <li>Project completed.</li> </ul>

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H2 H3 S7 S8	X15	<b>Publicity to promote walking, cycling and horse riding</b> <ul style="list-style-type: none"> <li>Public Health funding secured to reprint Walks for All and More Walks for All leaflets which each contain 10 walks with full accessibility information.</li> <li>Articles submitted for Connected Communities newsletters, other newsletters and social media feeds for all news items, as arising.</li> <li>Suggestions for walks, cycle rides and horse riding routes published on <a href="http://www.discovercheshire.co.uk">www.discovercheshire.co.uk</a>.</li> <li>Walks and countryside site leaflets distributed via countryparks, visitor information centres, libraries and on request to members of the public.</li> <li>Countryside Ranger Service events promoted via social media channels.</li> </ul>	<ul style="list-style-type: none"> <li>Work ongoing.</li> </ul>




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Policy Ref.	ROWIP Ref.	Achievements 2019-20	Ongoing targets 2020-21
H2 H3 S7	W117	<p><b>Wood Park, Alsager WREN grant third part funding</b></p> <ul style="list-style-type: none"> <li>A community-led partnership project to improve the Wood Park area of Alsager for the benefit of local residents.</li> <li>The project included the improvement of part of Alsager Public Footpath No. 28 to provide a more accessible route into the park and onwards to circular walking routes in the area.</li> <li>Advice has been provided for the project and third party funding support for a grant application.</li> </ul> <div data-bbox="526 526 1444 1029">  </div> <p>Path before and after improvement works</p>	<ul style="list-style-type: none"> <li>Support for further improvements along connecting paths.</li> </ul>



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Policy Ref.	ROWIP Ref.	Achievements 2019-20	Ongoing targets 2020-21
H2 H3 S7 S8	n/a	<p><a href="#"><u>Cheshire East Countryside Access Forum</u></a></p> <ul style="list-style-type: none"> <li>• Secretariat duties for Forum, a statutory body, whose members are volunteers, which advises the Council on matters relating to countryside access. The Forum: <ul style="list-style-type: none"> <li>○ Provided input into scheme design for Poynton Relief Road, Middlewich Eastern Bypass, Leighton West Spine Road, A500 and HS2 Phases 2a and 2b.</li> <li>○ Monitored the Rights of Way Improvement Plan delivery and Public Rights of Way team resources.</li> <li>○ Received a presentation on Sustrans' review of the National Cycle Network and Paths for Everyone action plan.</li> <li>○ Learned about the rural road safety education campaigns undertaken by Cheshire Fire and Rescue Service.</li> <li>○ Developed a position papers on the impact of climate change on the visitor economy.</li> <li>○ Progressed priority areas of work through working groups on safety on rural lanes, publicity of the Forum and accessibility of the countryside.</li> <li>○ Updated the Forum's Communications Strategy and continued to generate publicity on a number of topics through letters, the Connected Communities newsletters, local newspapers and partners, focussing on the work of the Forum under its other priorities.</li> </ul> </li> <li>• As Secretariat, the Forum's <a href="#"><u>annual report 2018-19</u></a> was published, and a recruitment exercise saw the Forum welcome 6 new members.</li> </ul>  <p>The Forum's logo</p>	<ul style="list-style-type: none"> <li>• Work ongoing.</li> </ul>

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Policy Ref.	ROWIP Ref.	Achievements 2019-20	Ongoing targets 2020-21
H3 S7 S8	Various	<p><b>Road and rail infrastructure schemes</b></p> <ul style="list-style-type: none"> <li>Influencing road and rail infrastructure schemes through design development, the planning system and Side Road Orders to achieve best possible outcomes for non-motorised users, and ensuring delivery of infrastructure on the ground as well as legal records.</li> <li>A556, Leighton West Spine Road, SEMMMS A6-Manchester Airport Relief Road, Congleton Link Road, A500, Sydney Road Bridge, M6 missing Restricted Byway Bridge, Middlewich Eastern Bypass and Poynton Relief Road.</li> <li>Continued input of ROWIP aspirations into options and designs to maximise opportunities for improving routes for active travel and leisure walking, cycling and horse riding.</li> <li>Response to consultation and negotiation with HS2 scheme designers for improved accommodation of Public Rights of Way and rural lanes, to protect and enhance leisure and active travel routes affected by HS2 proposals.</li> <li>Continued liaison and input to the revision of the Local Transport Plan and delivery of active travel schemes under the Cycling Strategy.</li> </ul> <div data-bbox="537 810 994 1273"> </div> <p>Diagram showing the priorities of the Local Transport Plan 2019-2024</p>	<ul style="list-style-type: none"> <li>Work ongoing.</li> </ul>

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H2 H3 S7 S8	n/a	<b>Rights of Way Consultative Group</b> <ul style="list-style-type: none"> <li>Twice yearly liaison meetings between PROW team and user group representatives.</li> <li>Updates provided on long term closures of Public Rights of Way due to legal or resource issues.</li> <li>Monitoring of Rights of Way team resources.</li> <li>Proposing improvements to the online provision of information including the <a href="#">Interactive map</a> of public rights of way.</li> <li>Providing input into the identification of improvements to public rights of way linking the footway/cycleway alongside the A555 A6-Manchester Airport Relief Road.</li> <li>Sharing of information on the affect of the A500 dualling infrastructure project.</li> <li>Updates from local groups.</li> <li>Understanding the implications of the 2026 'cut off date' for recording historical routes on the Definitive Map, should that come into force.</li> <li>Ongoing management of register of volunteers and issuance of Letters of Authority for volunteers assisting with waymarking and minor vegetation cutting and additionally legal order notice checking.</li> </ul>	<ul style="list-style-type: none"> <li>Work ongoing.</li> </ul>

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### Appendix 3 - Legal Orders Team

Area of work	Source	Work completed 2019-20 (working completed during 2018-19)	Waiting list / backlog	Anticipated work programme 2020-21
<b>Legal event Orders - no backlog of legal events requiring orders to be made</b>	W&C Act 1981 s53(2) (a) & s53(3) (a)	Legal Event Modification Order made for all legal events in 2018-19	n/a	Legal Event Modification Order to be made for all legal events in 2019-2020
<b>Definitive Map Modification Orders - no backlog of applications to modify the Definitive Map</b>	W&C Act 1981 Sch 14	<ul style="list-style-type: none"> <li>14 applications under active investigation (5)</li> <li>4 Schedule 14 applications determined (3)</li> </ul>	37	11 cases in progress
<b>Definitive Map Modification Orders - no backlog of decided applications/other cases awaiting Definitive Map Modification Orders</b>	Former Countryside Agency national target	<ul style="list-style-type: none"> <li>3 Orders confirmed (0)</li> <li>0 Orders confirmed with modifications (0)</li> <li>1 refusal to make Order appealed (0)</li> <li>1 appeal against non-determination within 12 months (2)</li> <li>1 case referred to Planning Inspectorate (1)</li> </ul>	0	<ul style="list-style-type: none"> <li>Continue to make orders as soon as reasonably practicable.</li> <li>Contested Orders to be submitted to PINs as soon as reasonably practicable.</li> <li>Directed applications/orders to be processed as required, within resource constraints.</li> </ul>
<b>Map consolidation - the authority has considered the need to consolidate the Map and take any necessary action</b>	W&C Act 1981 s56	On hold due to resource limitations.	n/a	On hold due to resource limitations.
<b>Definitive Map - no other matter affecting the Definitive Map outstanding</b>	Former Countryside Agency national target	4 anomalies corrected during 2019-20 (2)	List of 438 known map anomalies	No progress can be made without additional staff resource, unless resolved through other legal process.
<b>Planning application consultations</b>	HA80 s130	318 (409)	n/a	As required

Area of work	Source	Work completed 2019-20 (working completed during 2018-19)	Waiting list / backlog	Anticipated work programme 2020-21
<b>Public Rights of Way searches</b>	WCA81 s57	125 – direct (155)  18 – following Local Land Charge results (40)	n/a	As required – reduction anticipated due to Covid-19
<b>Landowner deposits, statements and declarations</b>	HA80 s31	2 (8)	n/a	As required
<b>Temporary &amp; emergency closures</b>	RTRA84	135 (95)	n/a	As required – reduction anticipated due to Covid-19
<b>Public Path Orders</b>	HA80	<ul style="list-style-type: none"> <li>• 21 cases in progress (30)</li> <li>• 9 Orders made (17)</li> <li>• 8 Orders confirmed (13)</li> <li>• 2 Orders contested (1)</li> <li>• 1 case referred to Planning Inspectorate (1)</li> </ul>	36	11 Orders made – reduction anticipated due to Covid-19
<b>Public Path Orders</b>	TCPA90	<ul style="list-style-type: none"> <li>• 27 cases in progress (15)</li> <li>• 5 Orders made (9)</li> <li>• 0 Orders confirmed (7)</li> <li>• 1 Order contested (1)</li> <li>• 0 cases referred to Planning Inspectorate (0)</li> </ul>	n/a	As required – reduction anticipated due to Covid-19
<b>Deeds of Dedication</b>	LA11	0 (0)	n/a	0
<b>Cycle Tracks Orders</b>	CTA84	0 (0)	n/a	0

HA80: Highways Act 1980  
RTRA84: Road Traffic Regulation Act 1984  
LA11: Localism Act 2011

WCA81: Wildlife and Countryside Act 1981  
TCPA90: Town and Country Planning Act 1990  
CTA84: Cycle Tracks Act 1984