

# **CHESHIRE EAST COUNCIL**

Minutes of a virtual meeting of the **Public Rights of Way Committee**  
held on Monday 7th December 2020

## **PRESENT**

Councillor S Edgar (Chairman)  
Councillor B Puddicombe (Vice-Chairman)

Councillors S Akers Smith (substitute for Cllr R Moreton), H Faddes,  
I Macfarlane, D Stockton and L Wardlaw

## **Officers in Attendance**

Genni Butler, Acting Public Rights of Way Manager  
Andrew Poynton, Planning and Highways Lawyer  
Rachel Graves, Democratic Services Officer

## **8 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor R Moreton.

## **9 DECLARATIONS OF INTEREST**

No declarations of interest were made.

## **10 MINUTES OF PREVIOUS MEETING**

### **RESOLVED:**

That the minutes of the meeting held on 8 June 2020 be confirmed as a correct record.

## **11 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no public speakers.

## **12 DEFINITIVE MAP MODIFICATION ORDER APPLICATIONS: REVISION OF STATEMENT OF PRIORITIES**

The Committee considered a revised Statement of Priorities for dealing with Definitive Map Modification Order (DMMO) applications.

It was best practice for Councils to publish a statement of its priorities for processing DMMO applications. The current Statement of Priorities had been adopted by the Public Rights of Way Committee in December 2011. Since then the Council had made several changes to corporate policy which needed to be reflected in the Statement.

The revised Statement of Priorities continued to take account of the objectives of the Council's statutory Public Rights of Way Improvement Plan 2011 – 2026. Also included were the relevant objectives of the revised Cheshire East Local Transport Plan 2019-24, which replaced the former Sustainable Community Strategy policies featured in the previous Statement of Priorities. The Statement of Priorities also supported the outcomes of the Council's Corporate Plan.

The revised Statement of Priorities also recognised the length of the time the DMMO application had been on the waiting list, the value of an application in resolving a known mapping anomaly, any claim linked to a Discovering Lost Way route and gave additional weight to applications where witnesses were over the age of 70 years.

**RESOLVED:** That

- 1 the revised Statement of Priorities, as set out in Appendix 1 to the report, be approved; and
- 2 the Statement of Priorities to be reviewed on a four-yearly basis.

**13 INFORMATIVE REPORT - HIGHWAYS ACT 1980 S.119: PUBLIC PATH DIVERSION ORDER, GOOSTREY PUBLIC FOOTPATH NO.12 (PART)**

The Committee received an information report which detailed the outcome of a Public Inquiry on an Order made to divert part of Goostrey Public Footpath No.12.

Objections had been received to the Order made by the Public Rights of Way Committee on 13 June 2016. Two objections were sustained, and the case was therefore referred to the Planning Inspectorate for determination.

A Public Inquiry was held on 4-5 February 2020 to consider the evidence presented and the Inspector did not confirm the Order on the basis that despite the diversion route being more accessible, the enjoyment to be derived from experiencing the listed farmhouse and associated buildings in their proper context outweighed the enjoyment to be gained from the new path, such that the new path was less enjoyable as a whole. The Inspector concluded that the loss of enjoyment outweighed the benefits to the landowners.

**AGREED:**

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 2.51 pm

Councillor S Edgar (Chairman)

