

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Public Rights of Way Committee**
held on Monday, 13th December, 2010 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

Councillors Rhoda Bailey, D J Cannon, W S Davies and J Wray

OFFICERS PRESENT

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

27 APOLOGIES FOR ABSENCE

Apologies were received from Councillor R Cartlidge.

28 DECLARATIONS OF INTEREST

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

Councillor Rhoda Bailey declared a personal interest in the meeting proceedings by virtue of her membership of CPRE and as the representative for Cheshire East Council on the Cheshire Local Access Forum. In accordance with the code of conduct, she remained in the meeting during consideration of all items of business.

29 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 21 September 2010 be approved as a correct record and signed by the Chairman.

30 PUBLIC SPEAKING TIME/OPEN SESSION

The Chairman announced that a number of members of the public had registered to speak and that he would take these when the relevant application on the agenda was considered.

31 VILLAGE GREEN APPLICATION NO. 48 - GORSEY BANK FIELD, WILMSLOW

The Committee received a report seeking a decision on how to proceed with village green application No.48 – Gorsey Bank Field, Wilmslow.

The Council was the registration authority for village greens and responsibility for this function was delegated to the Public Rights of Way Committee under the Council's Constitution.

An application had been submitted in March 2009 to Cheshire County Council by Mr C Stubbs on behalf of the Friends of Gorsey Field. The land involved was at the rear of Gorsey Bank Primary School, Wilmslow and was bounded to the north by 23 to 33 Alton Road and to the west by 1 to 7 Gorsey Road.

The application alleged that the land was a village green because it had been used as of right for lawful sports and pastimes for a period of at least 20 years by a significant number of inhabitants of a locality or a neighbourhood within a locality.

An objection had been submitted by Cheshire East Borough Council as landowner and by the Governing Body of the Gorsey Bank Primary School.

The Public Rights of Way Committee had adopted a procedure for determining village green applications on 7 December 2009. Option 4 of the procedure stated that an application validly made may be referred to an independent person to either to consider the application on the basis of written representations or to hold a non-statutory public inquiry and to provide a report to the Committee.

The Committee agreed that a non-statutory public inquiry should be held into the application as objections had been received, because there were substantial disputes as to fact, and because Cheshire East Council was the landowner.

RESOLVED:

- 1 That a non-statutory public inquiry be held into the application.
- 2 The Borough Solicitor be authorised to appoint an appropriately qualified independent person to conduct that Inquiry and provide

the Public Rights of Way Committee with a report and a recommendation.

**32 TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257:
APPLICATION FOR THE STOPPING UP OF PUBLIC FOOTPATH NO.7
(PART), PARISH OF HIGH LEGH**

The Committee received a report which detailed an application from SP Energy Networks of SP Power Systems Ltd, 1 Atlantic Quay, Glasgow, requesting the Council to make an Order under section 257 of the Town and Country Planning Act 1990 to extinguish part of Public Footpath No. 7 in the parish of High Legh.

In accordance with Section 257 of the Town and Country Planning Act 1990, the Borough Council, as Planning Authority, can make an Order stopping up a footpath or part of a footpath if it was satisfied that the necessary to do so to enable development to be carried out in accordance with a planning permission that had been granted.

The section of footpath No.7 to be closed was within a wide belt of grass and scrub and encompassed an area of approximately 8 metres length by 4 metres wide. Due to the location of an electricity pole on the edge of this area, the support stays for the pole would run at an angle across half of the width of this belt of land. From consideration of historical ordnance survey maps and internal records it was clear that the full width of this area had been available for use as the footpath; therefore the closure of a 4 metre width to accommodate the stays would leave a further 4 metres for the footpath to continue to the side. The full width was available before and after this slight constriction. On average footpaths were required to be 2 metres in width if altered by a legal order.

High Legh Parish Council had been consulted and after a site visit had objected to the proposal on the grounds that the path would be effectively blocked by the pole stays. They were also concerned about the visual impact the poles would have on an otherwise uncluttered landscape.

Considerations of enjoyment and user suitability of the proposed diversion route are not considerations under the Town and Country Planning Act. The only test to be met is that the footpath diversion was necessary to enable development to be carried out.

The Committee considered that the proposed extinguishment was necessary in order to enable the installation of a new electricity pole and stays as part of a much larger scheme installing and renewing an overhead electricity line between Carrington and Lostock sub stations and that the legal tests for the making and confirming of an extinguishment order were satisfied.

RESOLVED:

- 1 An Order be made under Section 257 of the Town and Country Planning Act 1990 to stop up part of Public Footpath No.7 High Legh as illustrated on Plan No.TCPA/005 on the grounds that the Borough Council is satisfied that it is necessary in order to enable 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.

33 TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO.55 (PART), PARISH OF MOBBERLEY

The Committee considered a report which detailed an application from Drivers Jonas Deloitte (the agent) on behalf of Ollerton Leisure LLP (the applicant) requesting that the Council make an Order under section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No.55 in the parish of Mobberley.

In accordance with Section 257 of the Town and Country Planning Act 1990, the Borough Council, as Planning Authority, can make an Order diverting a footpath if it was satisfied that it was necessary to do so to enable development to be carried out in accordance with a planning permission that had been granted.

Mr Graham Stock of Drivers Jonas Deloitte, representing the applicant, spoke in support of the application.

Planning permission had been granted to the applicant on 24 June 2010 – Planning Permission Ref: 09/2857M. The details of the decision notice are for the expansion and improvement of the existing 9 hole golf course and facilities including the installation of the a new practice range.

Part of the current line of Public Footpath No.55 (Mobberley) lay directly on the site of the construction of part of the new practice range. The practice range would be enclosed by a 10m high wire netted fence and the existing footpath would be obstructed by the fence. Therefore the footpath diversion was required to provide public access around the new practice range. The length of the footpath proposed to be diverted was approximately 50 metres.

Objections to the proposed diversion had been received from Mobberley Parish Council and adjacent landowners on the grounds that the proposed diversion was not included originally as the indicative or proposed route in the planning application and as such it was a material departure/conflict from the proposed diversion at that time; the safety of walkers would be brought into jeopardy and tension caused between them and the golfers; and that connection footpaths and rural issues had not been fully considered.

It was not for the Planning Committee to determine the merits of a diversion proposal – this was the function of the Public Rights of Way Committee. Considerations of enjoyment and user suitability of the proposed diversion route were not considered under the Town and Country Planning Act. The only test to be met was that the footpath diversion was necessary to enable development to be carried out.

The Committee 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.

RESOLVED:

- 1 An Order be made under Section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No.55 Mobberley as illustrated on Plan No.TCPA/004 on the grounds that the Borough Council is satisfied that it is necessary to do so to allow development to take place.
- 2 Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- 3 In the event of objections to the Order being received and not resolved, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

34 TOWN AND PLANNING ACT 1990 - SECTION 257: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO.7 (PART), PARISH OF WARMINGHAM

The Committee considered a report which detailed an application from Mr DS Varey (the applicant) requesting the Council to make an Order under section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No.7 in the parish of Warmingham.

In accordance with Section 257 of the Town and Country Planning Act 1990, the Borough Council, as Planning Authority, can make an Order diverting a footpath if it was satisfied that it was necessary to do so to

enable development to be carried out in accordance with a planning permission that had been granted.

Planning permission had been granted to the applicant on 20 August 2010 – Planning Permission Ref: 10/2307N: Change of Use of Former Worm Bed Area to Storage of Caravans and other Leisure Vehicles. The consent was granted subject to various conditions, one of which was that Public Footpath No.7 should be diverted under a formal diversion order.

The footpath would be moved to the east of the current route down an existing track, providing an improved surface for walkers, and then through the yard to connect with the existing line of the footpath, south of The Old Hough. No path furniture would be required on the proposed route which would also provide a more accessible route for walkers who have to negotiate three stiles on the present route.

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

RESOLVED:

- 1 An Order be made under Section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No.7 Warmingham as illustrated on Plan No.TCPA/003 on the grounds that the Borough Council is satisfied that it is necessary to do so to allow development to take place.
- 2 Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- 3 In the event of objections to the Order being received and not resolved, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

35 HIGHWAYS ACT 1980 - SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO.20 (PART), PARISH OF DODCOTT CUM WILKESLEY

The Committee received a report which detailed an application from Mr & Mrs Jackson, Lilac Cottage, Whitchurch Road, Audlem (the applicant) requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath No.20 in the parish of Dodcott cum Wilkesley.

In accordance with Section 119(1) of the Highways Act 1980 it was within the Council's discretion to make an Order if it appeared to the Council to

be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path.

The applicant owned the land over which the current path ran. The proposed path ran over land owned by Mr Bailey, who had given his signed agreement to the diversion.

The section of Public Footpath No. 20 Dodcott cum Wilkesley to be diverted was a very short section of about 22 metres length that currently ran through the garden of Lilac Cottage between the house and an outbuilding in close proximity to the rear entrance to the house. This section of footpath had been unavailable for many years and an unofficial diversion existed which avoided the property. This seemed to have been used by the public as no complaints about the path being obstructed had been received in the past decade. Lilac Cottage was currently on the housing market and a recent search revealed the existence of the footpath. A sale had fallen through as the buyer's mortgage company would not proceed with the footpath affecting the property. This had caused significant concern to the landowner and in order to ensure that a future sale would not be similarly undermined, the diversion was being sought. The diversion would also be in the interests of the privacy and security of any future occupier.

The proposed new route would follow the boundary fence from the west around the south of the Lilac Cottage continuing in the pasture field it currently ran through and rejoining the current alignment to the east of the property. The path would have a recorded width of 2 metres throughout and was approximately 7 metres longer than the current route but with no requirement for gates or other path furniture.

The Committee noted that no objections had been received to the proposal and considered that the new route would not be substantially less convenient than the existing route. Diverting the footpath would be of benefit to the landowner, particularly in terms of privacy and security and for the purposes of selling the property. It was therefore considered that the proposed route would be a satisfactory alternative to the current one and that the legal tests for making and confirming of a diversion order were satisfied.

RESOLVED:

- 1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of Public Footpath No.20 Dodcott cum Wilkesley by creating a new section of public footpath and extinguishing the current path as illustrated on Plan No.HA/033 on the grounds that it is expedient in the interests of the owner of the land crossed by the path.
- 2 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.

36 HIGHWAYS ACT 1980 - SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO.2 (PART), PARISH OF NEWHALL

The Committee considered a report which detailed an application from Mr & Mrs Hutchins, Newhall Cross House, Wrenbury Road, Aston, Nantwich (the applicant) requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert Public Footpath No.2 in the parish of Newhall.

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

Mr Bernard Cook, representing Mid Cheshire Footpath Society, spoke in objection to the application.

The applicant owned the land over which the current and proposed diversion ran. The section of Public Footpath No.2 Newhall to be diverted ran in a generally easterly direction across the garden of the property to the west of a hedge what was broken only by the property drive. The garden to the east of the hedge was landscaped and furnished for use by the owners whereas to the west, it was open mowed grass. The impact of the layout was that some users misused the open area and others strayed from the definitive line to exit the garden via the drive onto Woodcott Hill Lane. The relative closeness of the current path to the property of the owner also created privacy and security concerns.

The proposed new route would enter the garden of Newhall Cross House through a gap/gate in the wall off Woodcote Hill Lane to run around the garden boundary in an easterly direction, turning right at a hedge to continue south to rejoin the present line of the path. The new route would be fenced along the southern and western edges of the footpath leaving a recorded width of 2.5m between the existing fence/hedge and the proposed new fence.

Newhall Parish Council, Peak and Northern Footpath Society, South Cheshire Ramblers and Mid Cheshire Footpath Society had expressed objections regarding the danger of negotiating the bend on Wrenbury Road when walking the section north from the current start point to reach the start point of the proposed new route on Woodcott Hill Lane.

In response to the objection it was stated that the speed limit at this point was 30 mph and the nature of the bend forced drivers to slow down; that no injury accidents had been reported to date along that stretch of road; and that the bend already existed for walkers travelling north from the west end of the existing route.

The Committee considered that the proposed route was not substantially less convenient than the existing route and that diverting the footpath would be of benefit to the landowner, especially in terms of privacy, security and the need to remove conflict between the landowner and the public over misuse of the garden area traversed by the current route. It was therefore considered that the proposed route would be a satisfactory alternative to the current one and that the legal tests for the making and confirming of a diversion order were satisfied.

RESOLVED:

- 1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of Public Footpath No.2 Newhall by creating a new section of public footpath and extinguishing the current path as illustrated on Plan No.HA/031 on the grounds that it is expedient in the interests of the owner of the land crossed by the path.
- 2 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.

37 HIGHWAYS ACT 1980 - SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO.34 (PART), PARISH OF SUTTON

The Committee considered a report which detailed an application from Mr Stanley, Foxbank Farm, Sutton (the applicant) requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath No.34 in the parish of Sutton.

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

The applicant owned the land over which the current and the proposed alternative route ran. Public Footpath No.34 commenced at its junction

with Hollins Lane and ran in a generally westerly direction along the northern side of a field boundary up a steeply wooded slope for 64m where it joined the surfaced driveway to Foxbank Farm. This first section of the path was not available on the ground and may represent a mapping anomaly on the definitive map. The public used a permissive path along the southern side of the field boundary instead, through pasture.

The definitive line of the footpath then continued along the surfaced farm drive, which was steep and narrow. It continued to the end of the surfaced drive and passed the farm house to a field gate. This section of the path was available to the public but most chose to continue along the permissive path on the southern side of the boundary, along the edge of the pasture field, rejoining the definitive line at the aforementioned field gate.

The new proposed route would follow the aforementioned permissive alternative to the definitive line, along the northern edge of the pasture field, already much used by the public. It had a natural grass surface, which the applicant would improve with stone flags or gritstone where it was narrow. Although the path was completely unenclosed, it was along the edge of a steep slope and some work would be required to provide a level 1m width in front of the farm buildings.

The proposal would formalise the situation on the ground by making the route currently used by the public the legal line of the route. This would benefit the landowner in terms of security and privacy at the farm and reduce the potential for conflict between the public and farm vehicles using the steep narrow farm driveway. It would also create a more enjoyable route for the public, as the uninterrupted views of the valley to the south were not available from the definitive line. Also it would resolve the issue of the possible mapping anomaly of the section of the definitive route along the steep wooded slope up from Hollins Lane, which would be costly and problematic to install on the ground.

The Committee noted that no objections had been received and considered that the proposed footpath would be more convenient than the existing route. Diverting the footpath would be of benefit to the landowners, particularly in terms of security and privacy. It was therefore considered that the proposed route would be as satisfactory as the current route and that the legal tests for the making and confirming of a diversion order were satisfied.

RESOLVED:

- 1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of Public Footpath No.34 as illustrated on Plan No.HA/028 on the grounds that it is expedient in the interests of the owner of the land crossed by the path and of the public.

- 2 Public Notice of the making of the Order be given and in the event of there being no objections to the Order within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- 3 In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

38 HIGHWAYS ACT 1980 - SECTION 119: DIVERSION OF PUBLIC FOOTPATH NO. 2 (PART), PARISH OF MOTTRAM ST ANDREW

The Committee received a report which detailed an application from Mr AM Harle, Hunters Pool Farm, Mottram St Andrew, Macclesfield (the applicant) requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert Public Footpath No.2 in the parish of Mottram St Andrew.

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

The applicant owned the land over which the current path and the proposed diversion ran. The path to be diverted ran through the property of the landowner giving rise to concerns relating to security and safety. The landowner also had planning permission to convert some of the outbuildings into holiday apartments, adding to the need for increased privacy and security to the property.

The proposed new route, shown as A-B-C-D on Plan HA/030, would pass through a kissing gate at point A and continue along a level surfaced path though rough ground to point B where it would climb a slope to a pedestrian gate at point C. From point C, the remaining route would cross open pasture land to terminate at point D. The new route would have a recorded width of 2m and would not be enclosed on either side. The new route would be significantly more enjoyable as it would pass through more open and scenic landscape and would also provide a more direct link to Mottram St Andrew Footpath No. 22.

Concerns had been expressed regarding the effect of traffic noise on the enjoyment of the new route between points C-D by the Ramblers Association, Alderley Edge Footpath Society and the Peak and Northern Footpath Society. These concerns had been allayed after a site visit had allowed representatives of these organisations to see that this section of the path would provide good views and would take the path where it would naturally follow the dip in the land to and from point C. Diverting the path D-C by any other route would involve taking the users across land of steeper gradient.

The Committee noted that no further objections had been received to the proposal and considered that the new route would not be substantially less convenient than the existing route. Diverting the footpath would be of considerable benefit to the landowner in terms of enhancing the security and privacy of the property. 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.

RESOLVED:

- 1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert Public Footpath No. 2 Mottram St Andrew by creating a new section of public footpath and extinguishing the current path as illustrated on Plan No.HA/030 on the grounds that it is expedient in the interests of the owner of the land crossed by the path.
- 2 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 HIGHWAYS ACT 1980 - SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO.5 (PART), PARISH OF MOSTON (FORMERLY TETTON)

The Committee received a report which detailed an application from Mrs Maureen Keeble, 1 Colleys Lane, Willaston, Nantwich (the applicant) requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath No.5 in the parish of Moston (formally Tetton).

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

The applicant owned the land over which the current and proposed diversion ran. The section of Public Footpath No.5 Moston (formerly Tetton) to be diverted ran along a farm drive and through a working farm yard where there was a barn suffering from subsidence. This posed safety issues to passing walkers and a temporary closure was already in place to divert the path along the proposed diversion route.

The proposed new route would leave the road west of the current start of the path. It would enter a pasture field to follow a northerly direction along

the west side of a fishing lake before joining the current path. The new path would have a recorded width of 2 metres throughout and would have two gates; a kissing gate at the road and a pedestrian gate at a field boundary.

The new route formed a more direct route for the public, as it disposed of the current 'dog leg' through the farmyard. It also disposed of the possible conflict between walkers and vehicular traffic on the driveway and formed a more pleasant walk for the public in terms of its proximity to the wildlife on the lakes and views of the same. For the landowner, the diversion would provide greater privacy and security and removed the possibility of danger to the public from the subsiding barn, which although temporary in nature, required substantial work to resolve in the long-term.

The Committee noted that no objections had been received and considered that the proposed route would not be substantially less convenient than the existing route. Diverting the footpath would be of benefit to the landowner and the public, particularly in terms of safety from the subsiding barn. It was therefore considered that the proposed route would be a satisfactory alternative to the current one and that the legal tests for the making and confirming of a diversion order were satisfied.

RESOLVED:

- 1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of Public Footpath No.5 Moston (formerly Tetton) by creating a new section of public footpath and extinguishing the current path as illustrated on Plan No.HA/029 on the grounds that it is expedient in the interests of the owner of the land crossed by the path and of the public.
- 2 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.

40 CHESHIRE EAST RIGHTS OF WAY IMPROVEMENT PLAN 2011-2026: APPROVAL OF STRATEGY AND NOTIFICATION OF IMPROVEMENT PLAN PRIORITISATION METHODOLOGY

The Committee considered a report on the Cheshire East Rights of Way Improvement Plan (ROWIP) 2001-2026.

Public consultation had been carried out on the draft ROWIP document, in compliance with Section 61(1), (2) and (3) of the Countryside and Rights

of Way Act 2000. Responses to the consultations had been assessed and changes made accordingly. The ROWIP document set out the strategy by which the Council aimed to improve the public rights of way over the next 15 years. The improvements to be made would be set out in the Implementation Plan.

Suggestions for improvement schemes had been submitted by members of the public. In order for these to be fairly assessed, a prioritisation methodology had been devised. Three options for this methodology had been put before the Cheshire Local Access Forum at its meeting on 10 December 2010. The Forum had selected Option 2 – Focus on Need, as the methodology to be used and had requested that an additional criteria be added in relation to safety for non motorised uses. The Forum had also suggested that the format be changed to a matrix and those improvement schemes which plotted high benefit/low cost be taken forward.

The Implementation Plan covering 2011-2015 would be drawn up using this methodology. Officer delegation was requested so that the final version of the Implementation Plan could be prepared for approval by the Portfolio Holder in March 2011. The Implementation Plan would be presented to the March meeting of the Public Rights of Way Committee for information.

RESOLVED:

- 1 The Portfolio Holder for Health and Wellbeing be recommended to approve the Appendix to the Report as the Cheshire East Rights of Way Improvement Plan 2011-2026.
- 2 The prioritisation methodology for projects to be delivered under the Rights of Way Improvement Plan be noted.
- 3 Mike Taylor, Green Spaces Manager, in consultation with the Chairman of the Public Rights of Way Committee, to confirm the final form of the Implementation Plan for approval by the Portfolio Holder for Health and Wellbeing, taking into account the prioritisation methodology advised by the Cheshire Local Access Forum.

The meeting commenced at 2.00 pm and concluded at 3.15 pm

Councillor S Wilkinson (Chairman)