

OPEN

Highways and Transport Committee

23rd January 2025

Proposed Public Path Creation Agreement in the Parish of Wardle

Report of: Phil Cresswell, Executive Director - Place

Report Reference No: HTC/43/24-25

Ward(s) Affected: Bunbury

For Decision or Scrutiny: Decision

Purpose of Report

1. This report seeks approval to enter into a Public Path Creation Agreement with the owner of land in order to add a Public Footpath to the Definitive Map and Statement, the legal record of Public Rights of Way.
2. The work of the Public Rights of Way team contributes to the Corporate Plan aim to achieve “A thriving and sustainable place” and the policies and objectives of the Council’s statutory Rights of Way Improvement Plan.

Executive Summary

3. The Council has the agreement of a landowner to enter into a Public Path Creation Agreement under section 25 of the Highways Act 1980 to create a new public footpath in the Parish of Wardle. The new footpath would form a link between a cul-de-sac footpath and another existing footpath in the network. This report seeks the decision to enter into the Agreement to create the route.

RECOMMENDATIONS

The Highways and Transport Committee is recommended to:

1. Decide that a Public Path Creation Agreement should be entered into under Section 25 of the Highways Act 1980 to add a Public Footpath to the Definitive Map and Statement in the Parish of Wardle, as illustrated between points A and B on Plan No. HA/156.
 2. Decide that public notice of the making of the Agreement should be given.
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4. A landowner in the Parish of Wardle is willing to create a new Public Footpath on their land. The proposal would see a new footpath to link the currently cul-de-sac footpath of Bunbury Footpath No. 31 / Haughton Footpath No. 17, with Wardle Footpath No. 13, as shown on Plan HA/156.
 5. The aspiration to form new links in the Public Rights of Way network has been identified through consultation on the Council's statutory Rights of Way Improvement Plan. By linking the cul-de-sac footpath to the rest of the Public Rights of Way network, the proposed new footpath would offer additional circular route options for local users in the Bunbury-Haughton-Wardle-Alraham area, including links to the towpath of the Shropshire Union Canal. When travelling in a westerly direction, the proposed new footpath would offer views across the Cheshire countryside to the Sandstone Ridge landmarks of Beeston Castle and the Peckforton Hills.
 6. The proposed footpath would commence at its junction with Public Footpath No. 17 in the Parish of Haughton at OS grid reference SJ 5866 5773 at point A on Plan No. HA/156, and run in a generally easterly direction for a distance of approximately 244 metres to OS grid reference SJ 5890 5769, and then continue in a generally easterly direction for approximately 239 metres to OS grid reference SJ 5912 5778 at its junction with Public Footpath No. 13 in the Parish of Wardle, at point B on Plan No. HA/156.
 7. The public footpath would have a width of 2m, running over agricultural land, currently held as pasture. Two new footbridges, each with wicket gates at each end, would be required to be installed to enable the public to use the route, along with waymarking. Contributions towards the cost of the furniture installation are being sought to assist in the creation of the route should the proposal come to fruition.

Consultation and Engagement

8. Due to the proximity of the route to administrative boundaries, consultation regarding the proposed Public Path Creation Agreement has been undertaken with the Ward Members of Wrenbury and Bunbury Wards, and with Bunbury and Wardle Parish Councils and Haughton Parish Meeting. No comments were received.
9. Consultation was also undertaken with the tenants of the land over which the proposed public footpath would run. Comments were received to say that they had no objection to the proposal.
10. Consultation regarding the proposed Public Path Creation Agreement has also been undertaken with the landowners of the cul-de-sac footpath as the proposal would increase use of that Public Right of Way. Comments received from one landowner indicated an opposition to the proposal due to the increased usage of the footpath and associated issues with dog faeces and livestock worrying.
11. Consultation has also been undertaken with the Council's Nature Conservation Officer. A verbal update on any comments received will be provided to the Committee meeting.
12. User groups were also invited to make comment on the proposal. The Peak and Northern Footpaths Society responded to say that they considered it "*good to see a new footpath being created rather than footpaths being closed*" and offered a contribution to fund the costs of the bridges and gates required on the footpath.
13. Public notice of any Public Path Creation Agreement would be placed in a local newspaper, as required in the Highways Act 1980, as well as on site and on the Council's website.

Reasons for Recommendations

14. In accordance with Section 25 of the Highways Act 1980 it is within the Council's discretion to enter into a Public Path Creation Agreement with any person having the necessary power for the dedication of a public footpath.
15. The Act creates a duty of the Council to have due regard to the needs of agriculture (including the breeding or keeping of horses) and forestry, and to the desirability of conserving flora, fauna and geological and physiographical features. It is considered that these matters have been assessed through the consultations undertaken.

Options Considered

Option	Impact	Risk
Do nothing	Not entering into the Public Path Creation Agreement would leave the cul-de-sac footpath as an anomaly.	Leaving the status quo may cause inconvenience to the landowner should members of the public seek to attempt to form a connection between Public Rights of Way where currently there is none.

Implications and Comments

Monitoring Officer/Legal

16. Under s25 Highways Act 1980 a Public Path Creation Agreement can be made in respect of a footpath, bridleway or restricted byway. A Public Path Creation Agreement under s25 Highways Act 1980 shall be entered into with the landowner if the recommendations are supported by the Committee.
17. From the date stated in the Public Path Creation Agreement the path will become a public path of the description given in the agreement and become maintainable at the public expense.

Section 151 Officer/Finance

18. There are no financial implications that require an amendment to the Medium-Term Financial Strategy.
19. Contributions towards the costs of the installation of the proposed footpath are being sought from user groups and Parish Councils, with contributions to cover the majority of costs having been offered. Should such contributions not be forthcoming, or not cover the full costs of the materials and installation, the costs would be covered from existing budgets of the Public Rights of Way team.
20. The maintenance of the proposed new footpath would be undertaken within existing budgets of the Public Rights of Way team.

Policy

21. The work of the Public Rights of Way team contributes to the Vision of the Corporate Plan of a greener Cheshire East, with the aim of “a thriving and sustainable place” and the policies and objectives of the Council’s statutory Rights of Way Improvement Plan.

Vision – An open, fairer, greener Cheshire East

Aim - A thriving and sustainable place

- A great place for people to live, work and visit
- Welcoming, safe and clean neighbourhoods
- Reduce impact on the environment
- A transport network that is safe and promotes active travel.
- Thriving urban and rural economies with opportunities for all
- Be a carbon neutral council by 2027

Equality, Diversity and Inclusion

22. There are no direct equality, diversity and inclusion implications.

Human Resources

23. There are no direct human resources implications.

Risk Management

24. There are no direct risk management implications.

Rural Communities

25. There are direct positive effects from the Public Rights of Way network for rural communities, through connectivity, access to services, leisure and active travel.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

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

Public Health

27. The work of the Public Rights of Way team contributes to the health and wellbeing of Cheshire East residents.

Climate Change

28. The Council has committed to becoming carbon neutral by 2027 and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint.
29. 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.

Access to Information	
Contact Officer:	Genni Butler Countryside Access Development Manager genni.butler@cheshireeast.gov.uk
Appendices:	Plan No. HA/156
Background Papers:	The background papers and file relating to the report can be inspected by contacting the report writer.