

Highways and Transport Committee

18 September 2025

Draft Rights of Way Improvement Plan 2026-36

Report of: Phil Cresswell, Executive Director - Place

Report Reference No: HTC/44/24-25

Ward(s) Affected: All

For Decision

Purpose of Report

1. The report presents the work undertaken so far in renewing the Council's statutory Rights of Way Improvement Plan (ROWIP). The report seeks approval to launch a public consultation in the autumn to ensure that local communities have the opportunity to help shape the ROWIP.

Executive Summary

2. The Council's current ROWIP covers the period 2011-2026. It is a statutory duty of the Council to prepare and publish a ROWIP, under the Countryside and Rights of Way Act 2000 s60, and therefore a new ROWIP is being developed to cover the period 2026-36. The report presents the work undertaken so far.
3. This comprises the development of an evidence base seeking to assess the extent to which the Public Rights of Way and wider countryside access networks meet the present and likely future needs of the public, the opportunities provided by the networks for exercise and other forms of open-air recreation and the enjoyment of the area. The assessment also considers the accessibility of the networks.
4. A draft vision, objectives and statement of action have been drawn out of the gap identified between the existing networks and the demand for those networks. The draft vision for the ROWIP is:
To contribute to the health, wellbeing and prosperity of our residents through inclusive and accessible path networks that encourage outdoor activities, greater active travel and more visitors to Cheshire East.

5. The statement of action of the ROWIP is framed around three objectives: *maintain, improve and promote*.
6. The report now seeks approval to go to public consultation on the draft ROWIP, as required by legislation, and to gather aspirations for improvements to the networks.

RECOMMENDATIONS

The Highways and Transport Committee is recommended to:

1. Approve the draft Rights of Way Improvement Plan set out at Appendices 1 and 2 as a basis for public consultation.
2. Approve the proposed approach to public consultation in line with the Consultation and Engagement Plan in Appendix 3.
3. Delegate authority to the Director of Growth and Enterprise, in consultation with the Chair and Vice Chair of Highways and Transport Committee, to finalise the consultation material and undertake the public consultation.

Background

7. The Council's current ROWIP covers the period 2011-2026. It is a statutory duty of the Council to prepare and publish a ROWIP, with [section 60 of the Countryside and Rights of Way Act 2000](#) setting out the requirements of the process. The evidence base which comprises an assessment of the gap between the PROW and countryside access network that we currently have, and the demand and use of that network currently seen or anticipated, is summarised in Appendix 1.
8. The draft vision, objectives and statement of action of the draft ROWIP have been drawn up from that assessment and are contained in the draft ROWIP at Appendix 2.
9. The views of internal colleagues, across health, leisure, strategic infrastructure, planning, economic development, visitor economy, property and Cheshire Farms Service, have been sought in drawing up the draft vision, objectives and statement of action, an exercise which prompted constructive discussions between departments. In addition, engagement has been undertaken with key external stakeholders, including the National Trust, Canal & River Trust, adjacent highway authorities and the statutory Cheshire East Countryside Access Forum, a body which advises the Council on matters related to access to the countryside.
10. The ROWIP is aligned with the Local Transport Plan, Active Travel Strategy and Local Cycling and Walking Infrastructure Plans in recognition of the contribution that Public Rights of Way and other

countryside access networks play in active travel. The ROWIP is also closely aligned with other strategic documents of the Council and its partners, including the Rural Action Plan and Local Plan.

11. Developing a new ROWIP is a key part of demonstrating the Council's ambition and commitment, with clear recognition that increasing levels of active travel and leisure supports the delivery of wider corporate priorities, particularly health improvement and local action to tackle the climate change emergency. The ROWIP will provide support for internal decision makers when prioritising work and captures the links between the work of internal departments. The ROWIP will also provide support for external funding applications and developer contributions sought through the planning system.

Consultation and Engagement

12. Subject to approval by Committee, a 12-week consultation, as stipulated in government guidance, is proposed in late 2025 to engage stakeholders and residents to help further refine the draft vision, aims and objectives. A Consultation and Engagement Plan is included at Appendix 3.
13. Input will be sought from a wide range of stakeholders, including user groups such as the Ramblers, Disabled Ramblers, horse riding associations and cycling groups. In addition, landowners, businesses. Town and Parish Councils, Ward Members and external partners and stakeholders will be invited to engage.
14. It is proposed that public notice of the consultation shall be given including on the Council's website, by press notice, by direct email, via the Cheshire Association of Local Councils and in libraries.
15. Following the consultation, the initial next steps would be to consider the feedback received, refresh the vision, aims and objectives, and produce the ROWIP strategy. The final ROWIP would then be presented to Committee for adoption.

Reasons for Recommendations

16. In accordance with section 60 of the Countryside and Rights of Way Act 2000, the Council has a statutory duty to prepare and publish a ROWIP. It is also a statutory duty to consult on the draft ROWIP.

Other Options Considered

| Option | Impact | Risk |
|----------------------|---|--|
| Do nothing | Lack of compliance with statutory duty under Countryside and Rights of Way Act 2000 s60 Lack of engagement with stakeholders | Risk of legal challenge via judicial review Lack of stakeholder support |
| Review current ROWIP | Changes in society and the environment since 2011 would not be adequately assessed Lack of engagement with stakeholders | Vision, objectives and statement of action lack relevance to today's issues Lack of stakeholder support |

Implications and Comments

Monitoring Officer/Legal/Governance

17. In accordance with section 60 of the Countryside and Rights of Way Act 2000, the Council as the Highway Authority has a statutory duty to prepare and publish a ROWIP. It also has a statutory duty under section 61 of the Act to consult on the draft ROWIP.
18. Committees are responsible for discharging the Council's functions, monitoring financial controls and making decisions as required. Chapter 2, Part 4 of the Council's constitution details that the Highways and Transport Committee is responsible for discharging all the functions of the Council in relation to Public Rights of Way within the area, and being apprised of, approving and comments on policies relation to Public Rights of Way and countryside matters.
19. Members must be fully aware of, and have themselves rigorously considered, the equalities implications of the decisions they are taking. This will ensure that there is proper appreciation of any potential impact of any decision on the Council's statutory obligations under the Public Sector Equality Duty. As a minimum, this requires decision makers to read and carefully consider the content of any Equality Impact Assessments produced by Officers.
20. There is an expectation enshrined in case law that any local authority making decisions affecting the public will do so fairly and in a way that cannot be said to be an abuse of power.
21. It is therefore important to test the fairness of the Council's approach by way of consultation on any changes which would have the effect of withdrawing existing benefits or advantages available to its residents. Such consultation should involve those directly affected by such changes together with the relevant representative groups. The responses to the

consultation will need to be conscientiously taken into account when the Highways and Transport Committee makes any future decisions on the ROWIP.

22. It should be noted that breach of a duty to consult would risk the Council being subjected to legal challenge by way of judicial review.
23. Where local authorities undertake consultations, there is a duty to engage in lawful and fair consultation. The Gunning principles establish the common law principles to be observed when undertaking a consultation will require the following:
 - i) The consultation to be undertaken when the proposal(s) is still at a formative stage;
 - ii) That there are sufficient reasons put forward for the proposals to allow for intelligent consideration and response from consultees;
 - iii) That consultees are given adequate time to respond; and
 - iv) That the product of the consultation was to be conscientiously taken into account when the decision is taken.

Section 151 Officer/Finance

24. There are no financial implications that require an amendment to the Medium-Term Financial Strategy. The consultation on the draft ROWIP will be funded from core budgets.
25. Upon completion and adoption by the Council, the ROWIP will provide a policy framework to inform the annual capital and revenue investment across Green Infrastructure, comprising Public Rights of Way and the Countryside Ranger Service. The ROWIP will be implemented utilising applicable funding from a range of sources including: LTP Integrated Transport Block funding; section 106 developer contributions; the Council's capital and revenue programmes, one-off funding programmes and external grant funding. There is also the opportunity for the ROWIP to inform and influence other investment programmes across the Council, including public health, regeneration, carbon reduction etc.

Human Resources

26. There are no direct human resources implications.

Risk Management

27. There are no direct risk management implications.

Impact on other Committees

28. There is no direct impact on other Committees.

Policy

29. The work of the Green Infrastructure team contributes to the Corporate Plan 2025-2029:

| Corporate Plan 2025-2029 | |
|---------------------------------|---|
| Vision: | Enabling prosperity and wellbeing for all in Cheshire East |
| Commitments: | <ul style="list-style-type: none">• Unlocking prosperity for all• Improving health and wellbeing• An effective and enabling council |

Equality, Diversity and Inclusion

30. The Council will fully evaluate the equality implications of the proposed ROWIP through an Equality Impact Assessment (EqIA). The draft EqIA has been developed which focuses on the protected characteristic groups (age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief, sex, sexual orientation and marriage and civil partnership). There is a need to engage with the protected groups to help better understand any impacts and identify mitigation if required. The draft EqIA included at Appendix 4 will be updated following consultation.

Other Implications

Rural Communities

31. There are direct positive effects from the Public Rights of Way network and countryside access for rural communities, through connectivity, access to services, leisure and active travel.
32. Access to the countryside also has the potential to impact negatively on rural communities and landowners through irresponsible actions and numbers of visitors exceeding the capacity of the local area.

Public Health

33. The work of the Green Infrastructure team contributes to the health and wellbeing of Cheshire East residents. There are significant health benefits from active travel and active leisure pursuits which are proven and well-documented. Creating and encouraging opportunities to build active travel and leisure into everyday lives will positively impact health outcomes.

Climate Change

34. The Council has committed to becoming carbon neutral with minimum offset by 2030 and to influence carbon reduction across the borough by

2045. The objectives of the ROWIP will contribute to a reduction in carbon emissions and increased environmental sustainability by reducing energy consumption and promoting healthy lifestyles through active travel.

Consultation

| Name of Consultee | Post held | Date sent | Date returned |
|---------------------------------------|---|------------------|----------------------|
| <i>Statutory Officer (or deputy):</i> | | | |
| Ashley Hughes | S151 Officer | 29/08/25 | 04/09/25 |
| Kevin O'Keefe | Interim Director of Law and Governance (Monitoring Officer) | 29/08/25 | 05/09/25 |
| Phil Cresswell | Executive Director - Place | 29/08/25 | 04/09/25 |
| <i>Legal and Finance</i> | | | |
| Andrew Poynton | Senior Lawyer, Place | 18/07/25 | 29/07/25 |
| Wendy Broadhurst | Principal Accountant | 18/07/25 | 23/07/25 |
| <i>Other Consultees:</i> | | | |
| <i>Executive Directors/Directors</i> | | | |
| Peter Skates | Director of Growth and Enterprise | 18/07/25 | 06/08/25 |
| Phil Cresswell | Executive Director - Place | 30/07/25 | 06/08/25 |
| DMT | | 30/07/25 | 06/08/25 |
| CLT | | 06/08/25 | 20/08/25 |
| Chair / Vice Chair | | 21/08/25 | 28/08/25 |

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| Access to Information | |
| Contact Officer: | Genni Butler Countryside Access Development Manager genni.butler@cheshireeast.gov.uk |

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| Appendices: | Appendix 1: Evidence Base Appendix 2: Draft Rights of Way Improvement Plan Appendix 3: Consultation and Engagement Plan Appendix 4: Draft Equality Impact Assessment |
| Background Papers: | None |