

## OFFICER DECISION RECORD (ODR1)

This form records an officer decision and is published in accordance with the Openness of Local Government Bodies Regulations 2014

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| <b>Date of Decision</b>                                   | <b>10<sup>th</sup> October 2025</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |   |  |
| <b>Decision Taker<br/>(including Job Title)</b>           | Nicola Lewis-Smith<br>Public Rights of Way Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |   |  |
| <b>Specific Delegation</b>                                | <p><b>Authority to make decision:</b> This decision has been taken in accordance with Cheshire East Council's Constitution dated July 2023, including the Scheme of Officer Delegation, Chapter 2, Part 5. By a delegation dated 1st January 2018 from the Executive Director of Place to Head of Service Rural and Cultural Economy and a further delegation dated 1st January 2018 from the Head of Service Rural and Cultural Economy to the Public Rights of Way Manager.</p> <p>The delegation was considered by the Constitution Committee on 20 September 2018, and by full Council on 18 October 2018 and it was resolved that <i>"approval be granted for the scheme of delegation to be amended to enable the Executive Director Place to determine, in consultation with the Chairman and Vice Chairman of the Public Rights of Way Committee, any Public Path Order applications that are not contested or contentious at the pre-order consultation stage."</i></p> |   |  |
| <b>Type of Decision to be taken (tick as appropriate)</b> | <b>Granting a permission or licence</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |   |  |
|                                                           | <b>Affecting the rights of an individual</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | / |  |
|                                                           | <b>Awarding a contract or incurring expenditure which, materially affects the Council's financial position</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |   |  |
| <b>Brief Description of Decision</b>                      | A public path diversion Order be made under Section 19 of the Highways Act 1980 to divert part of Public Footpath No. 37 in the Parish of Rainow on grounds that it is expedient to do so in the interests of the public and having due regard to the effect on the landowner's rights                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |   |  |

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|                                                             | <p>The proposal has been put forward in the interests of the public. The diversion will reopen a route that has been closed for many years and, in addition, lead to considerable savings as a result of the current ongoing temporary closure administration, advertising costs and the reinstatement costs of the landslip. The diversion presents a sustainable long-term solution and based on the available options is believed to represent the best possible route available.</p>                                                                                                                                                                                                                                                                                    |
| <b>Reasons for the Decision and alternatives considered</b> | <p>Public Footpath No. 37 in the Parish of Rainow has been unavailable and subject to a temporarily closure since April 2015 under the Road Traffic Regulation Act 1984, (as amended by the Road Traffic [Temporary Restrictions] Act 1991), due to a major landslip. Repairing the landslip to reopen the definitive line of the footpath has been assessed as prohibitively expensive. In addition, the local terrain and increasingly intense rainfall events mean that there is a continuing risk of further landslips affecting this area. These factors have prompted consideration of a diversion as a more sustainable and cost-effective long-term solution.</p> <p><i>Alternative options considered</i><br/>Not applicable – this is a non-executive matter.</p> |
| <b>Member consultation and interests declared</b>           | <p>Councillor Mark Goldsmith, Chair of the Highways and Transport Committee, confirmed agreement with the recommendations in the report on 29 September 2025.</p> <p>Councillor Liz Braithwaite, Vice Chair of the Highways and Transport Committee, confirmed agreement with the recommendations in the report on 23 September 2025.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Significant Decision</b>                                 | NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Legal Implications</b>                                   | <p>Once an Order is made it may be the subject of objections. If objections are not withdrawn, this removes the power of the Local 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</p>                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Financial Implications</b>                               | <p>I am satisfied that the recommended option is supportable. A Public Path Order application has been determined by Delegated Decision. The</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|                                        | <p>costs of the case are covered either by application fee and invoiced advertising charges in the case of an application having been received from a third party, or borne within existing budgets for cases proposed by the authority. Ongoing management of the Public Right of Way network will be covered within existing budgets.</p> <p>Wendy Broadhurst, Lead Finance Partner</p> |
| <b>Confidential/Exempt Information</b> | N/A                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Background Papers</b>               | The background papers are available in file PROW/HD/253D/611.                                                                                                                                                                                                                                                                                                                             |

**Signed**

**Nicola Lewis-Smith**

**Dated 10<sup>th</sup> October 2025**

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