

OFFICER DECISION RECORD (ODR1)

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

Date of Decision	11th December 2025		
Decision Taker (including Job Title)	Nicola Lewis-Smith Public Rights of Way Manager		
Specific Delegation	<p>Authority to make decision: This decision has been taken in accordance with Cheshire East Council's Constitution dated July 2025, 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>		
Type of Decision to be taken (tick as appropriate)	Granting a permission or licence		
	Affecting the rights of an individual	/	
	Awarding a contract or incurring expenditure which, materially affects the Council's financial position		
Brief Description of Decision	A public path diversion Order be made under Section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No. 13 (part) in the Parish of Middlewich on grounds that the Cheshire East Borough Council is satisfied that it is necessary to do so in order to enable development to be carried out.		

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	<p>The proposal has been put forward by the Public Rights of Way team on behalf of Breck Homes Limited, as a response to a planning application that has been approved by the Council's Planning Department, to allow for the construction of 52 dwellings with associated infrastructure including new vehicular access from Croxton Lane, alterations to existing lay-by on Croxton Lane, hard and soft landscaping, new open space areas with children's play area, Sustainable Urban Drainage system, pedestrian access point to Croxton Park and continued provision of public right of way. Planning application 21/5436C.</p>
Reasons for the Decision and alternatives considered	<p>It is considered that it is necessary to divert part of Footpath No. 13 in the Parish of Middlewich as illustrated on Plan No. TCPA/084, to allow for the development of 52 dwellings with associated infrastructure including new vehicular access from Croxton Lane, alterations to existing lay-by on Croxton Lane, hard and soft landscaping, new open space areas with children's play area, Sustainable Urban Drainage system, pedestrian access point to Croxton Park and continued provision of public right of way. Planning application 21/5436C.</p> <p>No alternative option considered – this is a non-executive matter</p>
Member consultation and interests declared	<p>Councillor Mark Goldsmith, Chair of the Highways and Transport Committee, confirmed agreement with the recommendations in the report on 8th December 2025.</p> <p>Councillor Liz Braithwaite, Vice Chair of the Highways and Transport Committee, confirmed agreement with the recommendations in the report on 8th December 2025.</p>
Significant Decision	No
Legal Implications	<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</p>

	<p>be confirmed or not confirmed. This process may involve additional legal support and resources</p> <p><i>James Thomas 11/12/25</i></p>
Financial Implications	<p>I am satisfied that the recommended option is supportable. A Public Path Order application has been determined by Delegated Decision. The 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>
Confidential/Exempt Information	N/A
Background Papers	The background papers are available in file PROW/MG/207D/615.

Signed

Nicola Lewis-Smith

Dated 11th December 2025

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