

CHESHIRE EAST COUNCIL

PUBLIC RIGHTS OF WAY COMMITTEE

Date of Meeting: 24 September 2012
Report of: Greenspaces Manager
Subject/Title: Local Government Act 2000 – Section 2
Deed of Dedication for New Public Footpaths in the Parish of Goostrey

1.0 Report Summary

- 1.1 Discussions have been in progress in Goostrey for a number of years to establish a public rights of way connection between Goostrey village and the existing network. It is proposed that the Council create two public footpaths with the agreement of the landowner, Cheshire Farms Service, a Cheshire Shared Service operating on behalf of Cheshire East Council and Cheshire West and Chester Council.

2.0 Recommendations

- 2.1 That public footpaths be created under Section 2 of the Local Government Act 2000 in the Parish of Goostrey, as illustrated on Plan No. LGA/001, and that public notice be given of these public footpaths.

3.0 Reasons for Recommendations

- 3.1 The landowner has agreed to the creation of a new public footpath and the designation of a currently permissive footpath as a public footpath. There is local public support for the creation of the routes in order to connect the village of Goostrey with the wider public rights of way network.
- 3.2 Consultation undertaken for the Council's statutory Rights of Way Improvement Plan (ROWIP) identified the need for access to the countryside and circular routes close to people's homes. These needs are met by the proposed paths.

4.0 Wards Affected

- 4.1 Dane Valley Ward.

5.0 Local Ward Members

- 5.1 Councillor L Gilbert and Councillor A Kolker.

6.0 Policy Implications including - Climate Change, Health

- 6.1 The proposal supports the following policies and initiatives of the Cheshire East Rights of Way Improvement Plan 2011-2026:

- Policy H3: Public rights of way and green infrastructure: Protect and enhance our public rights of way and green infrastructure and endeavour to create new links where beneficial for health, safety or access to green spaces. Initiative: 'Leisure routes for cyclists, horse riders and walkers'.

- Policy H2: Promotion of active travel and healthy activities: Work in partnership to promote walking, cycling and horse riding as active travel options and healthy activities. Initiative 'Public information on the public rights of way network'.

- 6.2 The development of new walking routes for local residents and visitors alike is aligned with the health and wellbeing objectives and priorities of the Council as stated in the Business Plan 2012/2015, in particular Priority 5 Ensure a Sustainable Future and Priority 7 Drive out the causes of poor health, as well as the Council's commitment to the Change4Life initiative.

7.0 Financial Implications

- 7.1 The furniture required to create the proposed new path would be paid for from the ROWIP capital allocation from the Local Transport Plan, with a contribution from the Goostrey Footpaths Group. Thereafter, any maintenance works will be resourced between the public rights of way team and landowner as standard.

8.0 Legal Implications

- 8.1 Under Section 2 of the Local Government Act 2000, a local authority has the power to do anything to improve the economic, social or environmental wellbeing of their area. In accordance with this power, the Council may enter into a Deed of Dedication to create a public right of way.
- 8.2 The paths will become public footpaths maintainable at the public expense on the date that the Deed of Dedication is sealed.
- 8.3 Under Section 2 of the Local Government Act 2000, there is no statutory right for objection to the proposal. However, any decision of the Council may be challenged by way of judicial review.
- 8.4 The use of the powers under Section 2 of the Local Government Act 2000 fall within the general powers of this Committee which are described in the Constitution: "The Public Rights of Way Committee shall discharge all the functions of the Council in relation to all matters relating to public rights of way."

9.0 Risk Management

- 9.1 Not applicable.

10.0 Background and Options

- 10.1 The Goostrey Footpaths Group have, for a number of years, sought the establishment of a footpath connection from the existing permissive path in

Galey Wood, to the north of the village, to Restricted Byway No. 11 known as Appleton's Lane. The aspiration was registered during public consultation for the ROWIP with reference W64.

- 10.2 The proposed routes run as shown in Plan No. LGA/001:
- a) a public footpath from OS grid reference SJ 7724 7056 at the junction of Mill Lane (UW2491) and Footpath No. 3 in the Parish of Goostrey at point A on Plan No. LGA/001, running in a generally northerly direction along Mill Lane to Galey Wood and then in a north-easterly direction for a total distance of approximately 2100 metres to its junction with restricted byway No. 11 in the Parish of Goostrey, at OS grid reference SJ 7763 7220 at point B on Plan No. LGA/001; and,
 - b) a public footpath from OS grid reference SJ 7710 7121 at its junction with the above proposed public footpath at point C on Plan LGA/001 in a north-easterly direction for a distance of approximately 475 metres to OS grid reference SJ 7750 7145 and then in a north-westerly direction for a distance of approximately 365 metres to OS grid reference SJ 7733 7175 at its junction again with the above proposed public footpath at point D on Plan No. LGA/001.
- 10.3 The proposal secures public pedestrian access along the northern extent of Mill Lane, which currently is a private road with no public rights. The proposal secures public access along the length of the existing permissive footpath. The proposal also secures public pedestrian access between the above two routes and Restricted Byway No. 11 known as Appleton's Lane and thereby to the wider public rights of way network.
- 10.4 The Portfolio Holder for Cheshire Farms Service has been briefed on the proposal by the County Land Agent and the proposed dedication of the path is considered to be consistent with the management objectives of the estate.
- 10.5 Goostrey Parish Council and the local Members have been consulted. Councillor Gilbert responded in support of the proposal. No further responses have been received.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Genni Butler
Designation: Countryside Access Development Officer
Tel No: 01270 686059
Email: genni.butler@cheshireeast.gov.uk