

# **CHESHIRE EAST COUNCIL**

## **REPORT TO: PUBLIC RIGHTS OF WAY COMMITTEE**

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**Date of Meeting:** 7 December 2009  
**Report of:** Mike Taylor, Green Spaces Manager  
**Subject/Title:** Highways Act 1980 – Section 25  
Update on Creation Agreement for a new public footpath  
in the Parish of Bollington

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### **1.0 Report Summary**

1.1 A new path has been constructed by volunteers of the Kerridge Ridge and Ingersley Vale (KRIV) Countryside and Heritage Project up to the White Nancy viewpoint in the Parish of Bollington. At the September Committee meeting, it was recommended to Members that the Council enter into agreements to create a new public footpath along the route. It was brought to the attention of Members that a letter had been received from an adjacent landowner in which a number of issues were raised relating to the proposed new footpath.

1.2 Members therefore resolved:

- (1) that creation agreements be entered into under Section 25 of the Highways Act 1980 to create a new public footpath in the Parish of Bollington, as illustrated on Plan No. HA/008, and that public notice be given of these agreements; and,
- (2) that a meeting take place between the Public Rights of Way Officer, KRIV Project Officer and the adjacent landowner to resolve the areas of concern and that an information report be brought back to the next Public Rights of Way Committee.

This report gives an update to Members on the resolution of the issues referred to in resolution (2).

### **2.0 Recommendations**

2.1 That the report be noted.

### **3.0 Reasons for Recommendations**

3.1 No decision is required by Members.

### **4.0 Wards Affected**

4.1 Bollington and Disley Ward.

## **5.0 Local Ward Members**

- 5.1 Councillor Matthew Davies  
Councillor Harold Davenport  
Councillor Diana Thompson.

## **6.0 Policy Implications including - Climate Change - Health**

- 6.1 As reported to the Committee on 7 September 2009.

## **7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

- 7.1 None arising.

## **8.0 Financial Implications 2009/10 and Beyond (Authorised by the Borough Treasurer)**

- 8.1 As reported to the Committee on 7 September 2009.

## **9.0 Legal Implications (Authorised by the Borough Solicitor)**

- 9.1 As reported to the Committee on 7 September 2009.

## **10.0 Risk Management**

- 10.1 No risks are foreseen.

## **11.0 Background and Options**

- 11.1 The background and options were set out in the report presented to the Committee on 7 September 2009.

- 11.2 Following the receipt of a letter raising a number of issues with the proposal to dedicate a new public footpath, Members resolved to pass the motion to enter into the creation agreement subject to the resolution of the issues raised in the letter.

- 11.3 A site meeting was therefore arranged between the adjacent landowner, the KRIV Countryside and Heritage Project Manager and the (Acting) Countryside Access Development Officer. Prior to meeting, correspondence was exchanged which outlined the legal process relating to a creation agreement. It was explained that the landowners on whose land the path runs are entitled to enter into a creation agreement with the Council without consultation of adjacent landowners. It was further explained that the use of the new footpath would be considered unlikely to affect the adjoining land.

- 11.4 In light of this discussion, the adjacent landowner cancelled the arranged meeting as they felt that the outstanding issues related solely to the boundary wall, a matter which could be resolved directly by the KRIV Project Manager.
- 11.5 The adjacent landowner therefore concluded that the matters raised in the original letter had been adequately addressed.
- 11.6 The two creation agreements have been signed by the landowners, sealed by the Council and duly advertised, resulting in the addition of the public footpath to the Definitive Map and Statement.
- 11.7 One of the landowners who forms a signatory to a creation agreement wishes to inform the Committee that the minutes of the last meeting gave an unfairly negative impression of the KRIV project which detracted from the excellent work that the KRIV volunteers have carried out.

## **12.0 Overview of Year One and Term One Issues**

- 12.1 None arising.

## **13.0 Access to Information**

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

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