

**28 WILDLIFE AND COUNTRYSIDE ACT 1981 - PART 111, SECTION 53:  
MODIFICATION OF THE DEFINITIVE MAP AND STATEMENT FOR THE  
BOROUGH OF MACCLESFIELD: SCHEDULE 14 APPLICATION No. 5/190:  
ADDITION OF PUBLIC FOOTPATH BETWEEN HAWTHORN STREET AND  
LINDFIELD ESTATE SOUTH, WILMSLOW**

An application had been made in 1997 by Mr E Dyer of 87 Lindfield Estate South, Wilmslow to modify the Definitive Map and Statement for the Borough of Macclesfield by adding a footpath between Lindfield Estate South and Hawthorn Street, Wilmslow. The application was based on user evidence of a period in excess of twenty years. Use of the route had been challenged by Macclesfield Borough Council, who as the landowners had erected gates at the entrance to Lindfield Estate South.

A consultation letter had been sent to Macclesfield Borough Council, who had responded with information relating to the site and stated that they would object to the route becoming a public right of way. Wilmslow South Residents Association had also been consulted and the Chairman had responded stating their support for the application and the importance of the route for local residents. User evidence had been collected from 15 witness statements, whose individual usage varied from 22 to 52 years and covered the period 1945 to 1997, when the gates were put up. Witnesses had stated that the gates had been locked for only one day in 1997 and had been continuously open since. The user evidence covers the twenty year period as required under Section 31 of the Highways Act 1980.

**RESOLVED: That**

- (1) an Order be made under Section 53 (3)(b) of the Wildlife & Countryside Act 1981 to modify the Definitive Map and Statement to show the route between Hawthorn Street and Lindfield Estate South, A - B as shown on the plan MO/504, as a Public Footpath; and
- (2) public notice of the making of the Order be given, and in the event of there being no objections within the specified period, or any objections received being withdrawn, the Order be confirmed in exercise of the power conferred on the County Council by the said Act.

**29 HIGHWAYS ACT 1980: SECTION 25  
DEDICATION OF PUBLIC BRIDLEWAY No. 6, IN THE PARISH OF EATON,  
MACCLESFIELD**

Members were informed that an agreement had been reached with Fairclough Homes to dedicate a public bridleway over existing footpath No 6 in Eaton.

Footpath No 6 had been created by a Town and Country Planning Act diversion made by the Minister of Transport in 1968, which stopped up an existing bridleway to allow for residential development and provided the present footpath. Footpath No 6 now linked to Havannah Lane. An order to record Havannah Lane as a Byway Open to All Traffic had been confirmed at a Public Inquiry in 2002.



Fairclough Homes had included the proposal for the bridleway in their planning application, which had been approved in January 2004. Part of the bridleway would run along part of the new estate road.

The section of the Footpath, between point A and the Byway Open to All Traffic No 8, as shown on plan C/011a, did not belong to Fairclough Homes and a Land Registry search had shown that the land was not registered. This section would need to be subject to a further creation agreement/order.

**RESOLVED: That**

- (1) approval be given to the making of a public path creation agreement in accordance with the provisions of Section 25 of the Highways Act 1980 for the dedication of Public Bridleway No 6 Eaton as shown on the plan C/011A, subject to the path being in a condition satisfactory to the County Council prior to the agreement being concluded; and
- (2) approval be given to a path creation agreement/order being sought with landowner/s at present unknown, to connect Bridleway No 6, to be created in (1) to Byway No 8.

**30 HIGHWAYS ACT 1980: SECTION 118  
APPLICATION FOR THE EXTINGUISHMENT OF PUBLIC FOOTPATH No  
10 (PART) PARISH OF WARMINGHAM, BOROUGH OF CREWE AND  
NANTWICH  
HIGHWAYS ACT 1980: SECTION 119  
APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH No 14  
(PART), PARISH OF WARMINGHAM, BOROUGH OF CREWE AND  
NANTWICH**

An application had been made by Mr C Woodward of Bottoms Farm, Warmingham Road, Warmingham for Orders under Section 118 and 119 of the Highways Act 1980 to extinguish part of Public Footpath No 10 and divert part of Public Footpath No 14 in the Parish of Warmingham, as shown on plan SD/484.

Members had approved the diversion of these footpaths at its meeting on 14 July 2003 but because of the position of the footpaths it had been found to be technically very difficult to produce a sensibly drafted order to divert both footpaths. The new application was to divert part of Footpath 14 and to extinguish part of Footpath No 10.

**RESOLVED: That**

- (1) an Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert part of SD/484, on the grounds that it is expedient in the interests of the owner of the land crossed by the path;
- (2) an Order be made under Section 118 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to extinguish part of Public Footpath No 10 Warmingham as illustrated on Plan No SD/484,