

Public Rights of Way Sub Committee

Date of Meeting:	14 th March 2022
Report Title:	Highways Act 1980 s119 Public Path Diversion Order, Mobberley Footpath No. 46 (part) Informative Report
Report of:	Jayne Traverse, Executive Director Place
Ward(s) Affected:	Mobberley

1. Purpose of Report

- 1.1 This report is an informative report describing minor changes to the alignment of a proposed footpath diversion previously approved by the Committee.
- 1.2 The work of the Public Rights of Way team contributes to the Corporate Plan priority “A thriving and sustainable place”, and the policies and objectives of the Council’s statutory Rights of Way Improvement Plan.

2. Executive Summary

- 2.1 This report is to inform the Committee that an Order made to divert part of Mobberley Public Footpath No. 46 under section 119 of the Highways Act 1980 is to be re-made with a minor alignment amendment.

3. Recommendations

- 3.1. That the report be noted – no decision is required.

4. Reasons for Recommendations

- 4.1. To formally note that an Order made to divert part of Mobberley Public Footpath No. 46 under section 119 of the Highways Act 1980 is to be re-made for reasons set out in this report. The report is for information only.

5. Other Options Considered

5.1. Not applicable – this is a non executive matter.

Option	Impact	Risk
Do nothing	Not applicable	Not applicable

6. Background

- 5.1 An Application has been submitted from Mrs Uttley of Ivy House Farm Mobberley, requesting that the Council make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath No. 46 in the Parish of Mobberley.
- 5.2 The land over which the section of the current path to be diverted, and the proposed diversion run, belongs to the applicant; under section 119 of the Highways Act 1980 the Council may accede to an applicant's request if it considers it expedient in the interests of the landowner to make an Order to divert the footpath.
- 5.3 On 12th March 2018, the Public Rights of Way Committee decided that the legal tests for the making of a diversion Order were met, and an Order was duly made.
- 5.4 Before completion of the legal process, the landowner installed the diversion route for the footpath. On inspection it was found that the path installed did not exactly match the route shown on the Order plan. The landowner wishes the diversion to follow the path put in on the ground. This paper is therefore to inform the Committee about the revised diversion route, which follows a similar trajectory a little over 30 metres away from the route shown on the previous Order plan.
- 5.5 Public Footpath No. 46 in the Parish of Mobberley commences on Moss Lane (UW2144) at O.S. Grid Ref: SJ 8109 7999 (point B on Plan No. HA/121A No.2), and runs via a hand gate along the applicant's driveway in a generally south-easterly direction for approximately 39 metres to meet with a stile. The footpath then continues over farm land for approximately 91 metres to another stile at O.S. Grid Ref: SJ 8142 7987 (point A on Plan No. HA/121A No.2) before continuing in the same south-easterly direction to meet with Paddock Hill Lane (UW2145) at O.S. Grid Ref: SJ 8166 7976. Approximately the first 363 metres of the public footpath is subject to the proposed diversion, the remainder of the path will be unaffected. The section of path to be diverted is shown by a solid black line on Plan No. HA/121A No.2 between points B-A.
- 5.6 The proposed diversion is illustrated on the same plan with a black dashed line between points D-C-A from O.S. Grid Ref: SJ 8105 7996 (point D on

Plan No. HA/121A No.2) to O.S. Grid Ref: SJ 8142 7987 (point A on Plan No. HA/121A No.2). The proposal is to divert the first part of the footpath away from the applicant's driveway, from a new commencement point on Moss Lane to pass through an old orchard at O.S. Grid Ref: SJ 8105 7996 (point D on Plan No. HA/121A No.2). The proposed path will then run in a south-easterly direction along the field boundary to O.S. Grid Ref: SJ 8140 7984 (point C on Plan No. HA/121A No.2), before taking a north easterly direction to O.S. Grid Ref: SJ 8142 7987 (point A on Plan No. HA/121A No.2). The proposed diversion is approximately 409 metres. The path will then continue to run on its previously recorded alignment.

- 5.7 The new route will have a width of 2.5 metres. Approximately the first 85 metres of the proposed path is to be surfaced with stone. Two pedestrian gates with a 0.95 metre width are located at the points where the path leaves Moss Lane and where it crosses from the orchard to the pasture, as indicated on Plan No. HA/121A No.2.
- 5.8 The diversion route has been installed and in use on the ground for a number of years and no issues have been raised.

7. Consultation and Engagement

- 6.1 Mobberley Ward: Councillor Macrae was consulted as part of the previous pre-Order consultation and current Councillor Leach will be informed of the amendment through the legal Order advertising process
- 6.2 Statutory and local user groups and statutory undertakers were consulted as part of the previous pre-Order consultation and will be informed of the amendment through the legal Order advertising process.

8. Implications

8.1. Legal

8.1.1. There are no direct legal implications.

8.2. Finance

8.2.1. There are no direct financial implications.

8.3. Policy

8.3.1. There are no direct policy implications.

8.4. Equality

8.4.1. There are no direct equality implications

8.5. Human Resources

8.5.1. There are no direct implications for human resources.

8.6. Risk Management

8.6.1. There are no direct implications for risk management.

8.7. Rural Communities

8.7.1. There are no direct implications for rural communities.

8.8. Children and Young People/Cared for Children

8.8.1. There are no direct implications for children and young people/cared for children.

8.9. Public Health

8.9.1. There are no direct implications for public health.

8.10. Climate Change

8.10.1. The Council has committed to becoming carbon neutral by 2025 and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint.

8.10.2. The work of the Public Rights of Way team encourages a reduction in carbon emissions and increased environmental sustainability by reducing energy consumption and promoting healthy lifestyles through active travel.

Access to Information	
Contact Officer:	Genni Butler Acting Public Rights of Way Manager genni.butler@cheshireeast.gov.uk
Appendices:	N/a
Background Papers:	The background papers relating to this report can be inspected by contacting the Officer above and quoting the following file references: File No. 210D/550 - diversion under HA80 s119