

# Public Rights of Way Committee

## Agenda

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<b>Date:</b>	<b>Monday 12 March 2012</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Committee Suite 1,2 &amp; 3, Westfields, Middlewich Road, Sandbach CW11 1HZ</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Minutes of Previous Meeting** (Pages 1 - 7)

To approve the minutes of the meeting held on 12 December 2011 as a correct record

4. **Public Speaking Time/Open Session**

Members of the public may speak on a particular application after the Chairman has introduced the report, provided notice has been given in writing to Democratic Services by 12 noon, one clear working day before the meeting. A total of 6 minutes is allocated for each application, with 3 minutes for objectors and 3 minutes for supporters. If more than one person wishes to speak as an objector or supporter, the time will be allocated accordingly or those wishing to speak may agree that one of their number shall speak for all.

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For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

**Contact:** Rachel Graves

**Tel:** 01270 686473

**E-Mail:** [rachel.graves@cheshireeast.gov.uk](mailto:rachel.graves@cheshireeast.gov.uk)

Also in accordance with Procedure Rule No.35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee. Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice of the intention to speak, however, as a matter of courtesy, a period of 24 hours notice is encouraged.

Members of the public wishing to ask a question should provide at least 3 working days notice in writing, and should include the question with that notice. This will enable an informed answer to be given.

5. **Highways Act 1980 - Section 119: Application for the Diversion of Public Footpath Nos. 20 and 28 (parts), Parish of Kettlethulme** (Pages 8 - 13)

To consider the application for the diversion of Public Footpath Nos. 20 and 28 (Parts) in the parish of Kettlethulme

6. **Town and Country Planning Act 1990 - Section 257: Application For The Diversion Of Public Footpath No. 2 (Part) Parish Of Arclid** (Pages 14 - 19)

To consider an application for the diversion of Public Footpath No, 2 (part) in the parish of Arclid

7. **Wildlife and Countryside Act 1981 - Part III Section 53: Investigation into Claimed Footpath at Malkins Bank Golf Course, Parish of Hassall, from Mill Lane to Bridleway No.15, Hassall** (Pages 20 - 30)

To consider the claim for a footpath at Malkins Bank Golf Course

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Public Rights of Way Committee**  
held on Monday, 12th December, 2011 at Committee Suite 1 & 2, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor J Wray (Chairman)  
Councillor D Druce (Vice-Chairman)

Councillors Rhoda Bailey, R Cartlidge, S Davies, L Jeuda and M Parsons

**Officers**

Mike Taylor, Greenspaces Manager  
Marianne Nixon, Public Path Orders Officer  
Clare Hibbert, Definitive Map Officer  
Jennifer Tench, Definitive Map Officer  
Julie Openshaw, Legal Team Leader (Places Regulatory and Compliance)  
Rachel Graves, Democratic Services Officer

**26 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**27 DECLARATIONS OF INTEREST**

No declarations of interest were made.

**28 MINUTES OF PREVIOUS MEETING****RESOLVED:**

That the minutes of the meeting held on 19 September 2011 be approved as a correct record and signed by the Chairman.

**29 HIGHWAYS ACT 1980 - SECTION 119: PROPOSED DIVERSION OF PUBLIC FOOTPATH NOS. 23(PART) & 24(PART) AND THE EXTINGUISHMENT OF PUBLIC FOOTPATH 22(PART), PARISH OF DISLEY**

The Committee received a report which detailed an application from United Utilities requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpaths No.23 and 24 (parts) in the parish of Disley.

In accordance with Section 119(1) of the Highways Act 1980 it was within the Council's discretion to make an Order if it appeared to the Council to be expedient to do so in the interests of the public and or the owner, lessee or occupier of the land crossed by the paths. Also in accordance with Section 118(1) of the Highways Act 1980 it was within the Council's

discretion to make an extinguishment Order if it appeared to the Council that it was expedient that a path or way should be stopped up on the grounds that it was not needed for public use.

Public Footpath No.24 was the subject of a diversion order under section 257 of the Town and Country Planning Act 1990 in 2010 when United Utilities were constructing a new spillway which directly affected the line of the footpath. There was a significant amount of earth movement required in order to complete the construction and when the re-profiling was completed, the newly diverted line of the footpath was obstructed by fencing erected to surround a very steep depression/valley which had resulted from the earth workings. The proposed diversion would address the obstruction by moving the path slightly further to the north to achieve higher and more level ground.

It was also proposed to divert a short part of Public Footpath No.23, which connected to Footpath No.24 at its western end. This short diversion would create a direct east west alignment to the connecting paths and avoid the necessity of walking a sharp angle in the path. United Utilities had approached the Landowner and had received his permission to divert the path across a short section of his field.

As the result of these diversions a residual length of Public Footpath No.22 would remain and it was proposed to extinguish this length of path as once the diversions were in effect, this section would no longer be needed for use by the public.

The Committee noted that no objections had been received from the informal consultations and considered that the proposed route would not be substantially less convenient than the existing route. Diverting the footpath would be of benefit to the landowner in terms of land use in that they would have to undertake extensive re-profiling of the landscape and earth movement to reinstate the current line which would be expensive and unreasonable. It was in the interest of the public as the diversion of Public Footpath No.23 would allow for the removal of a sharp angle in the path network, creating a more straightforward and shorter alignment. The extinguishment of a residual part of Public Footpath No.22 would be necessary to tidy up the legal process. It was therefore considered that the proposed route would be a satisfactory alternative to the current one and that the legal tests for the making and confirming of a diversion and an extinguishment order were satisfied.

### **RESOLVED:**

- 1 An Order be made under Section 119 of the Highways Act 1980 to divert parts of Public Footpath Nos.23 and 24 Disley and a separate Order be made concurrently to extinguish a residual part of Public Footpath No.22 in the parish of Disley, as illustrated on Plans Nos.HA/060 and HA/061, on the grounds that it is expedient in the interests of the owner of the land crossed by the path and the public

and that under section 118 of the Highways Act , part of Public Footpath No.22, is not needed for use.

- 2 Public Notice of the making of the Orders be given and in the event of there being no objections within the period specified, the Orders be confirmed in the exercise of the powers conferred on the Council under the said Acts.
- 3 In the event of objections to the Orders being received and not resolved, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

**30 HIGHWAYS ACT 1980 - SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO. 20, PARISH OF NEWBOLD ASTBURY**

The Committee received a report which detailed an application from Mr & Mrs N Plant of Peel Farm, Peel Lane, Astbury, Cheshire (the Applicant), requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert Public Footpath No.20 in the parish of Newbold Astbury.

In accordance with Section 119(1) of the Highways Act 1980 it was within the Council's discretion to make an Order if it appeared to the Council to be expedient to do so in the interests of the public or the owner, lessee or occupier of the land crossed by the path.

The Applicant owned the land over which the current path and the proposed diversion ran. The section of Public Footpath No.20 to be diverted currently ran through the Applicant's garden leading to privacy and security issues. It then went through their busy livery yard creating a hazardous environment for walkers to pass through as the walker was in close confinement with large livestock.

The proposed new route would take users out of the applicant's garden and livery yard and would be easier to navigate with more open and scenic views and reduce interaction with livestock. The paths would be fenced and have a recorded width of 2.5 metres throughout and would have three kissing gates. The proposed new route was marked as D-E-F-G-H on Plan No.HA/062.

The Committee noted that no objections had been received from the informal consultations and considered that the proposed route would not be substantially less convenient than the existing route. Diverting the footpath would be of benefit to the landowner, particularly in terms of current stock management within a busy livery and improved privacy and security to the Applicant's adjacent property. It was therefore considered that the proposed route would be a satisfactory alternative to the current one and that the legal tests for the making and confirming of a diversion order were satisfied.

**RESOLVED:**

- 1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert Public Footpath No.20 Newbold Astbury by creating a new public footpath and extinguishing the current path, as illustrated on Plan No.HA062, on the grounds that it is expedient in the interests of the owner of the land crossed by the path.
- 2 Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- 3 In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

**31 HIGHWAYS ACT 1980 - SECTION 25: CREATION AGREEMENT FOR A NEW PUBLIC BRIDLEWAY IN THE PARISHES OF NANTWICH AND WISTASTON**

The Connect2 Crewe to Nantwich Greenway project proposed to create an off-road cycle route between the two towns. In June 2010 the Public Rights of Way Committee had resolved that the Council enter into creation agreements with the landowners who had agreed to dedicate part of this route as public bridleway so that pedestrians, cyclists and horse riders could use the route.

Since this decision further negotiations with the landowners, tenants and nearby residents had taken place and a revised route was now proposed. This route avoided the areas of contention around Alvaston Hall and adjacent properties that were raised regarding the initial proposed route.

Under Section 25 of the Highways Act 1980, the Council had the power to enter into an agreement with any person having the capacity to dedicate public rights of way. The Highways Act 1980 required the authority to have regard to the needs of agriculture and forestry and to the desirability of conserving flora, fauna and geographical and physiographical features. Under Section 25 there was no statutory right for objection to the proposal.

**RESOLVED:**

That creation agreement(s) under Section 25 of the Highways Act 1980 be entered into with the appropriate person(s) with capacity to dedicate to create a new public bridleway in the Parishes of Nantwich and Wistaston, as illustrated on Plan No.HA023(2), and that Public Notice be given to these agreement(s).

**32 DEFINITIVE MAP MODIFICATION ORDERS: REVISED STATEMENT OF PRIORITIES**

The Committee received a report which sought approval for a revised statement of priorities for dealing with a potentially large volume of Definitive Map Modification Order applications and matters requiring detailed investigations.

Cheshire East Council, as Surveying Authority, had a duty to keep the Definitive Map and Statement under continuous review and make modifications as required. Changes are effected by means of Definitive Map Modification Orders which may be triggered by the Council on the discovery of evidence which shows that the map and/or statement was in error, or by an individual making a formal application for a Definitive Map Modification Order under the provisions of Schedule 14 of the Wildlife and Countryside Act 1981. The Secretary of State recommends that Surveying Authorities periodically publish a statement of priorities for dealing with Definitive Map Modification Orders.

The current statement of priorities was based on the former Cheshire County Council's Rights of Way Improvement Plan and a purely chronological scheme for those applications made prior to the instigation of Cheshire East Council.

A new scoring system was proposed within the Statement of Priorities, whereby all new Schedule 14 applications and internally generated cases would be given a score. All Definitive Map Modification Order case work would be prioritised according to that score. The criteria were based on the objectives of the Council's Rights of Way Improvement Plan and Sustainable Community Strategy.

The only instance where a score would not need to be applied or taken into account, if already applied, would be in the case when a route was under threat of development and therefore potentially lost. In these instances, the application would be taken out of turn and processed as a priority.

In the interests of fairness to existing applicants, the scoring system included recognition of the amount of time for which the applications had been on the register.

Also in consideration of the fact that user evidence frequently presented to substantiate applications was from individuals of advancing years, it was proposed to give additional weight to applications where the witnesses were aged over 70. In undertaking this, consideration had been given to the Equality Act 2010.

**RESOLVED:**

That the revised Statement of Priorities for dealing with Definitive Map Modifications Orders be approved.

**33 ADDITION TO THE DEFINITIVE MAP WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53: APPLICATION TO ADD A BRIDLEWAY BETWEEN GOLDFORD LANE, LARKTON AND LONG LANE, BICKERTON**

The Committee received an information report on a recent determination of an application to add a bridleway between Goldford Lane, Larkton and Long Lane, Bickerton to the Definitive Map by Cheshire West and Chester Council.

The application had been made to Cheshire County Council in 2007 for a bridleway to be added to the Definitive Map and Statement along a route commonly known as Dean's Lane. At the time of Local Government Re-organisation the application was allocated to Cheshire West and Chester as the applicant resided in that authority.

Cheshire West and Chester Council (CWAC) sought agreement from Cheshire East Public Rights of Way to investigate and determine the application with a view to making an order that would modify both definitive maps. CWAC had determined the application in accordance with their 'call-in' procedures. This procedure involved a report being prepared and published for a period of 28 days during which a member of their Public Rights of Way Committee could call it in for discussion at a meeting of the Committee. If not called in, the Head of Culture and Recreation could confirm the recommendations made in the report as a decision of the Council.

The application was not called in and the report was approved on 3 October 2011. A Definitive Map Modification Order was made on 25 November and will be advertised in early December for the statutory 42 days.

**RESOLVED:**

That the report be noted.

**34 PUBLIC INQUIRY TO DETERMINE DEFINITIVE MAP MODIFICATION ORDER - UPGRADING OF PUBLIC FOOTPATHS NOS 29, 15 (PART), 14, 10 (PART), 9 (PART) AND 27 PARISH OF CHORLEY & NOS 40 (PART) AND 42 PARISH OF WILMSLOW TO BRIDLEWAY**

The Committee received an information report on a recent public inquiry to determine Definitive Map Modification Order – upgrading of Public Footpaths Nos.29, 15 (part), 14, 10 (part), 9 (part) and 27 in the parish of Chorley and 42 in the parish of Wilmslow to Bridleway.

Two applications had been made to Cheshire County Council in 2008 to amend the Definitive Map and Statement by upgrading a number of public footpaths to public bridleways. The first application concerned a route from Knutsford Road to Moor Lane. The second application concerned

footpath No.42, known as Filter Bed Lane, which ran between Upcast Lane and Clay Lane.

These applications were considered at the Public Rights of Way Committee in March 2010, when the making of an Order was approved with the exception of part of Clay Lane. A Modification Order to upgrade the remainder of the route was made on 29 April 2010. Eight formal objections were submitted to the Order which were not withdrawn.

A public inquiry was held on 6 – 8 September 2011. The Inspector heard evidence from the Council's Definitive Map Officer and from fourteen witnesses in support of the Order and from six in opposition.

The evidence in support was that under section 31 of the Highways Act 1980 the ways had been used for horseback for a full period of 20 years without force, secrecy or permission and without sufficient evidence to indicate that there had been no intention to dedicate during that period. If these criteria were fulfilled then the ways are deemed to have been dedicated as bridleway.

The evidence in opposition to the Order was that there was not sufficient evidence of use on horseback during the relevant period and that landowners Mr Morris and Mr Clayton had challenged horse riders. The evidence of the users indicated that most of them were challenged or were aware of horse riders being challenged in the immediate locality of Lea Farm. These challenges were the reason why part of Clay Lane was not included in the Order.

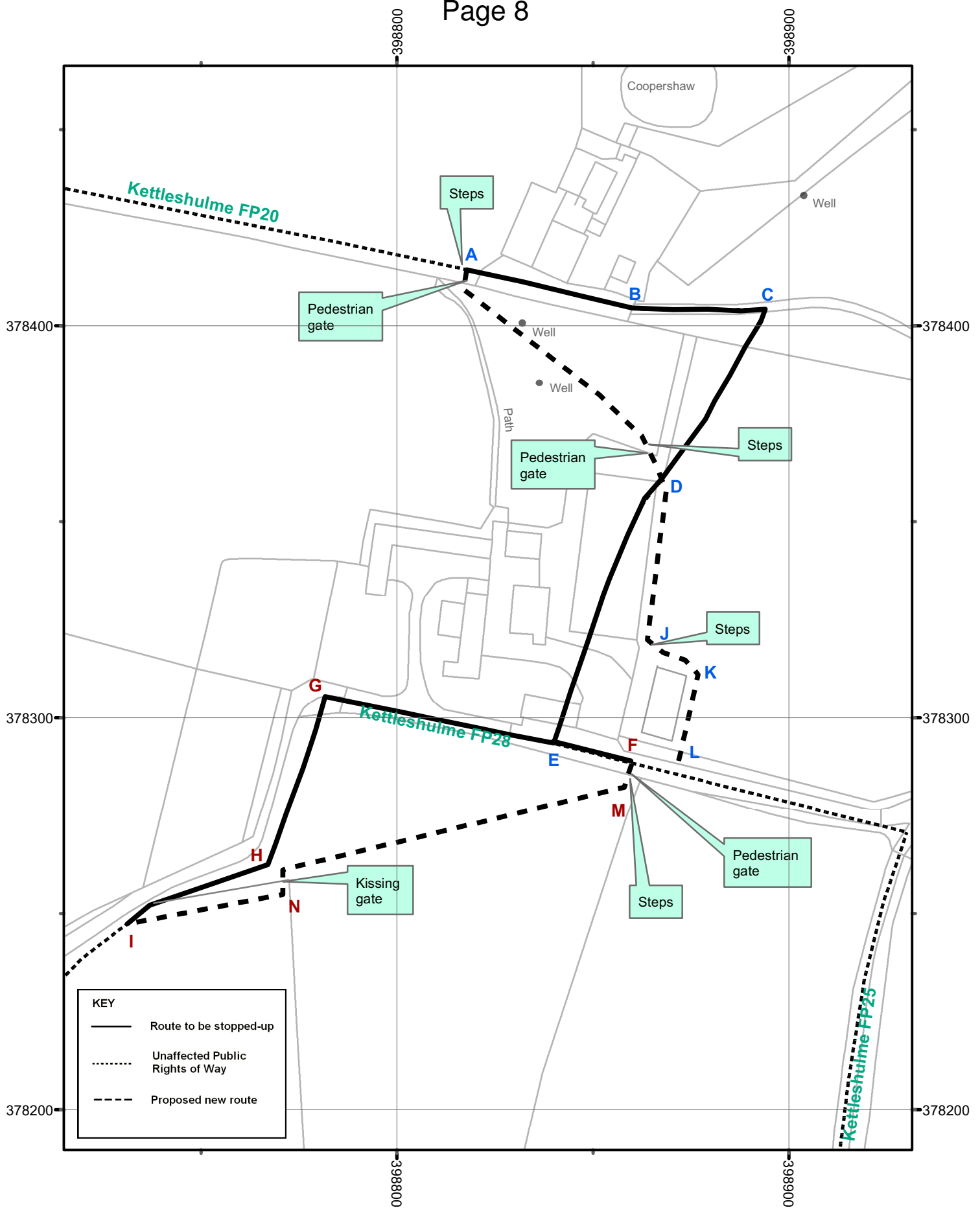
The Inspector issued a decision letter on 26 October 2011 in which the Order was confirmed. The balance of the argument weighed in favour of the footpaths having been deemed to have been dedicated as bridleways. The Council had advertised the confirmation of the Order and must allow 42 days for a High Court challenge to be made. This period would expire on 22 December 2011.

**RESOLVED:**

That the outcome of the Public Inquiry be noted

The meeting commenced at 2.00 pm and concluded at 2.45 pm

Councillor J Wray (Chairman)



1:1,250

Highways Act 1980 s119  
The Cheshire East Borough Council  
(Footpath No's 20 & 28 (parts) Parish of Kettleshulme)  
Public Path Diversion Order 2012

Plan No.  
HA/065



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Cheshire East Council. 100049045 2011.

## **CHESHIRE EAST COUNCIL**

### **Public Rights of Way Committee**

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**Date of Meeting:** 12 March 2012  
**Report of:** Greenspaces Manager  
**Subject/Title:** Highways Act 1980 s.119  
Application for the Diversion of Public Footpath Nos 20 and 28 (parts), Parish of Kettleshulme

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#### **1.0 Report Summary**

- 1.1 The report outlines the investigation to divert part of Public Footpath No's 20 and 28 (parts), Parish of Kettleshulme. This includes a discussion of consultations carried out in respect of the proposal and the legal tests to be considered for a diversion order to be made. The proposal has been put forward by the Public Rights of Way Unit as an application has been made by the landowner concerned. The report makes a recommendation based on that information, for quasi-judicial decision by Members as to whether or not an Order should be made to divert the section of each footpath concerned.
- 1.2 Members are required to consider all information in the report and make a decision as to whether the proposed footpath diversion is expedient based upon the legal tests prescribed in section 119 Highways Act 1980 set out in this report.

#### **2.0 Recommendation**

- 2.1 An Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, to divert parts of Public Footpaths No's 20 and 28, Parish of Kettleshulme by creating new sections of each public footpath and extinguishing the current path sections as illustrated on Plan No. HA/065 on the grounds that it is expedient in the interests of the owner of the land crossed by the paths.
- 2.2 Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.
- 2.3 In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

#### **3.0 Reasons for Recommendations**

- 3.1 In accordance with Section 119(1) of the Highways Act 1980 it is within the Council's discretion to make the Order if it appears to the Council to be

expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the paths. It is considered that the proposed diversion is in the interests of the landowner for the reasons set out in paragraph 10.5 to & 10.11 below.

3.2 Where objections to the making of an Order are made and not withdrawn, the Order will fall to be confirmed by the Secretary of State. In considering whether to confirm an Order the Secretary will, in addition to the matters discussed at paragraph 3.1 above, have regard to:

- Whether the paths are substantially less convenient to the public as a consequence of the diversion.

And whether it is expedient to confirm the Order considering:

- The effect that the diversion would have on the enjoyment of the paths or way as a whole.
- The effect that the coming into operation of the Order would have as respects other land served by the existing public rights of way.
- The effect that any new public rights of way created by the Order would have as respects the land over which the rights are so created and any land held with it.

3.3 Where there are no outstanding objections, it is for the Council to determine whether to confirm the Order in accordance with the matters referred to in paragraph 3.2 above.

3.4 The proposed routes will not be 'substantially less convenient' than the existing route and diverting the footpaths will be of considerable benefit to the landowner in terms of enhancing the security and privacy of the property. It is considered that the proposed routes will provide a satisfactory alternative to the current routes and that the legal tests for the making and confirming of a diversion order are satisfied.

#### **4.0 Wards Affected**

4.1 Poynton East and Pott Shrigley

#### **5.0 Local Ward Members**

5.1 Councillor Jo Saunders  
Councillor Howard Murray

#### **6.0 Policy Implications including – Carbon Reduction – Health**

6.1 Not applicable

## **7.0 Financial Implications**

7.1 Not applicable

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

8.1 Once an Order is made it may be the subject of objections. If objections are received and not withdrawn, this removes the power of the local highway authority to confirm the order itself, and may lead to a hearing/inquiry with objections being determined by the Secretary of State. It follows that the Committee decision may be confirmed or not confirmed. This process may involve additional legal support and resources

## **9.0 Risk Management**

9.1 Not applicable

## **10.0 Background and Options**

10.1 An application has been received from Mr NJ Fogg, Tunstead Knoll Farm, Kettleshulme, High Peak, Cheshire, SK23 7RF requesting that the Council make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath no's 20 and 28 in the Parish of Kettleshulme.

10.2 Public Footpath No. 20 Kettleshulme, commences at its junction with Public Footpath No. 14 Kettleshulme at OS grid reference SJ 9862 7845 and runs in a generally east, south easterly direction through pasture land and then through the property of Coopershaw to OS grid reference SJ 9889 7840. At this point, it bears in a generally south, south westerly direction across a pasture field before passing through the property of Tunstead Farm to reach the farm access track where it bears in a an east, south easterly direction to terminate at OS grid reference SJ 9892 7827.

10.3 Public Footpath No. 28, Kettleshulme, commences at its junction with Public Footpath No. 20 Kettleshulme at OS grid reference SJ 9884 7829 and runs in a west, north westerly direction along the farm access track through a gate after which it follows the line of a track in a south, south westerly direction and then in a generally south westerly direction to terminate at its junction with Public Footpath No. 14 Kettleshulme at OS grid reference SJ 9857 7820.

10.4 Mr Fogg owns the land over which the current paths and the proposed diversion run. 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 footpaths.

10.5 The sections of each of Public Footpath No's 20 and 28 Kettleshulme to be diverted run through the property of the landowner giving rise to concerns relating to security and safety.

- 10.6 The proposed new route would be in two sections. Referring to the attached plan, HA/065:
- 10.7 The new route for Kettleshulme FP20 would, from point A in the pasture field, pass through a pedestrian gate (accessed via steps) to cross a second pasture field following a generally south easterly direction. On reaching steps, it would pass through a second pedestrian gate onto a stone surfaced track (point D) and would follow this track in a southerly direction to steps at point J. From here, it would skirt a garage building by following in an easterly direction to point K and then a south, south westerly direction to end by passing through sparse trees to terminate at point L on the metalled farm drive.
- 10.8 The new route for Kettleshulme FP28 would, from point F, leave the metalled farm drive to pass through a kissing gate and down steps into a pasture field to the south of the drive (point M). It would then cross the pasture field in a south, south westerly direction to pass through a metal kissing gate at point N before continuing in the same direction to terminate at point I.
- 10.9 The two new path sections would connect via a short stretch of the existing line of Kettleshulme FP20 (points L-F).
- 10.10 The new routes would have a width of 2m and would not be enclosed on either side except for the section between points D-J-K-L where it would be enclosed to a width of not less than 2.5m. One kissing gate and three pedestrian gates would be installed along with steps as appropriate on steeper gradients (points A, D, J and F).
- 10.11 Of benefit to the public, the new route would be significantly more enjoyable as it would pass through more open and scenic landscape (reducing the need to pass between the buildings of Tunstead Knoll Farm and along the private access track used by vehicles). Furthermore, the new route for Public Footpath No. 20 would be approximately 61 metres shorter than the current route.
- 10.12 Ward Councillors have been consulted about the proposal and their responses will be reported verbally.
- 10.13 Kettleshulme Parish Council has been consulted and did not register any objection.
- 10.14 The statutory undertakers have also been consulted and have raised no objections to the proposed diversion. If a diversion order is made, existing rights of access for the statutory undertakers to their apparatus and equipment are protected.
- 10.15 The user groups have been consulted and no comments have been registered.
- 10.16 The Council's Nature Conservation Officer has been consulted and has raised no objection to the proposals.

- 10.17 An assessment in relation to Disability Discrimination Legislation has been carried out by the PROW Maintenance and Enforcement Officer for the area and it is considered that the proposed diversion is an improvement on the old route.

#### **11.0 Access to Information**

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

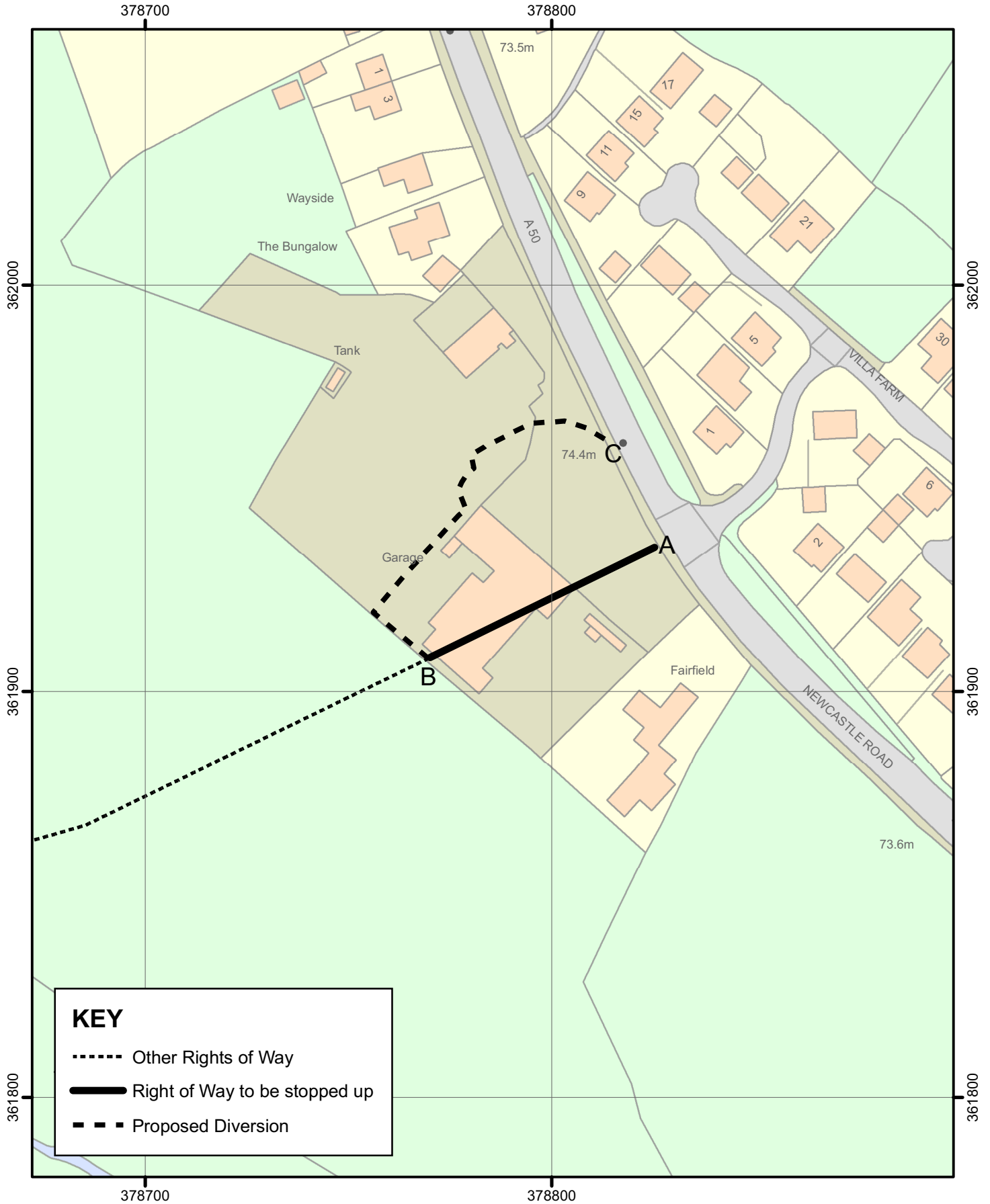
Name: Marianne Nixon

Designation: Public Path Orders Officer

Tel No: 01270 686 077

Email: [marianne.nixon@cheshireeast.gov.uk](mailto:marianne.nixon@cheshireeast.gov.uk)

PROW File: 170D/448



1:1,250

Town and Country Planning Act 1990,  
Section 257  
Proposed Diversion of part of Public  
Footpath No. 2 in the Parish of Arclid

Plan No.  
TCPA/008

This is a working copy of the definitive map  
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## **CHESHIRE EAST COUNCIL**

### **Public Rights of Way Committee**

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**Date of Meeting:** 12 March 2012  
**Report of:** Greenspaces Manager  
**Subject/Title:** Town and Country Planning Act 1990 - Section 257  
Application For The Diversion Of Public Footpath No. 2  
(Part) Parish Of Arclid

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#### **1.0 Purpose of Report**

- 1.1 The report outlines the investigation to divert part of Public Footpath No. 2 in the Parish of Arclid. This includes a discussion of consultations carried out in respect of the proposal and the legal tests to be considered for a diversion order to be made. The proposal has been put forward by the Public Rights of Way Unit as a response to planning approval granted subject to the prior signing of a Section 106 agreement and a number of conditions to Rowland Homes Ltd and Messrs Pace for 'Redevelopment of Industrial/Commercial Premises and two detached garages and erection of 18 Dwellings (13 Market/5 Affordable), Provision of Public Open Space and Formation of Replacement Access for the Dwelling Fairfield' at Paces Garage and Fairfield, Newcastle Road, Arclid, CW11 2UE. The report makes a recommendation based on that information, for quasi-judicial decision by Members as to whether or not an Order should be made to divert the section of footpath concerned.
- 1.2 Members are required to consider the issues set out in this report and make a decision as to whether the proposed footpath diversion is necessary to enable development to take place in accordance with section 257 of the Town and Country Planning Act 1990 (as detailed in paragraph 3.1 below).

#### **2.0 Recommendations**

- 2.1 An Order is made under Section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No. 2 Arclid as illustrated on Plan No. TCPA/008 on the grounds that the Borough Council is satisfied that it is necessary to do so to allow development to take place.
- 2.2 Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Acts.

- 2.3 In the event of objections to the Order being received and not resolved, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

### **3.0 Reasons for Recommendations**

- 3.1 In accordance with Section 257 of the Town and Country Planning Act 1990, the Borough Council, as Local Planning Authority, can make an Order diverting a footpath if it is satisfied that it is necessary to do so to enable development to be carried out in accordance with a planning permission that has been granted.
- 3.2 It is considered that it is necessary to divert part of Footpath No. 2 Arclid as illustrated on Plan No. TCPA/008 to allow for the 'Redevelopment of Industrial/Commercial Premises and two detached garages and erection of 18 Dwellings (13 Market/5 Affordable), Provision of Public Open Space and Formation of Replacement Access for the Dwelling Fairfield'. Planning consent was granted subject to the prior signing of a Section 106 agreement and a number of conditions on the 16<sup>th</sup> November 2011 by Cheshire East Council; reference number 11/2394C.
- 3.3 Informal consultations have elicited no objections to the proposal and it is considered that the legal tests for the making and confirming of a Diversion Order under section 257 of the Town and Country Planning Act 1990 are satisfied.

### **4.0 Ward Affected**

- 4.1 Brereton Rural.

### **5.0 Local Ward Members**

- 5.1 Councillor John Wray.

### **6.0 Financial Implications**

- 6.1 Not applicable

### **7.0 Legal Implications**

- 7.1 Section 257 of the Town and Country Planning Act 1990 ("TCPA") allows the council to make and confirm orders authorising the stopping up or diversion of a footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted. There are requirements of public notice and if objections are received to the proposed order and not withdrawn, the order must be submitted to the Secretary of State for confirmation, who must either call for a local inquiry or give the objectors an opportunity of being heard before making his decision. This would require attendant legal involvement and use of

resources. It follows that the Committee decision may or may not be confirmed by the Secretary of State.

- 7.2 The procedure in making an order is detailed in Schedule 14 to the TCPA and the Town and Country Planning (Public Path Orders) Regulations 1993, which are made under the TCPA.

## **8.0 Risk Assessment**

- 8.1 Not applicable

## **9.0 Background and Options**

- 9.1 An application has been received from Rowland Homes Ltd and Messrs Pace ('the Applicant') requesting that the Council make an Order under section 257 of the Town and County Planning Act 1990 to divert part of Public Footpath No. 2 in the Parish of Arclid.
- 9.2 Public Footpath No. 2 Arclid commences on Newcastle Road (A50) at OS grid reference SJ 7882 6193 and runs in a generally westerly direction to Congleton Road (A534) at OS grid reference SJ 7841 6191. The section of path to be diverted is shown by a solid black line on Plan No. TCPA/008 running between points A-B. The proposed diversion is illustrated with a black dashed line on the same plan, running between points C-B.
- 9.3 The current definitive line of the footpath has been unavailable for several decades. It is obstructed by a large building and then runs across the forecourt of the garage site to Newcastle Road (A50) and a permissive route has been in place for many years. The section of the footpath to be diverted is approximately 63 metres.
- 9.4 Planning permission was granted to the applicant on 16<sup>th</sup> November 2011. The application is cited as Planning Permission Ref: 11/2394C 'Redevelopment of Industrial/Commercial Premises and two detached garages and erection of 18 Dwellings (13 Market/5 Affordable), Provision of Public Open Space and Formation of Replacement Access for the Dwelling Fairfield'. The consent was granted subject to the prior signing of a Section 106 agreement and a number of conditions. When the development takes place, the current definitive line of the footpath will be obstructed by two houses and run across the curtilage of a number of properties in the development.
- 9.5 The proposed route will leave Newcastle Road and run along a pavement for approximately 35 metres before turning to run in a south westerly direction across a public open space for approximately 17 metres. As it leaves the area of open space it crosses a road and then runs between houses for approximately 32 metres. It then turns to run in a south easterly direction for approximately 17 metres to rejoin with the existing line of Public Footpath Arclid No. 2 at the stile which leads into the adjacent landowner's field. The section of the footpath from Newcastle Road to the southern side of the road (before it runs between the

houses) will have a width of 2 metres. The section between the houses will have a width of 3 metres and then the final section which runs in a south easterly direction at the rear of two houses will have a width of 2.5 metres. The majority of the diverted paths surface will be tarmac, the short section through the public open space will be gravel. The length of the proposed route is approximately 102 metres.

- 9.6 The local Councillors have been consulted about the proposal. No comments have been received.
- 9.7 Arclid Parish Council have been consulted about the proposal. No comments have been received.
- 9.8 The statutory undertakers have also been consulted and have no objections to the proposed diversion. If a diversion order is made, existing rights of access for the statutory undertakers to their apparatus and equipment are protected.
- 9.9 The user groups have been consulted. The Peak and Northern Footpaths Society have responded to state that they have no objection to the proposal.
- 9.10 The Council's Nature Conservation Officer has been consulted and has raised no objection to the proposals.
- 9.11 An assessment in relation to Equality Act 2010 Legislation has been carried out by the PROW Maintenance and Enforcement Officer for the area and it is considered that the proposed diversion would be no less easy to use than the existing route.

## **10.0 Access to Information**

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

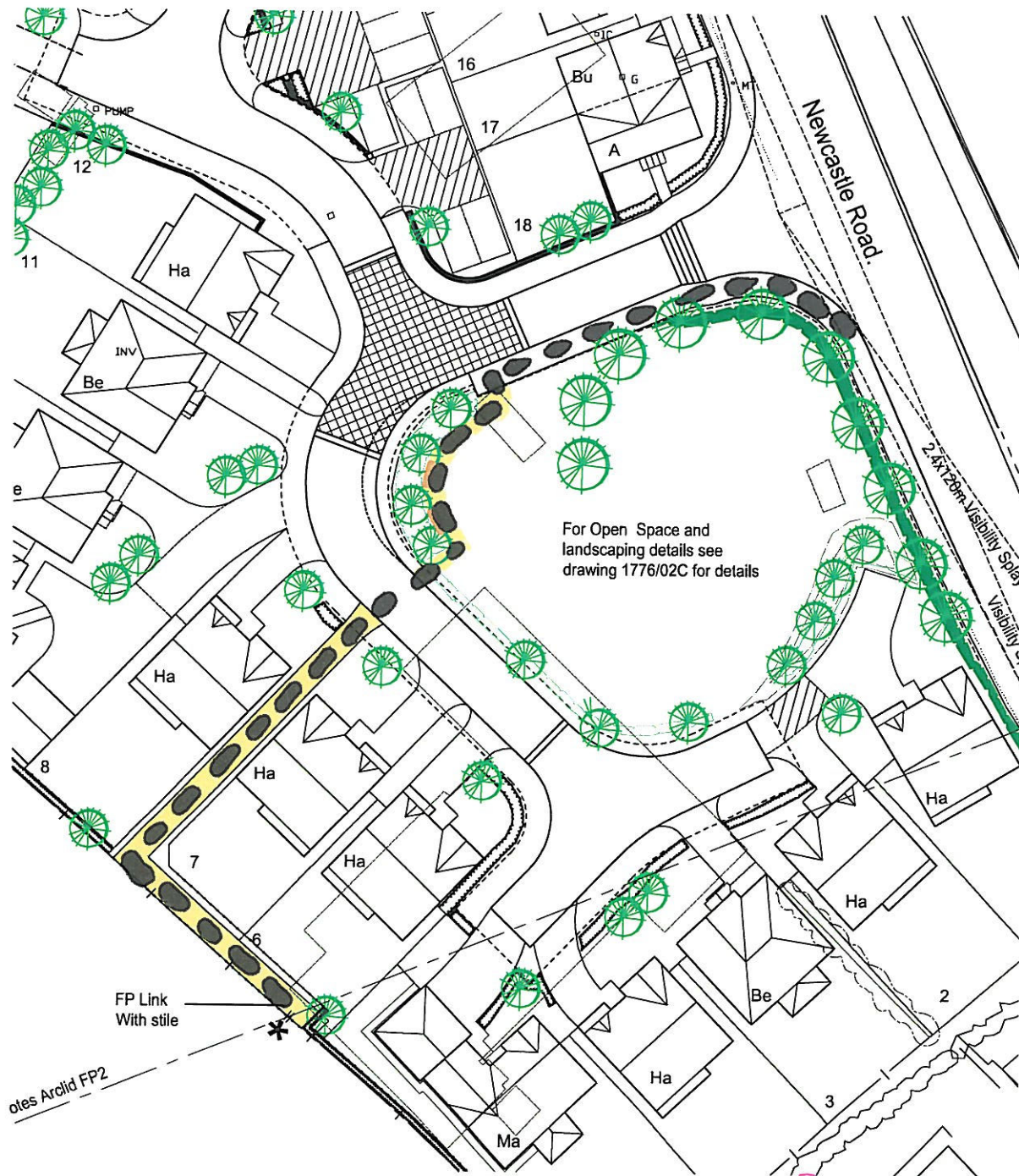
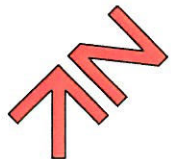
### ***For further information:***

*Officer: Hannah Duncan*

*Tel No: 01270 686062*

*Email: hannah.duncan@cheshireeast.gov.uk*

**Background Documents:** PROW file 016D/442



NOTES

REV	DESCRIPTION	DATE
A	Hedge removed to rear of plots 6 & 7. Kissing gate to central open space removed.	10.01.12



# Rowland

**Rowland Homes Limited**

Farington House, Stanfield Business Park, Stanfield Lane,  
Leyland, Lancashire PR25 4UA  
Tel: 01772 621166 Fax: 01772 623552 [www.rowland.co.uk](http://www.rowland.co.uk)

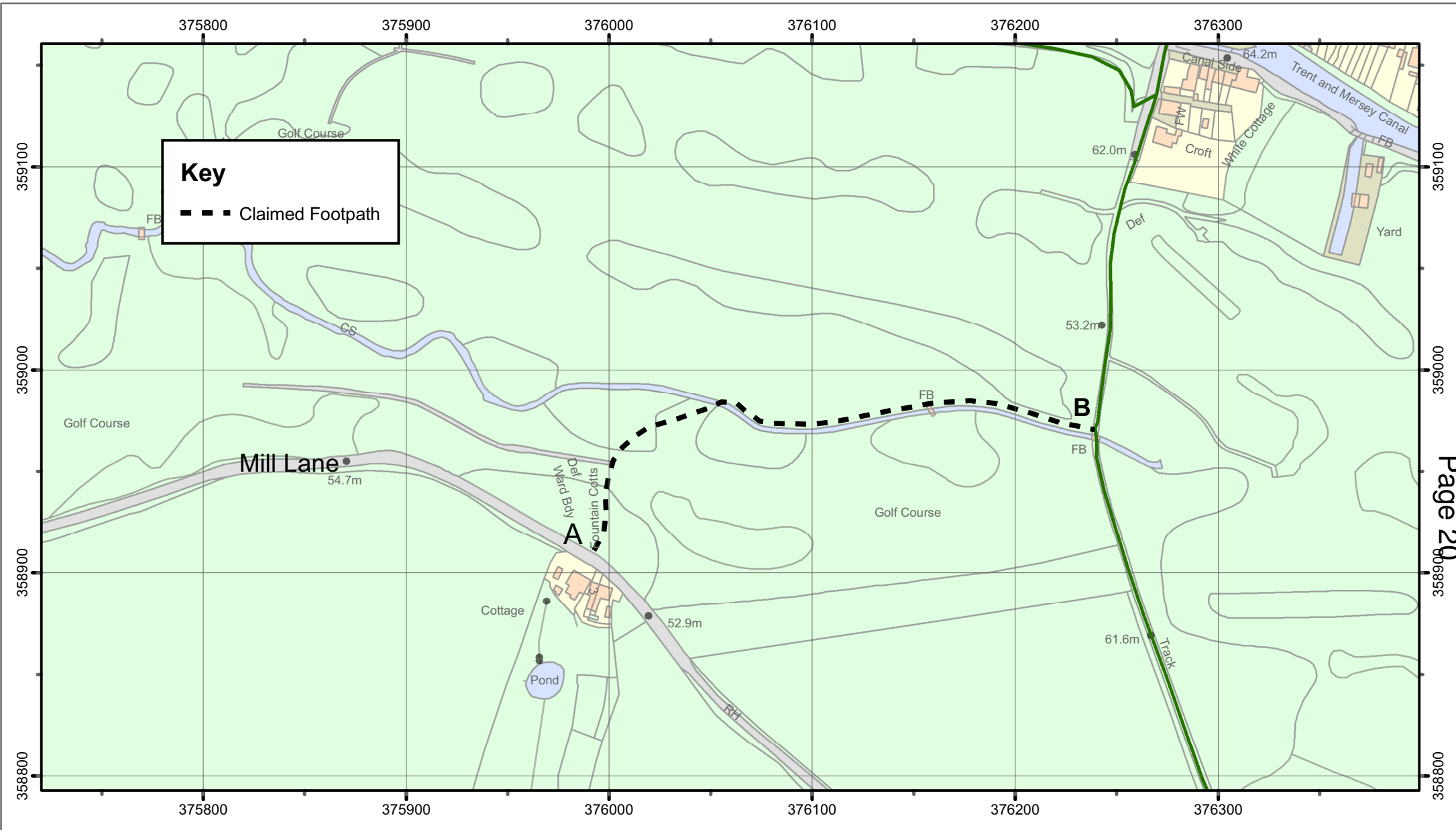
DRAWING

**PROPOSED SITE LAYOUT**

PROJECT

**PACES GARAGE, ARCLID**

SCALE	1:500 @ A4	REV.	A	DRAWING No.
DATE	11.01.12			R056/1 (ext)
DRAWN	MCK			



1:2,500

**Claimed Footpath, Malkin's Bank  
Parish of Hassall**

Plan No.  
WCA/003

This is a working copy of the definitive map  
and should not be used for legal purposes



## CHESHIRE EAST COUNCIL

### Public Rights of Way Committee

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**Date of Meeting:** 12 March 2012  
**Report of:** Greenspaces Manager  
**Subject/Title:** Wildlife and Countryside Act 1981 – Part III Section 53  
Investigation into Claimed Footpath at Malkins Bank Golf Course, Parish of Hassall, from Mill Lane to Bridleway No.15, Hassall

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#### 1.0 Report Summary

- 1.1 The report outlines the investigation of a claimed footpath in the Parish of Hassall the details of which were presented to the Borough Council by Mr C Meewezen. This includes a discussion of the consultations carried out in respect of the claim, the historical evidence and the legal tests for a Definitive Map Modification Order to be made. The report makes a recommendation based on that information, for quasi-judicial decision by Members as to whether an Order should be made to add the footpath to the Definitive Map and Statement.
- 1.2 Members are invited to make a decision based on the evidence as set out in the report in light of the application of the legal tests required by Section 53 of the Wildlife and Countryside Act 1981 as set out in the report (particularly at paragraphs 10.3.1 and 10.3.2).

#### 2.0 Recommendation

- 2.1 An Order be made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by adding a Public Footpath on the route shown between points A-B on drawing number WCA/003.
- 2.2 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 Council by the said Act.
- 2.3 In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

#### 3.0 Reasons for Recommendations

- 3.1 The evidence in support of this claim must show, on the balance of probabilities that a reasonable allegation has been made that public footpath rights subsist along the claimed route. It is considered that there is sufficient historical evidence to support the existence of public footpath rights along the

route A-B on drawing no. WCA/003. On the balance of probabilities, the requirements of Section 53 (3)(c)(i) have been met and it is recommended that the Definitive Map and Statement should be modified to add the route as a Public Footpath.

#### **4.0 Wards Affected**

4.1 Brereton Rural

#### **5.0 Local Ward Members**

5.1 Councillor John Wray

#### **6.0 Policy Implications including – Carbon Reduction – Health**

6.1 Not Applicable

#### **7.0 Financial Implications**

7.1 Not Applicable

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

8.1 Under section 53 of the Wildlife & Countryside Act 1981 (WCA), the Council has a duty, as surveying authority, to keep the Definitive Map and Statement under continuous review. Section 53 (3) (c) allows for an authority to act on the discovery of evidence that suggests that the Definitive Map needs to be amended. The authority must investigate and determine that evidence and decide on the outcome whether to make a Definitive Map Modification Order or not.

8.2 The legal implications are contained within the report.

#### **9.0 Risk Management**

9.1 None

#### **10.0 Background and Options**

##### **10.1 Introduction**

10.1.1 This claim originally came to the attention of Cheshire County Council in approximately 2005 when an inquiry was made regarding whether a right of way existed at this location and consequently an application pack to make a claim to record a footpath was sent out to Mr Meewezen. The existence of the footpath was being concurrently pursued by Mr Meewezen with the landowner, Congleton Borough Council.

- 10.1.2 In order to address this situation Congleton Council instigated a Footpath Task Group who contributed to a report put by the Health Scrutiny Committee before the Council's Executive in April 2006. The report looked into whether a footpath ever existed at this location and received input from a County Council Public Rights of Way Officer as well as other Officers.
- 10.1.3 They examined the evidence considered by this report, including the Hassall Tithe Map of 1841; A Plan of a Proposed Railway 1845 and Ordnance Survey maps from 1872 and 1898. The most pertinent item was a statutory declaration made by the landowners, ICI, in 1941 under the Rights of Way Act 1932 which states the footpath in question has been dedicated as public. It was accepted that there was no evidence to suggest that this right of way had been stopped up or diverted since 1941 but they were silent on whether or not the evidence indicated the continued existence of the footpath.
- 10.1.4 The report considered that there was no evidence to suggest the route was currently being used and that the 'used route' was some distance away. The report considered that the public attempting to use this route would be at considerable risk as it ran through the 6<sup>th</sup> and 7<sup>th</sup> fairways of the Golf Course.
- 10.1.5 The report concluded that it was felt that the needs of the public had been addressed by the previous dedication of a bridleway running north to south across the course (now Bridleway No. 15) and that the correct procedure to have a footpath recognised was to submit any relevant evidence with an application for a Definitive Map Modification Order to the Public Rights of Way Office at the County Council.

## **10.2 Description of the Claimed Footpath**

- 10.2.1 The claimed route commences on Mill Lane at Point A on Plan no. WCA/003 and runs in a northerly then north westerly direction crossing the stream and then running generally westerly to the north of the stream and continuing to its junction with bridleway no. 15. The surface is grassed. Where the path leaves Mill Lane there is post and rail fencing preventing access and further along the road to the south east there is a gap in the fencing/hedge. There is no bridge where the path crosses the stream although the remnant of a sleeper bridge can be seen.

## **10.3 The Main Issues**

- 10.3.1 Section 53(2)(b) of the Wildlife and Countryside Act 1981 requires that the Cheshire East Borough Council shall keep the Definitive Map and Statement under continuous review and make such modifications to the Map and Statement as appear requisite in consequence of the occurrence of certain events
- 10.3.2 One such event (section 53(3)(c)(i)) requiring modification of the map by the upgrading of a right of way, is the discovery of evidence by the Council which, when considered with all other relevant evidence available, shows:-

‘that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates’

10.3.3 The evidence can consist of documentary/ historical evidence or user evidence or a mixture of both. All the evidence must be evaluated and weighed and a conclusion reached whether, on the balance of probabilities, either the alleged rights subsist or are reasonably alleged to subsist. Any other issues, such as safety, security, suitability, desirability or the effects on property or the environment, are not relevant to the decision.

10.3.4 The relevant evidence in this case is the ICI (Alkali Ltd) Statutory Declaration dated 1941 with a map, dated 1935, indicating their areas of land ownership in Wheelock and Hassall. This document was deposited under the provisions of the Rights of Way Act 1932 which allowed a land owner to declare those rights of way that they accepted affected their land at the date of deposit with a statement that they did not intend to dedicate any further rights of way. The statement that should accompany the 1935 plan is not available however the 1941 statement indicates that since that declaration no further rights of way have been dedicated than those shown on the plan of 1935. It was a requirement of the Act that a statement must be renewed within six years, hence the time difference between the two documents.

10.3.5 There is a well known maxim in Rights of Way law:

‘Once a highway, always a highway’

In the case law *Harvey v Truro Rural District Council 1903* it was said that ‘Mere disuse of a highway cannot deprive the public of their rights. Where there has once been a highway no length of time during which it may not have been used would preclude the public from resuming the exercise of the right to use it if and when they think proper’

Therefore the only means by which a public right of way can be extinguished is by use of a statutory provision such as under sections 116 and 119 of the Highways Act.

## **10.4 Consultations**

10.4.1 Consultation letters were sent to the Ward Member; Hassall Parish Council; User Groups/Organisations and the landowner and current lessee of the golf course.

10.4.2 There has been no response from the local member. Hassall Parish Council have written in to say that the matter was discussed at their parish meeting and that they have no knowledge or documentation relating to the existence or otherwise of this footpath and that they have no objection to raise to the proposal.

10.4.3 Congleton Rambler's Association have e-mailed to say that they support the proposal to see the footpath formally recognised. They comment that the

footpath forms a key link in the network for access from the west to the canal towpath and easterly and also for residents on Mill Lane gaining access to services such as transport and the post office at Malkins Bank.

10.4.4 The current lessees of the Golf Course, which is owned by Cheshire East Council, have responded to say that they support the findings of Congleton Borough Council's Scrutiny Committee Report of 2006, outlined at point 10.1 in this report. They believe that the report fully set out and explained the history and background to the suggested route. They also refer to an earlier Ombudsman's decision in 1999 which considered the footpath claim and concluded that it was not a public right of way. It is suggested that the route is not used as a right of way and that there is no bridge crossing the brook and no evidence of such having been in place since the golf course was created in 1986. It is felt that pedestrians attempting to use this route would be at considerable risk as it crosses the 6<sup>th</sup> and 7<sup>th</sup> fairways and that there is a bridleway running north to south across the course in existence that addresses the needs of the public. They conclude by asserting that the claim be rejected.

10.4.5 No comments have been received from Cheshire East Council Property Services.

## **10.5 Investigation of the Claim**

10.5.1 In addition to the Statutory Declaration document, additional research has been undertaken to see if available historical documentation supports the existence of the footpath or shows that the route has been formally closed by statutory procedure.

10.5.2 The standard reference documents have been consulted. Details of the evidence taken into consideration can be found in Appendix 1.

## **10.6 Documentary Evidence**

### **County Maps 18<sup>th</sup>-19<sup>th</sup> Century**

10.6.1 These are small scale maps made by commercial map-makers, some of which are known to have been produced from original surveys and others are believed to be copies of earlier maps. All were essentially topographic maps portraying what the surveyors saw on the ground. They included features of interest, including roads and tracks. It is doubtful whether map-makers checked the status of routes, or had the same sense of status of routes that exist today. There are known errors on many map-makers' work and private estate roads and cul de sac paths are sometimes depicted as 'cross-roads'. The maps do not provide conclusive evidence of public status, although they may provide supporting evidence of the existence of a route.

10.6.2 On Bryant's Map (1831) part of the route is shown by a double pecked line indicated on the key as 'Lanes and Bridleways'.

10.6.3 Tithe Awards were prepared under the Tithe Commutation Act 1836, which commuted the payment of a tax (tithe) in kind, to a monetary payment. The purpose of the award was to record productive land on which a tax could be levied. The Tithe Map and Award were independently produced by parishes and the quality of the maps is variable. It was not the purpose of the awards to record public highways. Although depiction of both private occupation and public roads, which often formed boundaries, is incidental, they may provide good supporting evidence of the existence of a route, especially since they were implemented as part of a statutory process. Non-depiction of a route is not evidence that it did not exist; merely that it did not affect the tithe charge. Colouring of a track may or may not be significant in determining status. In the absence of a key, explanation or other corroborative evidence the colouring cannot be deemed to be conclusive of anything.

10.6.4 The Tithe Map and Award of Hassall dated 1841 shows most of the route in question as a double pecked line. A small part of the route has an apportionment number 14a which is described as Road and Waste, whilst the greater part falls under apportionment number 16 and is described as Meadow. The entire route appears to be faintly shaded.

### **Ordnance Survey Maps**

10.6.5 Ordnance Survey mapping was originally for military purposes to record all roads and tracks that could be used in times of war. This included both public and private routes. These maps are good evidence of the physical existence of routes, but not necessarily of status. Since 1889 the Ordnance Survey has included a disclaimer on all of its maps to the effect that the depiction of a road or way is not evidence of the existence of a right of way. It can be presumed that this caveat applies to earlier maps also. These documents must therefore be read alongside the other evidence.

10.6.6 Ordnance Survey Map 1" to 1 mile 1842 'Old Series'

This shows most of the route and is similarly depicted as on the Tithe Map.

10.6.7 North Staffordshire Railway – Liverpool Extension 1845

Railway Plans had to be produced and deposited prior to a railway company obtaining an Act of Parliament authorising the construction of their intended railway. The maps covered a corridor of land defining the limits of deviation either side of the line of the intended railway, with plot numbers for the land and public and private routes, which are referred to in a book of reference. They showed the status of routes bisected by the proposed line, the accuracy of which would have been in the interest of those affected. The plans were drawn to comply with parliamentary requirements. The Bill and plans were open to consultation and debate and as such, they carry strong evidential weight. The Book of Reference for a railway which was in due course built provides good evidence for the existence of public rights over a way as it was in everyone's interests that the information given was correct. Also these applications were open for public scrutiny and objection. In this case an Act of Parliament will

have followed giving additional weight as the information therein had passed through a statutory procedure.

- 10.6.8 The extension to the North Staffordshire Railway depicts an intended railway which was subsequently built. The part of the route shown within the limits of deviation is within plot number 172 which is recorded as 'Grass field and footpath'. There is a second route contained within this plot.

Ordnance Survey 6" and 25" Maps, 1872 First Edition, 1899 Second Edition and 1909 Third Edition

- 10.6.9 The route is shown on the First edition maps in the same way as on the Tithe and Old Series Maps. The route continues to be shown on the 2<sup>nd</sup> and 3<sup>rd</sup> edition maps in a like manner although on the 3<sup>rd</sup> edition the route is annotated with 'F.P'.

### **The Finance Act 1910**

- 10.6.10 Unfortunately the information pertaining to this area is not available in the Chester Record Office. It may be available in the National Archives in Kew.

### **ICI Statutory Declaration 1935 and 1941**

- 10.6.11 The Map produced to accompany the original statutory declaration dated 13<sup>th</sup> February 1935 is based on the O.S. 3<sup>rd</sup> Edition 6 inch map. It depicts the route in question in red within a green shaded area of land. The plan is stamped and signed by the secretary representing ICI and by the Clerk to the County Council. The declaration dated 6<sup>th</sup> February 1941 declares that ICI are still the estate owners of the land coloured green on the plan of 1935 and that the ways shown thereon and coloured red have been dedicated by them (or their predecessors in title) as public footpaths. This declaration is signed as having been witnessed by a Commissioner for Oaths.

### **Internal Pre Definitive Map Records**

- 10.6.12 Prior to the National Parks and Access to the Countryside Act 1949, which placed a duty on all surveying authorities to record public rights of way; records within Cheshire County Council were kept in the form of a 'Green Book' and paper files. The Green Book is a book of O.S.map bases with additional information annotated on. In this book the claimed route is indicated on the plan with a reference to 'Rights of Way Act 1932 deposited Plan. There is also a reference to a file number within which there is a memorandum from the County Surveyor to Congleton Rural District Council referring to this footpath. It states that it is shown on the map deposited by ICI and that

'it will be necessary at some future date to make arrangements to have it included as a public footpath. It is well defined by stiles at either end and is a grass footpath in a good and clean condition.'

This memorandum is dated 3<sup>rd</sup> November 1955.

## **10.7 Conclusion**

- 10.7.1 The existence of the Statutory Declaration by ICI in 1935 and 1941 is effectively an acknowledgement that a footpath has been dedicated by the then landowner. The documentary evidence from 1831(Bryant's Map) up to the date of the declaration consistently depicts a route in this location although the western end has changed from sometime between 1872 (O.S. 1<sup>st</sup> edition) and 1899 (2<sup>nd</sup> Edition) when some houses appear. This area is often referred to as 'The Hollows' and this may be a reference to these properties. The Tithe Map adds to the presumption of the existence of a route at this point and the Railway Plan indicates that this route could be the footpath referenced.
- 10.7.2 As stated previously it would be necessary for there to be a formal closure order to extinguish a route that had been legally dedicated and therefore become a highway. The Quarter Sessions Highway Index has been viewed at the Record Office and a wide search of the online records of the London Gazette has been undertaken. It was necessary up until the late 1980's for all public path orders to be advertised in the London Gazette and therefore it can prove a useful source of information. Nothing relating to a path closure on this route has been discovered.
- 10.7.3 The evidence to support this claim must show, on the balance of probabilities that a reasonable allegation has been made that a public footpath rights subsist along the claimed route. It is considered that there is sufficient evidence to prove the existence of a public footpath along the route A-B on drawing no. WCA/003. Therefore in line with the requirements of Section 53 (3)(c)(i), it is recommended that the Definitive Map and Statement should be modified to add the route as depicted on the 1935 statutory declaration map as a public footpath.

## **11.0 Access to Information**

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

Name: Clare Hibbert  
Designation: Definitive Map Officer  
Tel No: 01270 686063  
Email: [clare.hibbert@cheshireeast.gov.uk](mailto:clare.hibbert@cheshireeast.gov.uk)

**Documentary Evidence**

## Glossary of terms

PROW Unit = Public Rights of Way unit

CRO = Cheshire Record Office

TNA = The National Archives, Kew

<b>Primary Sources</b>	<b>Date</b>	<b>Site shown/ mentioned</b>	<b>Reference Number</b>
<b>County Maps</b>			
Burdett PP	1777	No	CRO PM12/16
Greenwood C	1819	No	CRO PM13/10
Bryant A	1831	No	CRO M5.2
<b>Tithe Records</b>			
Hassall Tithe Map	1841	Yes	CRO EDT/190/2
Hassall Tithe Apportionment	1841	Yes	CRO EDT/190/1
<b>Ordnance Survey Maps</b>			
1":1 Mile 1 <sup>st</sup> Edition	1840	Part	PROW Unit OS 1":1 mile 1 <sup>st</sup> Ed
25" 1 <sup>st</sup> Edition  Surveyed 1872	1872	Yes	CRO OS 25" 1 <sup>st</sup> Ed Sheet L /14
25" 2 <sup>nd</sup> Edition	1899	Yes	PROW Unit OS 25" 2 <sup>nd</sup> Ed Sheet
25" 3 <sup>rd</sup> Edition	1909	Yes	PROW Unit OS 25" 3 <sup>rd</sup> Ed
<b>Finance Act</b>			
Working Sheet	1909	No	CRO NVB/L/14
<b>Quarter Sessions</b>			
Index	1782- 1967	No	CRO QAR 107-109
<b>Railway Plans</b>			

North Staffordshire Railway Liverpool Extension	1845	Yes	CRO QDP/230
<b>Cheshire County Council Records</b>			
Deposited Maps – Wheelock ICI Alkali Ltd	1935	Yes	CCH/2/1/20
<b>Local Authority Records</b>			
Green Book Pre Definitive Map Files	1955-66	Yes	PROW Unit FP/E/87