

Public Rights of Way Committee

Agenda

Date:	Tuesday 18th June 2013
Time:	2.00 pm
Venue:	Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

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 disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Minutes of Previous meeting** (Pages 1 - 10)

To approve the minutes of the meeting held on 11 March 2013 as a correct record.

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

Member of the public may speak on a particular application after the Chairman has introduced the report, provided that 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.

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

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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 at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

5. **Public Rights of Way Annual Report 2012-13 and Work Programme 2013-14**
(Pages 11 - 45)

To consider report on the achievements of the Council in terms of its public rights of way functions during the year 2012-13 and the proposed work programme for the year 2013 -14

6. **Highways Act 1980 s.119: Application for the Diversion of Public Footpath No.1 (part), Parish of Stapeley** (Pages 46 - 51)

To consider the application to divert part of Public Footpath No.1 in the parish of Stapeley

7. **Highways Act 1980 s.119: Application for the Diversion of Public Footpath No. 3 (part), Parish of Swettenham** (Pages 52 - 57)

To consider the application to divert part of Public Footpath No.3 in the parish of Swettenham

8. **Highways Act 1980 s.119: Applications for the Diversion of Public Footpath No.13 (part) and Extinguishments of Public Footpaths No.11a, 13 (part) and 13a/1 Parish of Mobberley** (Pages 58 - 66)

To consider the application to divert part of Public Footpath No.13 and the extinguish Public Footpath Nos. 11a, 13(part) and 13a/1 in the parish of Mobberley

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Public Rights of Way Committee**
held on Monday, 11th March, 2013 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor J Wray (Chairman)
Councillor Rhoda Bailey (Vice-Chairman)

Councillors R Cartlidge, W S Davies and L Jeuda

In attendance

Councillor K Edwards

Officers

Mike Taylor, Rights of Way Manager
Jennifer Tench, Definitive Map Officer
Marianne Nixon, Public Path Orders Officer
Elaine Field, Highways Solicitor
Rachel Graves, Democratic Services Officer

32 APOLOGIES FOR ABSENCE

Apologies were received from Councillors D Druce and M Parsons.

33 DECLARATIONS OF INTEREST

With reference to Item 7, Councillor John Wray declared a non-pecuniary interest in this application as he was the Ward Councillor for Smallwood and had been present at the Parish Council meeting when the application had been discussed but had not taken part in any discussion.

34 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 17 December 2012 be confirmed as a correct record.

35 PUBLIC SPEAKING TIME/OPEN SESSION

Councillor K Edwards used public speaking time to respond to a comment made at the last Council meeting about the need for a Public Rights of Way Committee. He felt that the Public Rights of Way network was a vital resource for Cheshire East, providing economic, leisure and health benefits. It was important that decisions relating to the network were

made by a single committee of the Council, which allowed for clear and transparent decision making.

The Rights of Way Manager responded that public rights of way decisions were often contentious and generated considerable local interest and by taking decisions publicly and transparently the committee process helped to defuse local concerns.

36 HIGHWAYS ACT 1980 SECTION.119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATH NO. 7 (PART) PARISH OF GOOSTREY

The Committee received a report which detailed an application from Mr S Lea of Foxwood Farm, Over Peover requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert two parts of Public Footpath No. 7 in the parish of Goostrey.

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 existing alignment of the first section of the footpath to be diverted followed a southerly then south-south-easterly direction to the corner of the field (shown as solid line A-B on Plan No.HA/077). The proposed new route for this section would follow an existing farm track. The landowner believed that the public already used the farm track. The track was part concrete and part grass surface. It was preferable to the landowner if the public walked on the track rather than across the grass field used for grazing.

The section second of path to be diverted – shown as solid line C-D on Plan No.HA/077, cut across a field which was used for crops. The proposed new route would continue along the field edge from point C to E and exit onto Red Lane via a kissing gate. In terms of farm management it was in the interests of the landowner that the path was diverted.

The Committee noted that no objections had been received from the informal consultations. Diverting the footpath in the two places would be of benefit to the landowner in terms of land management. It was considered that the proposed routes would be satisfactory alternatives to the current ones and that the legal tests for the making and confirming of an order were satisfied.

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 Public Footpath No.7 Goostrey, as illustrated on Plan No.HA/077, by creating two new sections of public footpath and extinguishing

two sections of the current path 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 and not resolved, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

37 HIGHWAYS ACT 1980 SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATHS NO. 5 AND 19 (PARTS), PARISH OF PRESTBURY

The Committee received a report which detailed an application from Mr A Ellis of Dowd Town Planning (Agent) on behalf of Mr Tom O'Connor (Applicant), of Unit 10, Sandfold Lane, Levenshulme, Manchester, requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpaths No.5 and 19 in the parish of Prestbury.

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.

Mr O'Connor owned the land over which the current paths and the proposed diversions ran. The sections of each of Public Footpaths No.5 and 19 Prestbury to be diverted ran close to and between the buildings at Top o' th' Hill Farm. It was the intention to redevelop farm buildings to provide two dwellings and to use surrounding land for agricultural purposes. Diverting the footpaths to a new route would offer greater privacy and security to the new properties and take users away from the access track on which vehicular use was likely to increase.

It was noted that the East Cheshire Ramblers had requested that the boggy sections of the diversion route be surfaced appropriately or raised above the waterline if necessary and this had been agreed with the applicant. No other objections had been received during the informal consultation. The Committee considered that the proposed route would not be substantially less convenient than the existing route and that diverting the footpaths would be of benefit to the landowner in terms of enhancing the security and privacy of property and promoting good land management. It was therefore considered that the proposed route would provide a satisfactory alternative to the current route and that the legal tests for the making and confirming of a diversion order were satisfied.

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 Public Footpaths No.5 and 19, Parish of Prestbury by creating new sections of each public footpath and extinguishing the current path sections, as illustrated on Plan No.HA/076 on the grounds that it is expedient in the interests of the owner of the land crossed by the paths.
- 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.

38 HIGHWAYS ACT 1980 SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATHS NO.6 AND 21 (PARTS), PARISH OF SMALLWOOD

The Committee received a report which detailed an application from Mr WS Thompson, Spen Moss Farm, Spen Moss, Smallwood, Sandbach, requesting the Council to make an Order under section 119 of Highways Act 1980 to divert part of Public Footpaths No.6 and 21 in the parish of Smallwood.

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 of the owner, lessee or occupier of the land crossed by the path.

The section of Public Footpath No.21 Smallwood to be diverted ran through the property of Spen Moss Farm, passing by a lake, close to the applicant's home and also ran through areas where they kept horses. Diverting the path to a new route would offer greater privacy and security to the property and enable better management of livestock.

The section of Public Footpath No.6 Smallwood to be diverted ran through fields, passing through a small paddock en route. Diverting this section out of the paddock would aid with better management of livestock and the proposed route by default providing a more direct route across fields from Spen Moss lane.

Mr Thompson owned the land over which the current paths and the proposed diversions ran except for a section of the proposed diversion that ran along Spen Moss lane. Research had revealed that this section was unregistered. If the landowner emerged claiming compensation due to

loss caused by a public footpath on their lane, Mr Thompson had provided written agreement to compensate them accordingly.

The Committee noted that no objections had been received from the informal consultations and considered that the proposed routes would be an improvement to the existing routes. Diverting the footpaths would be of benefit to the landowner in terms of enhancing the security and privacy of their property and improving livestock management. It was therefore considered that the proposed routes would provide a satisfactory alternative to the current routes and that the legal tests for the making and confirming of a diversion order were satisfied.

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 Public Footpaths No.6 and No.21 Parish of Smallwood by creating new sections of each public footpath and extinguishing the current path sections as illustrated on Plan No.HA/078 on the grounds that it is expedient in the interests of the owner of the land crossed by the paths.
- 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.

39 HIGHWAYS ACT 1980 SECTION 119: APPLICATION FOR THE DIVERSION OF PUBLIC FOOTPATHS NO.10 AND 29 (PARTS), PARISH OF WINCLE

The Committee received a report which detailed an application from Mrs Lahelma-Barnsley, Hawkslee House, Minn End Lane, Wincle, requesting the Council to make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpaths No.10 and 29 in the parish of Wincle.

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.

In relation to the part of Public Footpath No.29 Wincle to be diverted, Mrs Lahelma-Barnsley owned the land over which the footpaths ran but not the land onto which it was proposed they be diverted. This was Public

Highway and as such, the Local Authority had agreed to the path being diverted onto it.

With respect to the part of Public Footpath No.10 Wincle proposed for diversion, Mrs Lahelma-Barnsley owned part of the land over which this currently ran and neighbours Mr JHE Berry of Hawkslee Farm and Mr K Van Roy of Kiss Wood Farm, owned the rest of the land. The proposed diversion for this footpath would run over land solely owned by Mr Van Roy and he had granted permission for this.

Diverting parts of Public Footpaths No.10 and 29 Wincle would improve privacy and security to the residents of Hawkslee and Hawkslee Farm whilst eliminating the need for users to walk through the gardens of these properties. It would also take users away from the current part of Public Footpath No.10 which ran along a stream bed and was very slippery underfoot. The stream provided drainage for surface water on Minn End Lane and could not be obstructed, making it unavoidably wet and muddy all year round. The new route would follow a track which had a semi surfaced section and a grassed section.

The Committee noted that no objections had been received during informal consultations and considered that the proposed route would not be substantially less convenient than the existing route. Diverting the footpaths would be of considerable benefit to the landowner and their neighbour in terms of enhancing the security and privacy of the property. It was therefore considered that the proposed routes would be a satisfactory alternative to the current ones and that the legal tests for the making and confirming of a diversion order were satisfied.

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 parts of Public Footpaths No.10 and No.29 Parish of Wincle by creating new sections of each public footpath and extinguishing the current path sections, as illustrated on Plan No.HA/079, on the grounds that it is expedient in the interests of the owner of the land crossed by the paths.
- 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.

40 TOWN AND COUNTRY PLANNING ACT 1990 - SECTIONS 257 AND 261: PROPOSED TEMPORARY DIVERSION OF FOOTPATH NO.29 PARISH OF SIDDINGTON AND FOOTPATH NO.23 PARISH OF LOWER WITHINGTON

The Committee received a report which detailed an application from Sibelco UK Ltd requesting the Council to make an Order under sections 257 and 261 of the Town and Country Planning Act 1990 to temporarily divert Public Footpaths No.23 Lower Withington and No.29 Siddington.

In accordance with Section 257 of the Town and Country Planning Act 1990, the Borough Council, as the Planning Authority, can make an Order diverting a footpath or part of a footpath if it was satisfied that it was necessary to do so to enable development to be carried out in accordance with a planning permission that had been granted.

In accordance with Section 261 of the Town and Country Planning Act 1990, the Borough Council, as Planning Authority, can make an order to divert a footpath if it was satisfied that it was necessary to do so for the purpose of enabling minerals to be worked. The Council also had to be satisfied that the footpath concerned could be restored, after the minerals had been worked, to a condition not substantially less convenient to the public.

Public Footpaths No.23 Lower Withington and No.29 Siddington were currently the subject of a temporary diversion order made in 2007 and due to expire on 11 March 2013.

The definitive line of the footpaths ran across an area identified for sand quarrying, which originally received planning permission in January 2007. It was anticipated that quarrying would cease in 2011 and final restoration be completed in January 2013. However, due to the recession and economic uncertainty, this area of quarrying had not been completed in the predicted timescales.

Sibelco UK submitted a planning application for an extension in time for working and restoring the quarry (reference 10/3078W). In June 2011 the Council's Planning Committee had granted planning permission subject to the updating of the s.106 agreement tied to the original consent in 2007. The s.106 agreement is still being negotiated and planning permission will only be issued following completion of the agreement. The proposed temporary diversion order can only be made once the planning permission has been issued. Approval to make an Order was being sought so that the Order may be progressed swiftly following the grant of planning permission.

When the planning permission for the extension to the life of the quarrying is in place the continued diversion of the footpaths was required in order to enable the extraction to go ahead. It was anticipated that restoration would be completed by 31 December 2018. By which time the Definitive

footpaths would be available on their original alignment and would follow a route around a newly constructed lake and nature conservation area.

It was considered that the legal tests for the making and confirming of a Diversion Order under section 257 and 261 of the Town and Country Planning Act 1990 were satisfied.

RESOLVED: That

- 1 Subject to the granting of planning permission pursuant to application ref 10/3078W, an Order be made under Section 261 and 257 of the Town and Country Planning Act 1990 to divert Public Footpaths No.29 Siddington and No.23 Lower Withington, as illustrated on Plan No.TCPA/012, on the grounds that the Borough Council is satisfied that it is necessary to do so for the purpose of enabling minerals to be worked and that the footpaths concerned can be restored, after the minerals have been worked, to a condition not substantially less convenient to the public. An Order will not be made until the planning permission has been issued.
- 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 Act.
- 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.

**41 TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257:
PROPOSED PUBLIC PATH STOPPING UP ORDER - PUBLIC
FOOTPATH NO. 1 BASFORD (PART)**

The Committee received a report which detailed an application requesting the Council to make an Order under section 257 of the Town and Country Planning Act 1990 to stop up part of Public Footpath No.1 in the parish of Basford.

In accordance with Section 257 of the Town and Country Planning Act 1990, the Borough Council, as the Planning Authority, can make an Order stopping up or diverting a footpath or part of a footpath if it was satisfied that it was necessary to do so to enable development to be carried out in accordance with a planning permission that had been granted.

Planning Application Ref 12/4115N had been submitted by Cheshire East Borough Council for a dual carriageway road, known as Crewe Green Link Road (South), linking the A500 with the A5020. Phase 2 of the development involved a connecting spur road which crossed the line of Public Footpath No.1 in Basford.

Planning permission was granted in January 2013 with the following condition: - *“Development shall not begin on phase 2 of the development until details of proposals for the stopping-up of the affected section of public footpath Basford FP1 have been submitted to and approved in writing by the Local Planning Authority.*

Development of phase 2 not commence until this footpath has been stopped-up in accordance with the approved details.

Reason: In the interests of the PROW and pedestrian safety, and in accordance with Policies RT.9 (Footpaths and Bridleways) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.”

In order to facilitate the development of the proposed Crewe Green Link Road (South), a Compulsory Purchase Order titled “The Cheshire East Borough Council (Crewe Green Link Road South) Compulsory Purchase Order 2013” had been made under the Highways Act 1980 and the Acquisition of Land Act 1981 on 18 January 2013. The area of land to be acquired pursuant to the Compulsory Purchase Order included the land where the stretch of footpath FP1 Basford was to be stopped up.

The Statement of Reasons accompanying the Compulsory Purchase Order stated *“the western spur from the central roundabout as its terminus intersects a Public Right of Way (footpath FP1 Basford). It is proposed that the route will be unchanged, except during construction when a temporary diversion will be required, however a stopping up order is to be progressed to cover the section inside the highway boundary which have highways rights affecting it following construction of the spur road.”*

The design of the spur road, a 30mph single carriageway, would accommodate the onward passage of pedestrians using Public Footpath No1 Basford, in order that use of the footpath was not hindered. A stopping-up of the section of footpath was required so that duplicate rights were not in evidence over the same land.

It was noted that no objections referencing the impact of the proposed road on the Public Footpath were received during the consultation on the planning application. It was 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 were satisfied. In the event of objection being received against the proposed stopping up Order, the Council would request the Secretary of State to determine the stopping up Order in parallel with the determination of the Compulsory Purchase Order.

RESOLVED: That

- 1 An Order be made under Section 257 of the Town and Country Planning Act 1990 to stop up part of Public Footpath No.1 Basford, as illustrated on Plan No.TCPA/013, on the grounds that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted.

- 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 Act.
- 3 In the event of objections to the Order being received and no resolved, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry. Should this situation arise, the Council would request that the Secretary of State consider the Order in parallel with the Compulsory Purchase Order related to the scheme.

The meeting commenced at 2.05 pm and concluded at 3.15 pm

Councillor J Wray (Chairman)

CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of Meeting:	18 June 2013
Report of:	Public Rights of Way Manager
Subject/Title:	Public Rights of Way Annual Report 2012-2013 and Work Programme 2013-2014

1.0 Report Summary

- 1.1 This report records the achievements of the Council in terms of its public rights of way functions during the year 2012-2013 and sets out the proposed work programme for the year 2013-14. Details are set out in Appendices 1, 2,3 and 4.

2.0 Recommendations

- 2.1 That Members note the Annual Report for 2012-2013 and approve the proposed Work Programme for the Public Rights of Way Team 2013-2014.

3.0 Reasons for Recommendations

- 3.1 As set out in the background and options section of the report (section 10).

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All Members

6.0 Policy Implications

- 6.1 The development of the Rights of Way Improvement Plan (see Appendix 3) is aligned with the health and wellbeing objectives and priorities of the Council as stated in the Corporate Plan (2.1.1 Encouraging healthier lifestyles) and the Council's commitment to the Change4Life initiative.
- 6.2 In addition, the ROWIP, as an integrated part of the Local Transport Plan, is set within the context of indicators concerning sustainable transport, air quality and CO₂ emissions.

7.0 Financial Implications

- 7.1 None arising.

8.0 Legal Implications

8.1 None arising

9.0 Risk Management

9.1 There was one claim against the Council in 2012/13 for defects on a railway crossing footbridge. The footbridge and indeed the immediate section of the path are the maintenance responsibility of Network Rail, thus the Council could not be held liable and the claim was passed to Network Rail.

10.0 Background and Options

10.1 The work programme for the Public Rights of Way Team is usually approved by the Rights of Way Committee at the first committee meeting of the financial year, in the form of a series of targets. Targets are set in the context of the Countryside Agency's (now Natural England) National Targets for public rights of way, which have as their aim that the rights of way network in England and Wales should be:

- Legally Defined
- Properly Maintained
- Well publicised

10.2 In addition to those targets, and reflecting the range of new work imposed by the Countryside and Rights of Way (CROW) Act 2000, targets in relation to four other areas are also set:

- Implementation of the Rights of Way Improvement Plan
- Implementation of the CROW Act 2000: New Duties and Powers
- Countryside Access Development and Initiatives
- General Support and Administration

10.3 Each area is examined individually, below, with the successes of 2011/12 contained within the relevant appendices.

11.0 Network Management – Maintenance and Enforcement

11.1 The Network Management and Enforcement Team consists of three full-time officers who deal with the protection and maintenance of the network. They operate on an area basis, with each officer responsible for approximately 630 kilometres of the network. Within their area, they are responsible for maintenance and enforcement to remove obstructions and keep the path network available for use.

11.2 An outline report and work programme for the Maintenance and Enforcement Team is attached at Appendix 1. The component tasks represent the "Milestones" identified in the former Countryside Agency's National Targets.

- 11.3 Utilising additional reporting systems developed within the CAMS data base attached to the GIS system it is possible to report logged problems, their characteristics and the number of problems resolved. 509 problems have been logged throughout the year 2012/2013 which compares with the 529 problems that were logged throughout the year 2011/2012. The charts below illustrate the numbers and types of problems reported. It can be seen that in Fig 1 the number of issues resolved is greater than those reported due to some issues running over from the previous year. In Fig 2 the numbers and distribution of different types of issues are very similar to 2011/2012 and in Fig 4 the spatial distribution of issues across the three areas is almost identical.

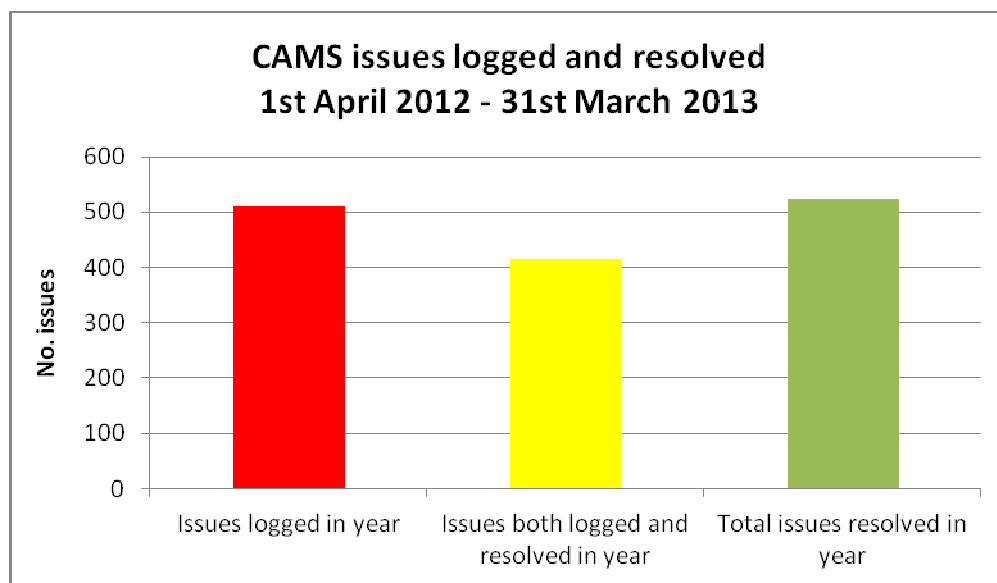


Fig 1.

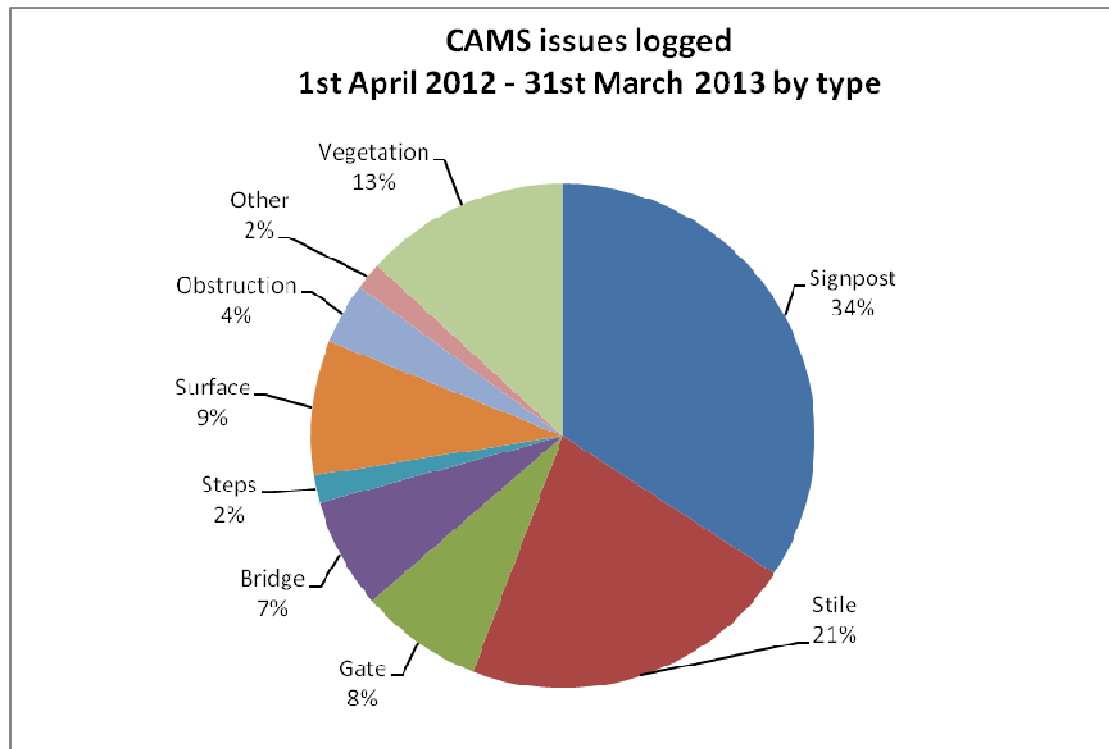


Fig 2.

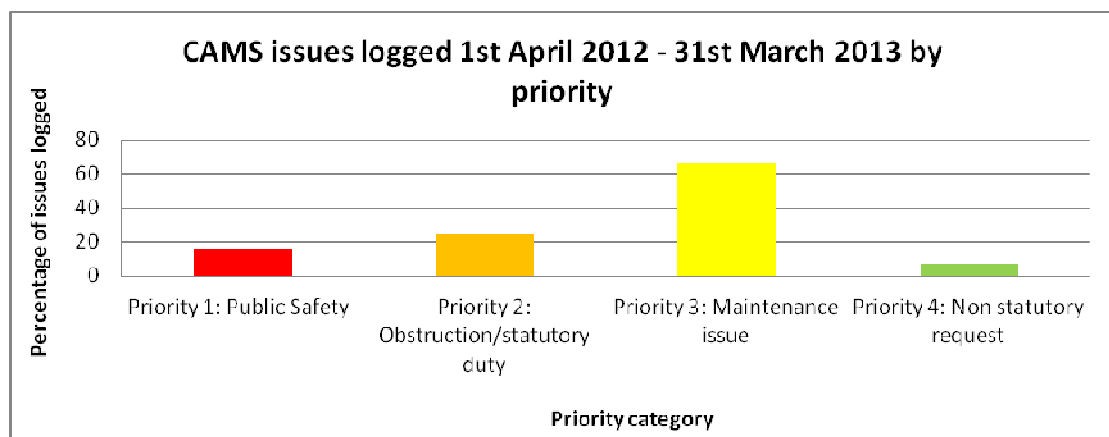


Fig. 3

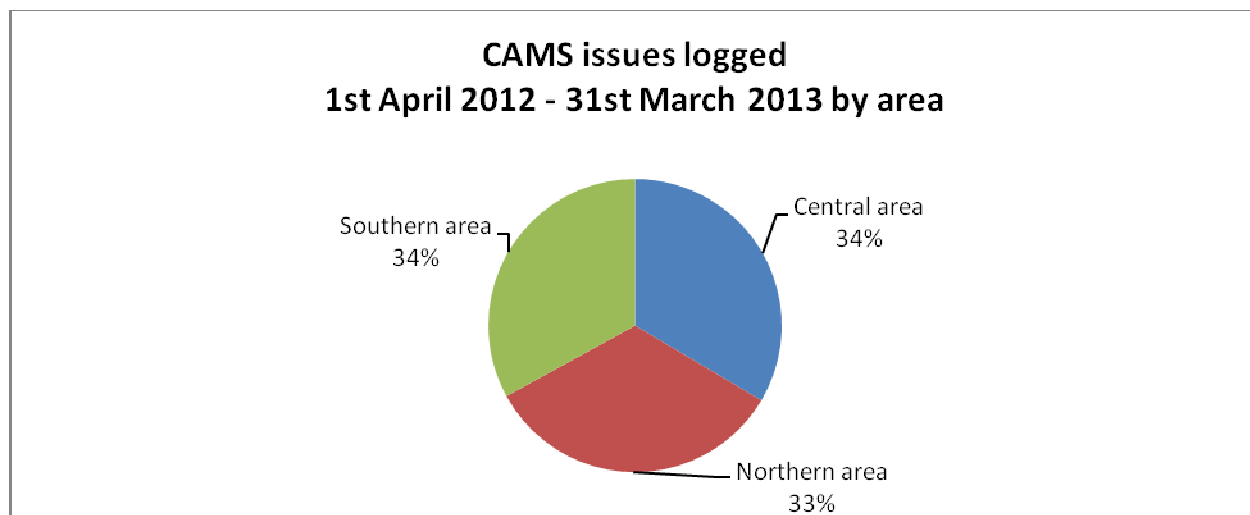


Fig 4.

11.4 During the year the team have again experienced a spending freeze in the revenue budgets. However provision of replacement capital has offset this reduction allowing maintenance output to continue almost undiminished throughout the remainder of the year

11.5 for the forthcoming financial year and beyond similar capital provision has been made to replace a permanent reduction of £80,000 in the revenue budgets thus offsetting any reduction and allowing maintenance to continue at current levels.

12.0 Path Inspection

12.1 Path inspection exists in the form of the former National Best Value Performance Indicator 178: percentage of paths deemed 'easy to use'. Although councils are no longer required to report on BVPI178 in Cheshire it has been collected as a local indicator for the Local Transport Plan - LTP 13. The team duly carried out the BVPI 178 inspection this year: the percentage pass rate was 80%, which compares with a pass rate of 84% for 2011, 85% in 2010 and 84% for 2009.

13.0 Rights of Way Improvement Plan - Access Development

13.1 There is one full-time member of staff dedicated to the implementation of ROWIP and access development projects. Work has continued this year in delivering access projects from the existing ROWIP: Appendix 3 contains an outline report and work programme. Additionally a considerable amount of work has gone into revising the Public Rights of Way pages on the council website.

13.2 The Countryside Access Development Officer is responsible for the administration of the Cheshire East Local Access Form. The post holder also facilitates the Rights of Way Consultative Group, attends multiple groups and forums on behalf of PROW/Countryside, comments on planning

applications and seeks planning gains, and responds to general enquiries and requests for information.

14.0 Legal Orders Team

- 14.1 The legal orders team comprises four officers (3 x full-time, 1 x part-time) who operate on a caseload basis and deal with public path orders, (diversions and extinguishments), definitive map modification orders, (changes to the definitive map) emergency and temporary closures, land searches, planning applications and day to day enquiries. One post deals exclusively with Public Path Orders based on public applications. This post, created in 2010 is funded by the fees from those applicants and nets nil on the budget.
- 14.2 The year has seen a very significant increase in planning applications that the team have been consulted on which have increased from 102 to 201. The need to respond to these and the consequent work generated liaising with developers and colleagues in the Planning Department has had a significant knock on effect on other areas of work, reducing the amount of time available for core Definitive Map Modification Orders investigations.

15.0 Policy development

- 15.1 Cheshire East Council inherited a raft of County Council policies relating to the public rights of way function. Where necessary, these have been amended for Cheshire East and approved by the Rights of Way Committee and are set out below. Policy development always reflects the changing circumstances within which it has to work and in 2011/2012 the charging policy for Public Path Orders, Searches and temporary closures was reviewed and changed to reflect more accurately the costs incurred in processing orders and inflation.
- 15.2 The policies currently in place reflect the following activity.
- Maintenance and Enforcement Protocol
 - Statement of Priorities for Definitive Map Modification Orders
 - Charging Policy for Public Path Orders, Searches & Temporary Closures
 - Policy for Structures on Public Rights of Way
 - Standard Response Times for Different Categories of Problem on the Network

16.0 Local Access Forum and ROW Consultative Group

- 16.1 The most recent and final Annual Report of the Cheshire Local Access Forum is attached as Appendix 4.
- 16.2 Since Local Government Review in 2009 the Forum has covered both Cheshire East and Cheshire West and Chester Council areas. However in 2012 CWAC decided that their interests would be best served by a Local Access Forum for

their own area and consequentially the Cheshire Local Access Forum was dissolved and two forums set up, one for Cheshire East Council area and one for Cheshire West. The first meeting of the Cheshire East Local Access Forum was held on 25th April 2013.

- 16.3 The Cheshire Local Access Forum is complemented by the Cheshire East Rights of Way Consultative Group which meets twice yearly.
- 16.4 The Consultative Group operates to achieve the following purposes:-
- to enable interest groups (users, landowners and others) to engage in constructive debate and discussion about issues of law, policy, principle and work programming with members and officers of the Cheshire East Council;
 - to encourage understanding of each others' concerns; and,
 - to participate in the consultation process and ongoing monitoring associated with the Rights of Way Improvement Plan.
- 16.5 The Consultative Group meetings have now been extended to allow user group representatives to meet Network Management officers on a one to one basis in order to discuss work priorities and individual case issues. This allows user groups and the council to agree prioritisation of issues and works.

17.0 Budget

- 17.1 The team has suffered, along with the rest of the council from a reduction in base revenue budgets. A moratorium on all non-essential spending was imposed over the service in July 2012, for the third year in succession. However access to capital funds from the LTP was subsequently made available which allowed the team to claw back on outstanding maintenance such that by the end of the year most backlogs had been dealt with. It is to be hoped that the ongoing provision of capital to replace revenue will allow a more consistent approach to maintenance delivery in future years.
- 17.2 Despite the pressures on the budget the team have managed to perform to an impressive level although the evidence presented by the "ease of use" BVPI 178 percentage, (see 12.1 above) of 80%, down by 5% may be a reflection of the impact of budget pressures.

18.0 Conclusion

- 18.1 As with previous years the team has continued to deliver consistently high levels of service throughout a very difficult period which reflects their enthusiasm and professionalism. The lower level of "ease of use" statistic, (see para12.1) returned by the annual random survey may be starting to reflect the impact of budget pressures on the network.

19.0 Access to Information

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

Name: Mike Taylor
Designation: Public Rights of Way Manager
Tel No: 01270 686115
Email: mike.taylor@cheshireeast.gov.uk

APPENDIX 1

SECTION 3: NATIONAL TARGET 2: "PROPERLY MAINTAINED"

Component Task		Source			Achievements April 2012 to March 2013	Targets 2013/14
No	Measure of Success					
3.1	All footpaths, bridleways and byways correctly signposted where they leave a metalled road.	C/side Act 68 NERC Act 06			<ul style="list-style-type: none"> 299 signs erected across the borough. 	<ul style="list-style-type: none"> Installation of additional signs and replacement signs following loss and damage to ensure the requirements of Countryside act 1968 s 27 are fulfilled.
3.2	All PROW clear of obstructions, misleading notices, other hindrances or impediments to use.	HA 80 s130			<ul style="list-style-type: none"> Enforcement actions saw 7 notices served for cropping and 5 for general obstruction. Additionally 30 "seven day" warnings were issued in relation to cropping offences. Officers have not been required to remove obstructions because offenders have responded successfully in all cases. 	<ul style="list-style-type: none"> Carry out necessary enforcement work in line with adopted protocols to ensure that the duty set out in Highways act 1980 is fulfilled.
3.3	Bridges, stiles, gates etc are in place where required; all are safe and convenient to use.	HA 80 s41 and s146			<ul style="list-style-type: none"> In Cheshire East 181 stiles, 97 gates comprising 73 kissing gates, 4 bridleway gates and 22 pedestrian gates have been installed. Additionally 31 bridges of varying lengths have been installed. 	<ul style="list-style-type: none"> Renew and repair structures to ensure that they adequately allow the public to access all public paths in Cheshire East. Assist owners and occupiers to repair and replace stiles and gates on public rights of way. Replace structures with less limiting barriers wherever possible in line with ROWIP policies, DDA and Equality Act 2010.
3.4	Surface of every PROW is in proper	HA 80 s41			<ul style="list-style-type: none"> A routine maintenance programme is in operation and 	<ul style="list-style-type: none"> The routine maintenance programme will be extended as new paths

Component Task		Source			Achievements April 2012 to March 2013	Targets 2013/14
No	Measure of Success					
	repair, reasonably safe and suitable for the expected use.				<p>Paths comprising 131 km were subject to routine strimming/ tractor flailing at least once during the growing season with many cut more frequently to a maximum of 3 cuts per annum.</p> <p>Special projects facilitated with additional funding from other departments and as part of ROWIP implementation:</p> <ul style="list-style-type: none"> • Stapeley FP1. Surfacing. • Bunbury FP16 surfacing. • Willaston FP9 Surfacing. • Hassall FP 16 footbridge and steps on steep bank installed. • Poynton FP55 boardwalk installed over boggy area. • Lyme Handley FP 3 Surfacing. • Mere FP6 Surfacing and steps installed. 	<p>requiring routine maintenance are encountered (e.g. paths created through ROWIP).</p> <ul style="list-style-type: none"> • Officers will continue to work with colleagues in other departments and other partners in order to facilitate additional funding for special projects in relation to rights of way wherever possible.
3.5	All PROW inspected regularly by or on behalf of the authority.	HA 80 s58			<ul style="list-style-type: none"> • Bridges are inspected every two years, but paths in general are not inspected due to a lack of resources. This could result in a lack of a legal defence to claim(s) for personal injury. • All maintenance officers hold bi-annual meetings with the relevant 	<ul style="list-style-type: none"> • The maintenance officers will continue to hold bi-annual meetings with the relevant representatives of the walking, equestrian and other user groups to agree work priorities and to discuss the results of the survey work carried out by these groups.

Component Task		Source			Achievements April 2012 to March 2013	Targets 2013/14
No	Measure of Success					
					representative of the walking and equestrian user groups to agree priorities for work.	<ul style="list-style-type: none"> Volunteer survey scheme to be extended dependant on availability of volunteers.
3.6	The authority is able to protect and assert the public's rights and meet other statutory duties (e.g. to ensure compliance with the Rights of Way Act 1990).	HA 80 s130			<ul style="list-style-type: none"> All cropping obstructions were responded to within 4 weeks of reporting. 	<ul style="list-style-type: none"> Continue to adhere to the response times set out in the current standard.
3.7	Waymarks or signposts are provided at necessary locations and are adequate to assist users. Waymarking scheme/initiative in place.	C/side Act 1968 s27			<ul style="list-style-type: none"> Waymarking is undertaken by staff and contractors as appropriate. Additionally waymarkers are provided to partners such as Mid-Cheshire Footpaths Society and the Ramblers' Association to enable them to replace missing and damaged waymarkers. 	<ul style="list-style-type: none"> Waymarking and signposting will be undertaken as appropriate.

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Appendix 3

Legal Orders Team

SECTION 2: NATIONAL TARGET 1: “LEGALLY DEFINED”

Component Task		Source	Achievements 2012/13	Targets 2013/14
No	Measure of Success			
2.1	Definitive Map and Statement to be completed for any previously unmapped area	WCA 81 S53(1) (c)	<ul style="list-style-type: none"> Complete 	<ul style="list-style-type: none"> Complete
2.2	No RUPPs remaining on Definitive Map	WCA 81 S54	<ul style="list-style-type: none"> No further reclassification required 	<ul style="list-style-type: none"> Complete
2.3	No backlog of legal events requiring orders to be made	WCA 81 S53(2) (a) & 53(3) (a)	<ul style="list-style-type: none"> Legal Event Modification Order made for all legal events in 2012/13 	<ul style="list-style-type: none"> Legal Event Modification Order to be made for all legal events in 2011/12 Schedule 5 Para 2 of CROW Act 2000, commenced April 2008, obviates need for separate legal event order where Definitive Map change cited. However, national debate about the technical aspects of this provision and advice to LAs is to continue making separate LEMOs for time being.
2.4	No backlog of applications to modify the Definitive Map	WCA 81 Sch 14	<ul style="list-style-type: none"> 2 Schedule 14 applications determined and a further 10 applications under active investigation during the year (see below). 19 applications remain in backlog (see below). The oldest of these dates to 2004. 	<ul style="list-style-type: none"> Following the recruitment of an income generation post to deal with PPOs this has freed-up officer time to deal with Schedule 14 applications. Target is to determine 6 cases.



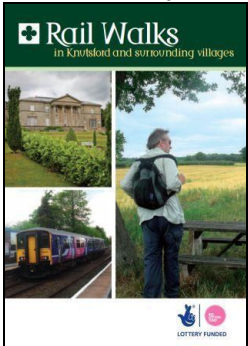
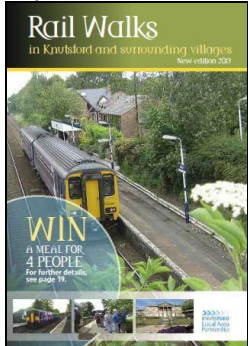
Component Task		Source	Achievements 2012/13	Targets 2013/14
No	Measure of Success			
2.5	No backlog of other cases that may result in the need to change the Map	WCA 81 S53	<ul style="list-style-type: none"> Completion of last remaining 'Discovering Lost Ways' case following abandonment of project by Natural England. 	<ul style="list-style-type: none"> Complete.
2.6	No backlog of decided applications/other cases awaiting definitive map modification orders	CoAg	2 orders determined <ul style="list-style-type: none"> 1 DMMO order confirmed 1 DMMO order confirmed with modifications 0 appeals against refusal, awaiting decision 0 appeals against non-determination within 12mths 	<ul style="list-style-type: none"> Continue to make orders as soon as reasonably practicable. Contested DMMOs to be submitted to PINs. Directed applications/orders to be processed as required.
2.7	The authority has considered the need to consolidate the Map and take any necessary action	WCA 81 S56	<ul style="list-style-type: none"> Preparation of digital map for consolidation complete. Work to consolidate statements begun. 	<ul style="list-style-type: none"> On hold due to lack of staff.
2.8	Statement of Priorities published	CoAg	<ul style="list-style-type: none"> Statement of Priorities approved by ROW Committee on 12 December 2011. 	<ul style="list-style-type: none"> Continue to prioritise Definitive Map Work in accordance with the Statement of Priorities Review priorities in light of new ROWIP objectives
2.9	No other matter affecting the Definitive Map outstanding	CoAg	<ul style="list-style-type: none"> Electronic list of map anomalies was completed in 2008. X anomalies corrected during 2012/13. 	<ul style="list-style-type: none"> No progress can be made with rectifying anomalies without additional staff resources (in addition to PPO income generation post).

Summary of work from April 2012 to March 2013, backlog of work outstanding and forecasts for 2013/14

Area of work	Work completed/in progress April 2012 – March 2013	Backlog	Projected work 2013/2014
Planning application consultations	201 (<i>almost double 2011/12 - 102</i>)	n/a	
Rights of Way searches	65	n/a	
Highways Act s31 deposits	8	n/a	
Temporary & Emergency Closures	52	n/a	
Gating Orders	0	n/a	0
Public Path Orders HA80	20 Orders confirmed, 20 cases in progress	28 applications on waiting list	20 Orders to confirmation stage.
Local Government Act 2000 Dedications	2 Deed of Dedications completed	1 Deed of Dedication in progress	
Public Path Orders TCPA90	3 Orders confirmed, 3 cases in progress	n/a	3 cases likely to be dealt with.
Contested Orders referred to PINs	HA80 = 1 WCA81 = 2 TCPA90 = 1	2 contested WCA81 case to be referred to PINs	
Definitive Map Modification Order Applications – schedule 14 applications	2 Orders confirmed, 10 in progress	19	2 Cases to be targeted.
Definitive Map “List B” issues	3		3 cases targeted
Definitive Map Anomalies (investigation/legal orders required)	0 completed	260+	6 without additional staff resources or additional budget to commission consultants

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RIGHTS OF WAY IMPROVEMENT PLAN ANNUAL REPORT 2012-2013

Policy Ref.	ROWIP Ref.	Achievements 2012-2013	Ongoing targets 2013-2014
H2 H3 S7 S8	T100	<p>Connect2 Crewe to Nantwich Greenway</p> <ul style="list-style-type: none"> The development of a traffic-free cycle route between the two towns, funded by Sustrans' Connect2 project. Led by Cheshire East Highways with the support of a Stakeholder Group. Central link between the towns established as a public bridleway via a creation agreement with landowner. Official opening event held on first day of spring with 100 people attending and press publicity. <div>   </div> <p>Signage on greenway Opening event attendees</p>	<ul style="list-style-type: none"> Project largely completed. Signage to be installed. Leaflet to be published. Ongoing publicity through user group organised events.
H2, H3	X7	<p>Knutsford Rail Walks Leaflet Revision</p> <ul style="list-style-type: none"> Revision of leaflet with Local Area Partnership and Mid Cheshire Rail Users' Association. Includes improved maps and directions to assist walkers. <div>   </div>	<ul style="list-style-type: none"> Publishing and distribution 2013. Evaluation survey being undertaken online.



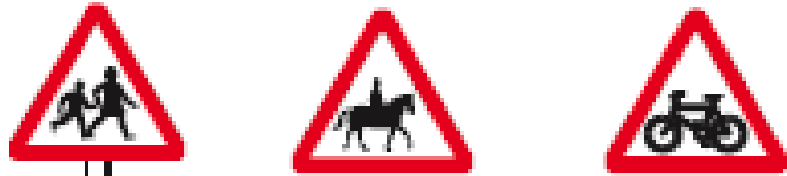
RIGHTS OF WAY IMPROVEMENT PLAN ANNUAL REPORT 2012-2013

Policy Ref.	ROWIP Ref.	Achievements 2012-2013	Ongoing targets 2013-2014
H2 H3	W54	<p>Goostrey Path North</p> <ul style="list-style-type: none"> Working with Goostrey Footpath Group and Cheshire Farms Service to achieve long-held aspiration to create new public footpaths linking Goostrey village with the wider public rights of way network. Part-funded by Goostrey Footpath Group. The Footpath Group are publishing a leaflet incorporating the new route into circular walk and have an official launched planned. <div data-bbox="618 470 940 906" data-label="Image"> </div> <div data-bbox="981 470 1281 906" data-label="Image"> </div> <p>The Mayor of Cheshire East opening the path and the new walks leaflet</p>	<ul style="list-style-type: none"> Project completed. Official opening planned May 2013 with leaflet publication.
H2 H3	various	<p>Paths for Communities Fund</p> <ul style="list-style-type: none"> Advice and assistance to prospective applicants for Natural England's Paths for Communities fund. Successful applications need to establish new public rights of way. Dane Meadow project in Holmes Chapel, see above, awarded grant. <div data-bbox="1500 1021 1646 1161" data-label="Image"> </div>	<ul style="list-style-type: none"> Work ongoing.


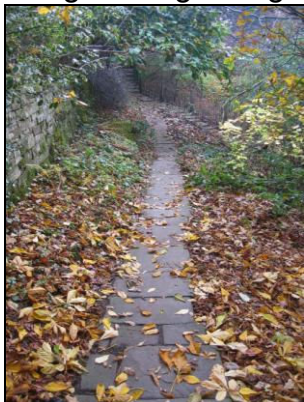
RIGHTS OF WAY IMPROVEMENT PLAN ANNUAL REPORT 2012-2013

Policy Ref.	ROWIP Ref.	Achievements 2012-2013	Ongoing targets 2013-2014
H2 H3 S7	T85	<p>Sandbach Footpath No. 33</p> <ul style="list-style-type: none"> • Surfacing of an urban footpath to create a year-round walking route. • The route links housing with convenience store and forms a direct, off-road link towards the town centre for local residents. • Includes destination signage to encourage use. <div style="display: flex; justify-content: space-around;">   </div> <div style="display: flex; justify-content: space-around;"> <p>Before</p> <p>After</p> </div>	<ul style="list-style-type: none"> • Project completed.
H2 H3 S7 S8	T25	<p>Dane Meadow Access Improvements</p> <ul style="list-style-type: none"> • Advice and assistance to Dane Meadow Programme Board in development of externally-funded project to improve access within Dane Meadow public open space in Holmes Chapel. • Portfolio Holder and Committee approval secured to create new public rights of way protecting public access for perpetuity. <div style="display: flex; justify-content: space-around;">   </div> <div style="display: flex; justify-content: space-around;"> <p>Grass surface path</p> <p>Path to have surface improvements.</p> </div>	<ul style="list-style-type: none"> • Work ongoing.





RIGHTS OF WAY IMPROVEMENT PLAN ANNUAL REPORT 2012-2013

Policy Ref.	ROWIP Ref.	Achievements 2012-2013	Ongoing targets 2013-2014
H2 H3	X12 X15	<p>Long Distance Horse and Cycle Ride</p> <ul style="list-style-type: none"> Initiated by Lauren Roberts of North Cheshire Riders, this project sees the development of Cheshire East's first long distance horse ride. Designed to offer a long distance ride bringing benefits to the local economy. The route, also being promoted to cyclists, consists of 2 loops: the Cheshire Cheese Loop and the Heritage Loop. Funded through a grants from the British Equestrian Federation, the British Horse Society, Hoof! Cheshire and contributions from local riding groups. 2012-2013 saw the signage and publicity for the Heritage Loop route.  	<ul style="list-style-type: none"> Project completed.
H3	W15 W16 W18 W20 W22 H16 H17	<p>Road Safety Schemes</p> <ul style="list-style-type: none"> Consultees have raised a number of locations of road safety concern, including those on promoted routes. Road Safety Officers in Highways consulted to assess risk and possible mitigation measures. Requests to adjacent landowners for permissive paths so as to remove road walking or improve crossing locations have been made, although unsuccessful to date. Warning triangles for drivers installed at promoted route crossing points. 	<ul style="list-style-type: none"> Work ongoing, as opportunities arise.


RIGHTS OF WAY IMPROVEMENT PLAN ANNUAL REPORT 2012-2013

Policy Ref.	ROWIP Ref.	Achievements 2012-2013	Ongoing targets 2013-2014
H2 H3 S7	Various X7 X15 W75	<p>Accessibility Improvements to Public Rights of Way Network</p> <ul style="list-style-type: none"> • Replacement of stiles with more accessible gates; • Wilmslow Footpath No. 70 - improvements to walking route to schools; • Aston by Budworth Footpath No. 3 – surface improvements; • Adlington Footpath No. 52 – surface improvements and fencing; • Alderley Edge Footpath No. 7 – boardwalk construction and surfacing; • Disley Footpath No. 39 - surface improvements and fencing; • Disley Footpath No. 50 – drainage and surface improvements; • Lyme Handley Footpath No. 8 – revetment works and surfacing works; • Wilmslow Restricted Byway No. 12 – surface improvements; • Wilmslow Footpath No. 19 – boardwalk construction; • Wilmslow Footpath No. 43 – surface improvements; • Sutton Bridleway No. 28 - installation of a bridge over an incised stream where previously there was none; and, • Bollington Footpath Nos. 30 & 31 - re-laying uneven paving stones and improvement of drainage on popular path along Kerridge Ridge. <div>   </div> <p>Bollington Footpath Nos. 30 & 31before After on the same path</p>	<ul style="list-style-type: none"> • Projects completed.


RIGHTS OF WAY IMPROVEMENT PLAN ANNUAL REPORT 2012-2013


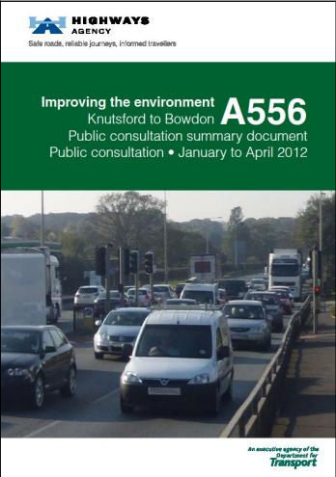

Policy Ref.	ROWIP Ref.	Achievements 2012-2013	Ongoing targets 2013-2014
H2 H3 S7 S8	T1, X10 T45 T2 W27	<p>Assistance to Local User Groups</p> <ul style="list-style-type: none"> • Advice and assistance to local user groups in their planning of access improvements and external funding bids, including: • Disley Footpath Society towpath improvement project; • Bollington Town Council and Canal and Rivers Trust for towpath improvements and links to the towpath in the town; • Chelford Village Implementation Plan to improve access to village community hall and facilities including a new public right of way; • Sandbach Brook Wood path project; • South East Cheshire Cycling Action Group; • Henbury Parish Council permissive paths project; and, • Church Minshull Parish Council permissive path project. <div>  <p>Getting to know Willaston</p> <p>A series of walks published by the Willaston Community Opportunities Group</p> <p>Walk No 2 - Kissing Gate Circular</p> <p>We are grateful to the following sponsors who have kindly supported the production of this leaflet.</p> <p> </p> </div> <div>  </div>	<ul style="list-style-type: none"> • Ongoing, as arising.
S7 S8	n/a	<p>Local Sustainable Transport Fund</p> <ul style="list-style-type: none"> • Successful result for Cheshire East's bid to this national government fund, focusing on smarter travel within Crewe. • ROWIP suggestions and active travel included. 	<ul style="list-style-type: none"> • Delivery ongoing


RIGHTS OF WAY IMPROVEMENT PLAN ANNUAL REPORT 2012-2013

Policy Ref.	ROWIP Ref.	Achievements 2012-2013	Ongoing targets 2013-2014
H2 H3 S7 S8	n/a	Planning Applications, Pre-Applications and Local Plan <ul style="list-style-type: none"> Planning applications are commented upon from the perspective of active travel and leisure walking, cycling and horseriding, putting forward ROWIP aspirations. Developer contributions secured through section 106 agreements and unilateral undertakings. Input from Public Rights of Way and Countryside into Local Plan. 	<ul style="list-style-type: none"> Ongoing, as arising.
H2 H3 S7 S8	X15	Publicity to promote walking, cycling and horse riding <ul style="list-style-type: none"> Press releases achieved for various projects and events including National Walking Month and the launch of the new Bollin Valley Cycle Trail for National Bike Week and the opening of the Connect2 Crewe to Nantwich Greenway. Twitter and Facebook feeds for all news items and additions of routes to Discover Cheshire website. Re-design of waymarks to include text to indicate status of public right of way. <div style="text-align: center;">  </div>	<ul style="list-style-type: none"> Work ongoing to coincide with national and local events and projects.

RIGHTS OF WAY IMPROVEMENT PLAN ANNUAL REPORT 2012-2013

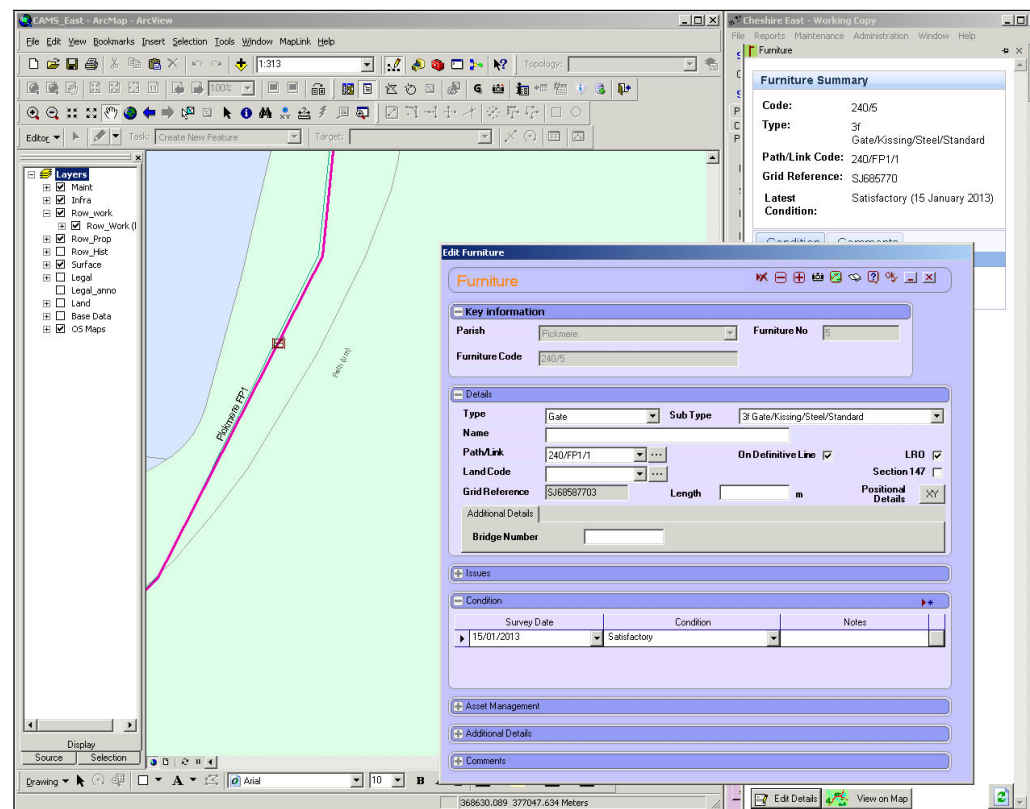
Policy Ref.	ROWIP Ref.	Achievements 2012-2013	Ongoing targets 2013-2014
H2 H3 S7 S8	n/a	Mapping <ul style="list-style-type: none"> Assistance with mapping provided to Cheshire East departments, including the Countryside Ranger Service for grant applications and management plans. Assistance with mapping for third sector groups producing walks leaflets. Mapping for London 2012 Olympic Torch Relay route, homecoming events and ancillary requirements. Plotting of all promoted routes onto CAMS GIS mapping database for ease of identification of issues and routes affected by planning applications and temporary closures. 	<ul style="list-style-type: none"> Ongoing, as requested.
H2 H3 S7 S8	n/a	Local Access Forum <ul style="list-style-type: none"> Secretariat duties for Forum, a voluntary body which advises the Council on matters relating to countryside access Recruitment advertising, selection and training for new Cheshire East Local Access Forum. 	<ul style="list-style-type: none"> Work ongoing.
H2 H3 S8	T82/95 T43 T83	Local Transport Plan Cycling Schemes <ul style="list-style-type: none"> Cycle route link from the new Alderley Edge bypass to Astra Zeneca employment site. Extension of Leighton Greenway in Crewe. Formalisation of cycle route between Solly Crescent and Newcastle Road, Congleton. 	<ul style="list-style-type: none"> Project completed. Project completed. Project completed. Promotion of active travel options in Crewe through Local Sustainable Transport Fund and Department for Communities Fund.

Policy Ref.	ROWIP Ref.	Achievements 2012-2013	Ongoing targets 2013-2014
S7 S8	Various	<p>A556, SEMMMS and Crewe Green Link Road Schemes</p> <ul style="list-style-type: none">Input of ROWIP aspirations and comments on designs given from the perspective of active travel and leisure walking, cycling and horseriding. <div><p>SEMMS artist's impression</p><div><p>A556 Consultation</p><p>SEMMS proposal plans</p></div></div>	<ul style="list-style-type: none">Work ongoing.

Policy Ref.	ROWIP Ref.	Achievements 2012-2013	Ongoing targets 2013-2014
H2, H3	X15	<p>Discover Cheshire Website</p> <ul style="list-style-type: none"> Website promoting routes, sites and visitor economy facilities in the countryside. Partners include Visitor Economy, CWAC, Mersey Forest. New walking, cycling and horse riding routes added including the 2nd in the Getting to Know Willaston series, the Bollin Valley Way, the Bollin Valley Cycle Trail and 3 walks from the It's All About Alsager Series and 2 walks from the Hassall Green Explorer leaflet .  <p>Screen image from www.discovercheshire.co.uk</p>	<ul style="list-style-type: none"> Continued adding of new walking, cycling and horse riding routes.

RIGHTS OF WAY IMPROVEMENT PLAN ANNUAL REPORT 2012-2013

Policy Ref.	ROWIP Ref.	Achievements 2012-2013	Ongoing targets 2013-2014
H2 H3 S7 S8	n/a	<p>Rights of Way Consultative Group</p> <ul style="list-style-type: none"> Preparation of reports and meetings. Management of register of volunteers and issuance of Letters of Authority. Launch of pilot volunteer network survey to gather path furniture and surface information in 5 parishes and input that data into CAMS GIS mapping database for use by officers initially, and, in the long term, by the public via Interactive Mapping on the Council's website. 	<ul style="list-style-type: none"> Work ongoing. Review of network survey pilot to be undertaken.



Screen image of CAMS GIS mapping database

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Cheshire Local Access Forum

Annual Report September 2011 - September 2012



Chairman's introduction

The Forum has met four times this year using different venues around the two boroughs. We have concentrated on trying to ensure the Councils devote sufficient priority to access to the countryside primarily by ensuring the Rights of Way Improvement Plans are implemented.

We have also kept abreast of significant local and regional issues affecting the countryside including the formation of the Canal and River Trust, Delamere Forest developments, the A556 major road improvement scheme and possible legislation changes affecting public rights of way.

Sadly one of our members, the Vice Chairman **John Taylor**, passed away early in the year. We

will particularly miss his contribution on disabled access. I would like to thank all the Forum members and support officers for their continued support and contribution during the year. This will be the last Forum under the Cheshire banner as Chester West and Chester Council and Cheshire East Council will be setting up independent Local Access Forums from January 2013.

John White Chairman

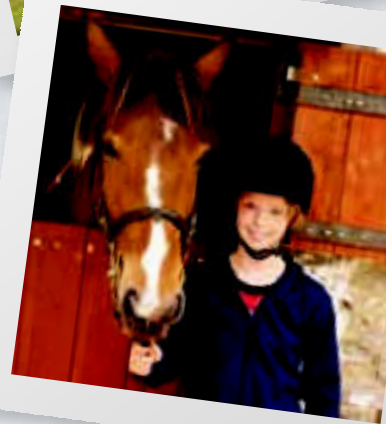
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Priorities for 2011-2012

The Forum's worki
to i ginate issues surrounding
countrysi ing
viewpoints:

- ☒ health benefi ;
- ☒ under represented groups; and,
- ☒ funding.



✓ The **health benefits working group** reported on the key findings of British Horse Society research on health benefits of horse riding. The working group also considered the National Institute for Health and Clinic Excellence (NICE) draft guidance on local measures to promote walking and cycling as a form of transport or recreation.

Helen Connolly comments on the health benefits of horse riding.

A common misconception held by non-riders is that a horse rider is just a passenger and that the activity requires effort only on the part of the horse.

A report commissioned by the **British Horse Society** and conducted by the **University of Brighton and Plumpton College** into the health benefits of riding well and truly dispels this myth.

The **Department of Health and Sport England** recommend a minimum of five x 30 minute sessions of moderately intense exercise on a weekly basis. Those responsible for keeping horses can more than fulfil this requirement merely by carrying out their compulsory daily horse care routine. 50% of those surveyed for the report commented that mucking out and grooming was such hard work it made them out of breath.

The metabolic equivalent for saddling and grooming the horse - a relatively sedate activity when compared with, say, shifting hay bales - is 3.5. You would have to cycle at 10mph to better this by just 0.5.

Walking the dog (with you walking as well of course!) has a metabolic equivalent of 2.5, the same as for walking the horse with you on its back! Trotting brings the score up to 6.5, just slightly less than rowing at 7.

Not only can physical health be improved by horse riding, the report has shown that the activity can result in significant psychological benefits as well. The sense of achievement obtained by interacting successfully with a horse and being in a natural outdoor environment has a positive impact on depression, stress and anxiety and self esteem. Some of those surveyed reported that riding and caring for horses had been an important contributor to recovery from mental illness.

Another misconception commonly held by non-riders is that the activity is reserved for a financial elite. Whilst it's true that a horse owner will never have money (or time!) for anything else, we need only to look at our Olympians to dispel this myth, with the gold medal winner of both individual and team dressage coming from a very ordinary background and a member of the silver medal winning event team

likewise. Recreational horse riding reaches out to all social groups with 46% of the report's respondents reporting that they work full time.

It's a girl thing! 93% of the report's respondents were female but this is by no means a bad thing! Women are a social group with below average levels of participation in sport as a whole so their participation as a majority in equestrianism and the fact that 37% of respondents were aged 45 plus (an age group not generally identifying with high levels of physical activity) means that the sport presents a female age profile not matched by any other sport.

The report concludes that horse riding is truly of benefit to everyone and can be enjoyed by anyone; almost one quarter of the respondents had a long standing illness or disability. This did not appear to affect the frequency of or level of exercise intensity and many respondents reported that horse riding had helped them to cope with a variety of health impairing conditions. Those with limited mobility reported that recreational horse riding was a means by which to access the outdoors and participate in physical activity which they otherwise would not be able to.

Never too old! As proven by the fact that over 50% of respondents aged over 65 rode at least three times a week.





- ✓ The **under-represented groups working group** considered ways to encourage access to the countryside, devising ideas to take forward.

The working group also identified the need to improve information to encourage access, for example, through:-

- targeting work with children as a means of reaching adults;
- finding 'challenge and reward' incentives to visit the countryside;
- utilising new media to reach younger people; and,
- emphasising the viability of existing public transport systems as a means of access.

- ✓ The **funding working group** identified financial resources available to each Council's Public Rights of Way team and the effect of spending freezes and staffing reductions across the years.

Items of interest

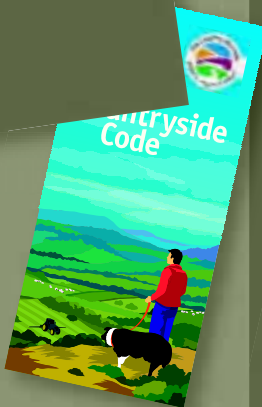
- The Forum received a presentation by Julie Sharman, Head of Regeneration (North) at British Waterways, to inform members about the **creation of the Canal and River Trust during 2012**.
- The Forum continued to **monitor the delivery of Rights of Way Improvement Plan (ROWIP)** projects, the development of the new ROWIP of Cheshire West and Chester Council, and annual reports for each authority.
- Jamie Matthews, Transport Strategy Officer for Cheshire West and Chester Council, briefed the Forum on the **consultation for the new Cycling Strategy** for the Council.
- The Forum considered the **Forestry Commission's pre planning application consultation** on proposals to improve and develop visitor facilities in Delamere Forest. The Forum also considered the **Independent Panel on Forestry's final report** which advised government on the future direction of forestry and woodland policy in England and on the role of the Forestry Commission in implementing policy.
- The Forum received a presentation on the changes being made to the Cheshire West and Chester Council's **Interactive Mapping system**. The online mapping tool includes information collected and photographs of path furniture.
- Forum member Neil Collie prepared a detailed presentation on the **Highways Agency's A556 Knutsford to Bowdon Environmental Improvement Scheme consultation**. The Highways Agency was consulting on junction layout and the de-trunking of the existing road. Following the presentation and ensuing discussions, the Forum submitted a formal response to the consultation, aspects of which have been taken on board in the changes made by the Agency following the consultation.
- The Forum debated and responded to a Department for Environment, Food and Rural Affairs (Defra) **public consultation on a proposed package of changes to the processes for recording, diverting and extinguishing public rights of way**, having also considered the Country Land and Business Association's report entitled 'The Right Way Forward: The CLA's Common Sense Approach to Access in the Countryside'.
- Representatives from Natural England attended the Forum to explain the Forum's role in the **Paths for Communities** funding stream, a number of applications to which were being prepared across Cheshire.



North West Local Access Forum Chairmans' Forum

Briefings from the North West Local Access Forum Chairmans' Forum included:

- coastal access in Cumbria;
- Natural England's new Countryside Code leaflet;
- fighting wildfires on moorlands;
- disabled access to the countryside;
- temporary fencing on Open Access land;
- the roles of Natural England;
- emergency services in remote areas;
- the 10 year review of Open Access land maps; and,
- a demonstration of 'Huddle' an online networking tool for LAF members.



John Taylor

Forum members were saddened to learn that fellow member John Taylor died in early 2012.

John, who held the position of vice chairman of the Forum, had been a member of the Forum since its inception as Cheshire and Warrington Local Access Forum back in 2001.

As well as his input to the work of the Local Access Forum, John was involved in many aspects of life within his local community in Crewe: he was a member and former director of the Disability Resource Exchange, a Trustee of the Community Volunteer Service, a committee member of Dial a Ride, a committee member of St Barnabas Church in Crewe and also had roles at Senior Voice and Wulvern Housing.

A minute's silence was held at the March meeting of the Forum in John's memory. Neil Collie was appointed to the position of vice chairman for the remainder of the Forum's year.





Membership

Member

Robert Anderson

Rhoda Bailey

Neil Collie, Vice Chairman

Helen Connolly

Andy Gildon

Dale Langham

Kay Loch

Andrew Needham

Keith Osborn

Keith Pennyfather

John Taylor, Vice Chairman

John White, Chairman

Kath Wurcbacher

Area of interest

Accessibility

Councillor, Cheshire East Council

Walking

Horse riding

Community involvement

Cycling and walking as sustainable transport

Councillor, Cheshire West and Chester Council

Land management, local authority procedures

Land management

Walking and sustainable transport

Land management, accessibility

Walking

Horse riding



The Future of the Local Access Forum in Cheshire

This is the last annual report of the joint Cheshire Local Access Forum. From 2013, two new and separate Forums are being established, one covering Cheshire West and Chester Council's area and one covering Cheshire East Council's area (excluding that within the Peak District National Park which is covered by the Peak District Local Access Forum).

Cheshire Local Access Forum

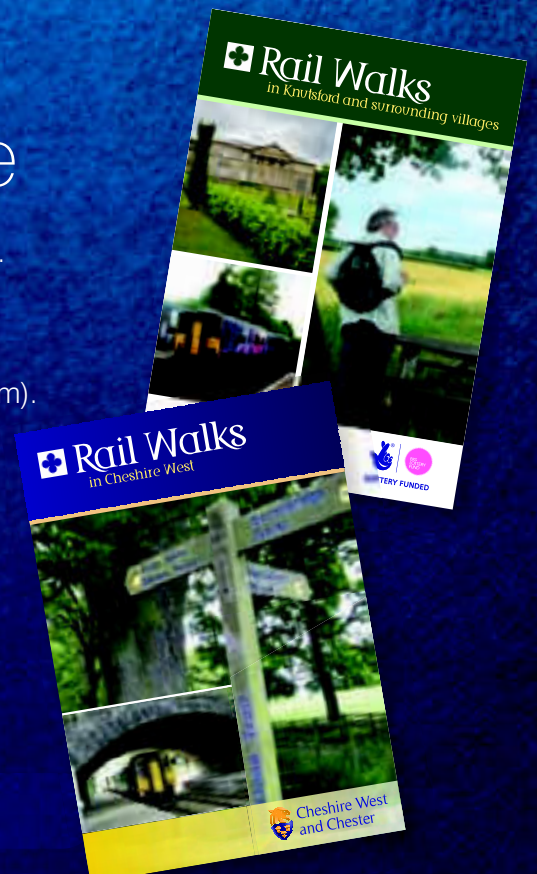
c/o Public Rights of Way, Cheshire East Council,
2nd Floor, Old Building, Municipal Buildings,
Earle Street, Crewe, Cheshire CW1 2BJ

Tel **01270 686029**

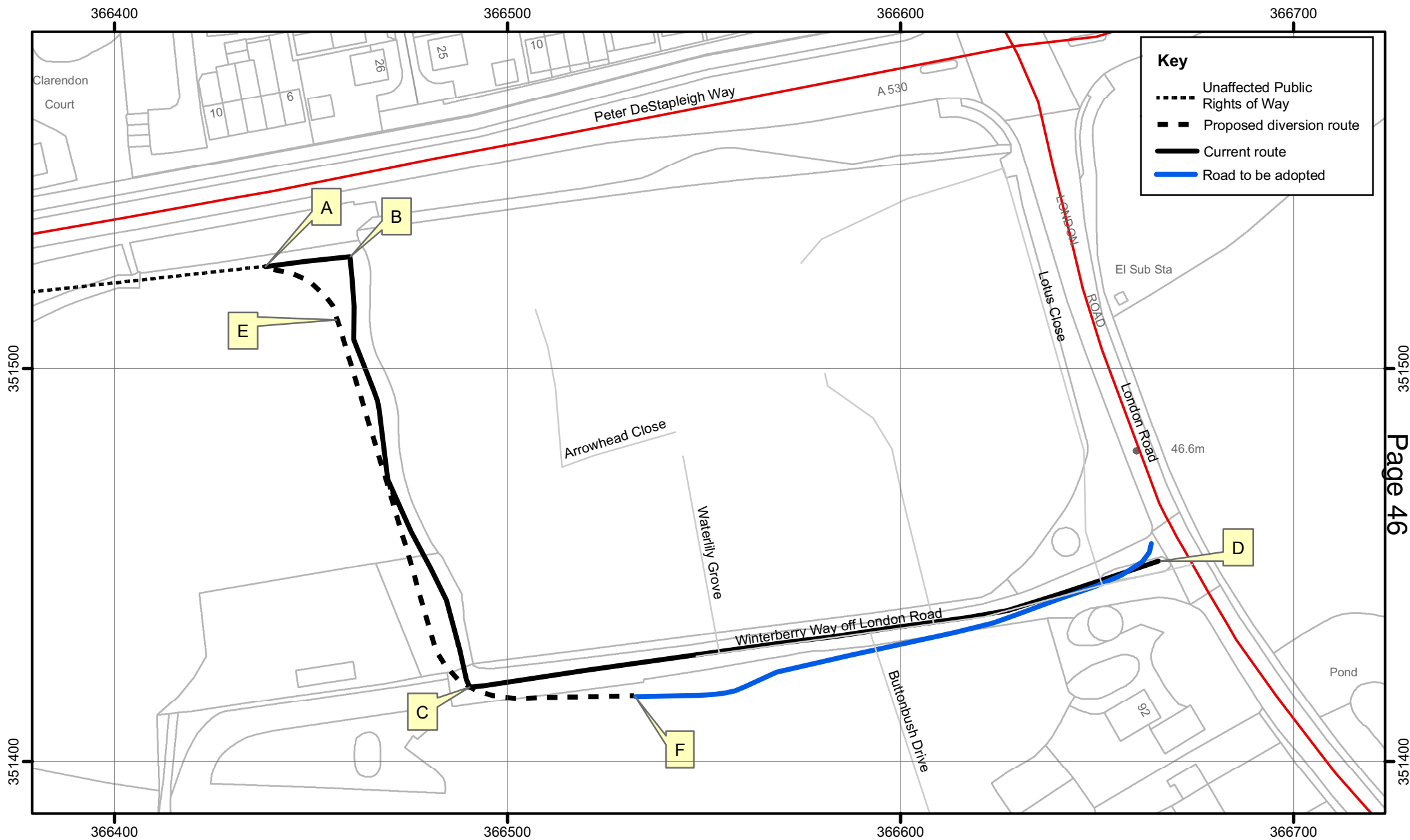
Email **claf@cheshire.gov.uk**

Web: **www.cheshireeast.gov.uk/prow**

www.discovercheshire.co.uk



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CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of Meeting:	18 June 2013
Report of:	Public Rights of Way Manager
Subject/Title:	Highways Act 1980 s.119 Application for the Diversion of Public Footpath No.1 (part), Parish of Stapeley

1.0 Report Summary

- 1.1 The report outlines the investigation to divert part of Public Footpath No.1 in the Parish of Stapeley. 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 footpath concerned.

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 part of Public Footpath No.1 Stapeley by creating a new section of public footpath and extinguishing the current path as illustrated on Plan No. HA/082 on the grounds that it is expedient in the interests of the owner of the land crossed by the path.
- 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 path. It is considered that the proposed diversion is in the interests of the landowner for the reasons set out in paragraph 10.4 & 10.5 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 path is 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 path 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 right of way.
- The effect that any new public right 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 route will not be 'substantially less convenient' than the existing route and diverting the footpath will be of considerable benefit to the landowner in terms of offering enhanced security and privacy to his property. It is considered that the proposed route will be a satisfactory alternative to the current one and that the legal tests for the making and confirming of a diversion order are satisfied.

4.0 Wards Affected

4.1 Nantwich South and Stapeley

5.0 Local Ward Members

5.1 Councillor Peter Groves and Andrew Martin

6.0 Policy Implications

6.1 Not applicable

7.0 Financial Implications

7.1 Not applicable

8.0 Legal Implications

8.1 Once an Order is made it may be the subject of objections. If objections are not withdrawn, this removes the power of the local highway authority to confirm the order itself, and may lead to a hearing/inquiry. 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 T Moses of David Wilson Homes North West, 2nd Floor, 303, Bridgewater Place, Birchwood, Warrington, WA3 6XF requesting that the Council make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath no. 1 in the Parish of Stapeley.
- 10.2 Public Footpath No. 1, Stapeley, commences at the parish boundary at OS grid reference SJ 6569 5184 where it joins Public Footpath No. 26 Nantwich. From here, it weaves through a housing estate running in a generally easterly direction to its junction with Public Footpath No. 12 and then in a southerly direction to an open space through which it curves to then run through more housing in a generally south, south easterly direction to its junction with Peter Destapleigh Way. It crosses this road to then continue in a generally easterly, then southerly direction across grasslands before joining a metalled road which it follows in an easterly direction until it meets London Road at OS grid reference 6666 5145 where it terminates. The section of this path to be diverted is shown by a solid black line on Plan No. HA/082 between points A-B-C-D. The proposed diversion is illustrated on the same plan with a black dashed line between points A-E-C-F.
- 10.3 The land over which the current path and the proposed diversion run belongs to David Wilson Homes North West. 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.
- 10.4 The section of Public Footpath No. 1, Stapeley runs across a residential development site although it is not directly affected by any of the planned building works. However, diverting the path through a more landscaped area would create a more pleasant walking experience for future residents and the general public taking them through trees and grassed areas. The route would end at the start of a new road which, when legally adopted by the Council, users would use to reach London Road close to the point at which the current route joins it.
- 10.5 The new route would start at point A and follow a generally south easterly direction to point E before bearing in a south, south easterly direction to point C. It would then follow a easterly direction to terminate at its junction with the new metalled road within the residential development (point F). This road will be adopted as public highway which will provide pedestrian rights for users to London Road.

Throughout, the route would be 2 metres wide and would have a metalled surface (stoned or tarmacadem).

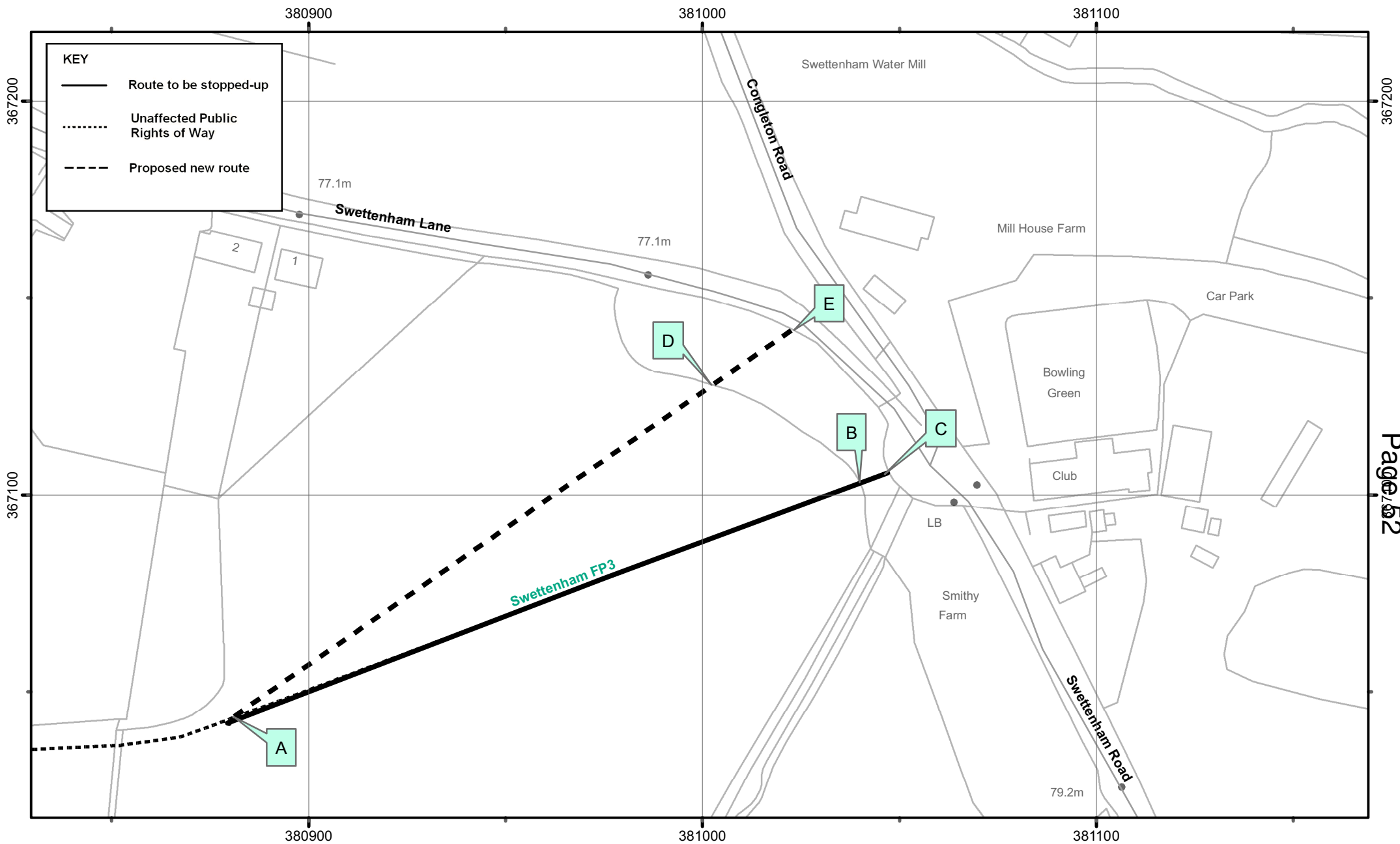
- 10.6 Ward Councillors have been consulted about the proposal. No comments were received.
- 10.7 Stapeley Parish Council has been consulted. Their response will be reported verbally.
- 10.8 The statutory undertakers have also been consulted and have raised no objections to the proposed diversion. If a diversion order is made, existing rights of access for the statutory undertakers to their apparatus and equipment are protected.
- 10.9 The user groups have been consulted. No objections have been received.
- 10.10 The Council's Nature Conservation Officer has been consulted and has raised no objection to the proposals.
- 10.11 An assessment in relation to the Equality Act Legislation 2010 has been carried out by the PROW Network Management and Enforcement Officer for the area and it is considered that the proposed diversion is no less convenient than 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
PROW File: 357D/471

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Highways Act 1980 s119
The Cheshire East Borough Council
(Footpath No 3 (part) Parish of Swettenham)
Public Path Diversion Order 2013

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Plan No.
HA/083



CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of Meeting:	18 June 2013
Report of:	Public Rights of Way Manager
Subject/Title:	Highways Act 1980 s.119 Application for the Diversion of Public Footpath No. 3 (part), Parish of Swettenham

1.0 Report Summary

- 1.1 The report outlines the investigation to divert part of Public Footpath No.3 in the Parish of Swettenham. 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 footpath concerned.

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 part of Public Footpath No.3 Swettenham by creating a new section of public footpath and extinguishing the current path as illustrated on Plan No. HA/083 on the grounds that it is expedient in the interests of the owner of the land crossed by the path.
- 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 path. It is considered that the proposed diversion is in the interests of the landowner for the reasons set out in paragraph 10.4 & 10.5 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 path is 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 path 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 right of way.
- The effect that any new public right 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 route will not be 'substantially less convenient' than the existing route and diverting the footpath will be of considerable benefit to the landowner in terms of offering enhanced security and privacy to his property. It is considered that the proposed route will be a satisfactory alternative to the current one and that the legal tests for the making and confirming of a diversion order are satisfied.

4.0 Wards Affected

4.1 Brereton Rural

5.0 Local Ward Members

5.1 Councillor John Wray

6.0 Policy Implications

6.1 Not applicable

7.0 Financial Implications

7.1 Not applicable

8.0 Legal Implications

8.1 Once an Order is made it may be the subject of objections. If objections are not withdrawn, this removes the power of the local highway authority to confirm the order itself, and may lead to a hearing/inquiry. 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 M Dentith (agent), Latium Management Services, on behalf of Mr B Kennedy (applicant) of Swettenham Hall, Swettenham, Cheshire, CW12 2J2 requesting that the Council make an Order under section 119 of the Highways Act 1980 to divert part of Public Footpath no. 3 in the Parish of Swettenham.
- 10.2 Public Footpath No. 3, Swettenham, commences at its junction with Davenport Park Lane at OS grid reference SJ 8010 6715 and runs in a generally south, south easterly, then easterly and then east, north easterly directions across pasture land and finally through the grounds of Swettenham Hall to terminate at OS 8104 6710 close to where three roads meet (Swettenham Road, Congleton Road and Swettenham Lane). This point is also the access entrance into the hall grounds. The section of path to be diverted is shown by a solid black line on Plan No. HA/083 between points A-B-C. The proposed diversion is illustrated on the same plan with a black dashed line between points A-D-E.
- 10.3 The land over which the current path and the proposed diversion run belongs to Mr B Kennedy. 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.
- 10.4 The section of Public Footpath No. 3, Swettenham to be diverted enters the grounds of the applicant's property, Swettenham Hall, immediately adjacent to the entrance and metalled access drive that leads to the hall causing some users to walk along the metalled access drive to the hall, all of which is the private property of the applicant, instead of following the footpath. Moving the crossing point further east of the entrance would clearly separate the footpath from the access drive. This would ensure that path users were clear that the route of the footpath was not along the access drive whilst reinstating the privacy and security required by the applicant. The footpath alignment would be diverted accordingly to make a route across the grounds from the new crossing point.
- 10.5 The entry point of the proposed new route (A-D-E) would be at point E. Therefore, from point A, the new route would follow a linear route in a north easterly direction to the fenced boundary of the grounds (point D) which it would cross via a kissing gate to then run through a woodland verge until it reached Swettenham Lane where it would terminate (point E).

The new route would have a width of 2 metres and would be unenclosed.

Of benefit to users, any ambiguity experienced in relation to the direction of the footpath would be reduced.

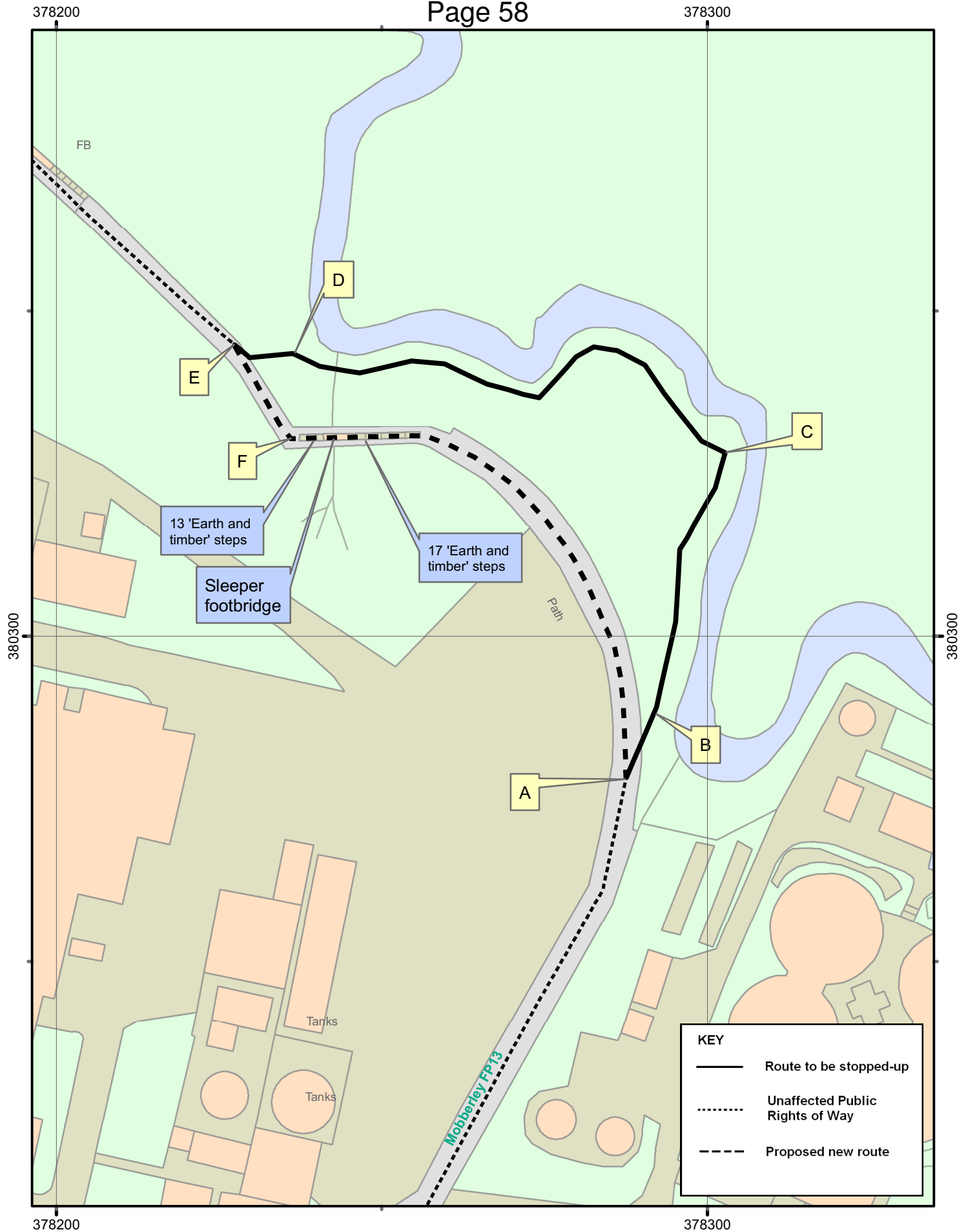
- 10.6 Ward Councillors have been consulted about the proposal. No comments were received.
- 10.7 Swettenham Parish Council has been consulted. Although they registered an objection to the proposal but this is under reconsideration and their final response will be reported verbally.
- 10.8 The statutory 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.
- 10.9 The user groups have been consulted. No objections have been received.
- 10.10 The Council's Nature Conservation Officer has been consulted and has raised no objection to the proposals.
- 10.11 An assessment in relation to the Equality Act Legislation 2010 has been carried out by the PROW Network Management and Enforcement Officer for the area and it is considered that the proposed diversion is not substantially less convenient than 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
PROW File: 223D/476

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Highways Act 1980 s119
The Cheshire East Borough Council
(Footpath No 13 (part) Parish of Mobberley)
Public Path Diversion Order 2013

Plan No.
HA/084



CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of Meeting:	18 June 2013
Report of:	Public Rights of Way Manager
Subject/Title:	Highways Act 1980 s.119 Applications for the Diversion of Public Footpath No.13 (part) and Extinguishments of Public Footpaths No.11a, 13 (part) and 13a/1 Parish of Mobberley

1.0 Report Summary

- 1.1 The report outlines the investigation to divert part of Public Footpath No.13 and to extinguish Public Footpath No's 11a, 13 (part) and 13a/1 in the Parish of Mobberley. This includes a discussion of consultations carried out in respect of the proposals and the legal tests to be considered for diversion and extinguishment orders to be made. The proposals have been put forward by the Public Rights of Way Unit as applications have been made by the landowner concerned. The report makes recommendations based on that information, for quasi-judicial decision by Members as to whether or not any Orders should be made to divert and/or extinguish the sections of the footpaths concerned.

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 part of Public Footpath No.13 in the Parish of Mobberley by creating a new section of public footpath and extinguishing the current path as illustrated on Plan No. HA/084 on the grounds that it is expedient in the interests of the owner of the land crossed by the path.

Orders are made under Section 118 of the Highways Act 1980 to extinguish Public Footpath No's 11a, 13 (part) and 13a/1 in the Parish of Mobberley as illustrated on Plan No. HA/085 on the grounds that they are not needed for public use.

- 2.2 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 by the said Acts.
- 2.3 In the event of objections to any 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 within the Highways Act 1980, it is within the Council's discretion to make an Order:

- To divert a Public Footpath under Section 119(1) 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 path.
- To extinguish Public Footpath under Section 118(1) if it appears to the Council that it is expedient that a path or way should be stopped up on the ground that it is not needed for public use.

It is considered that the proposed diversion and extinguishments are in the interests of the landowner for the reasons set out in paragraph 10.4 & 10.5 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 a Diversion or Extinguishment Order the Secretary will, in addition to the matters discussed at paragraph 3.1 above, have regard to the following:

For diversions

- Whether the path is 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 path 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 right of way.
- The effect that any new public right 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.

For Extinguishments

- The extent (if any) to which it appears to him...that the path or way would, apart from the order, be likely to be used by the public, and
- The effect which the extinguishment of the right of way would have as respects land served by the path or way, and

The material provision of any rights of way improvement plan prepared by any local highway authority which includes land over which the order would extinguish a public right of way.

- 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 diversion route for Public Footpath No. 13 (part) in the Parish of Mobberley will be an improvement to the existing route since it is level underfoot, without barriers and has steps and a footbridge to enable descent and ascent of the steep banks that flank the small stream. It is considered that the proposed route will be a satisfactory alternative to the current one and that the legal tests for the making and confirming of a diversion order are satisfied.
- 3.4 The proposed extinguishments are in the interests of the landowner to legally meet the requirements first identified when the industrial site was built. There has been no evidence of the public wishing to use the routes in question.

4.0 Wards Affected

- 4.1 Mobberley

5.0 Local Ward Members

- 5.1 Councillor Jamie Macrae

6.0 Policy Implications

- 6.1 Not applicable

7.0 Financial Implications

- 7.1 Not applicable

8.0 Legal Implications

- 8.1 Once an Order is made it may be the subject of objections. If objections are not withdrawn, this removes the power of the local highway authority to confirm the order itself, and may lead to a hearing/inquiry. 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 Applications have been received from Mr R Dingle of LPC Living Ltd (“agent”) on behalf of Mr T Hamon of Argonaught Holdings Ltd., Third Floor, Elizabeth House, Ruettes Brayes, St Peters Port, Guernsey (“applicant”) requesting that the Council make an Orders to divert part of Public Footpath no. 13 and to extinguish Public Footpath No’s 11a, 13 (part) and 13a/1 in the Parish of Mobberley under sections 119 and 118 respectively of the Highways Act 1980.

10.2 Public Footpath No. 13, Mobberley, commences at its junction with Public Footpath No. 5 Mobberley at O.S. grid reference SJ 7818 8038 and runs in a generally south westerly, then easterly and then southerly directions around the perimeter of an industrial site to terminate at O.S. grid reference 7825 7983. A separate section of this footpath commences at O.S. grid reference SJ 7822 7993 and runs in a generally east, south easterly direction to terminate at O.S. grid reference 7826 7992.

Public Footpath No. 11a, Mobberley, commences at its junction with Mobberley FP11 at O.S. grid reference SJ 7813 8043 and runs in a generally west, south westerly direction across the site to terminate at O.S. grid reference SJ 7809 8014.

Public Footpath No. 13a/1, Mobberley, commences at OS grid reference SJ 7809 8009 and runs in a generally west, north westerly direction across the site to terminate at its junction with Public Footpath No. 13 Mobberley at O.S. grid reference SJ 7825 7984.

The section of Public Footpath No. 13 Mobberley to be diverted is shown by a solid black line on Plan No. HA/084 between points A-B-C-D-E. The proposed diversion is illustrated on the same plan with a black dashed line between points A-F-E.

Public Footpath No’s 11a, 13 (part) and 13a/1 in the Parish of Mobberley to be extinguished are shown by solid black lines on Plan No. HA/085 between points A-B, C-D and E-F respectively.

10.3 The land over which the current paths and the proposed diversion and extinguishments run belongs to Argonaught Holdings Ltd. Under section 118 and 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 respectively extinguish or divert the footpaths.

10.4 The section of Public Footpath No. 13, Mobberley to be diverted is unavailable at present due to steep gradients, boundaries and over growth. Furthermore, part of it runs along a river bank and is at risk of potential flooding. Diverting it to align along an existing path that follows the site boundary would resolve these issues and reinstate public right of passage.

10.5 The proposed new route (A-F-E on Plan No. HA/084) would leave the current footpath at point A to follow an existing footpath as it curved around the

perimeter fence in a northerly, north westerly and then westerly direction to point F. It would then follow a north westerly direction to terminate as it rejoined the current footpath at point E. To cross the stream, the existing route descends from the perimeter fence via 'earth and timber' steps to cross the stream using a 3 metre sleeper footbridge and then ascends 'earth and timber' steps to rejoin the perimeter fence along which it continues to the termination point (point F).

The new route would be 2 metres wide throughout except where it crossed the footbridge.

Of benefit to users, public right of passage would be reinstated on a more convenient route that is already available.

- 10.6 The sections of Public Footpath No's 11, 13 and 13a/1 to be extinguished run across an industrial site but are obstructed by buildings and no longer of use to the public. Historically, the proposal to extinguish them was planned at the time of the site development but the orders were never made. Therefore these proposals, if approved, would rectify this situation whilst protecting the security of the site that is desired by the applicant.
- 10.7 Ward Councillors have been consulted about the proposals. No comments were received.
- 10.8 Mobberley Parish Council has been consulted. Member's response(s) will be reported verbally.
- 10.9 The statutory undertakers have also been consulted and have raised no objections to the proposed diversion or extinguishments. If diversion or extinguishment orders are made, existing rights of access for the statutory undertakers to their apparatus and equipment are protected.
- 10.10 The user groups have been consulted. No objections have been received.
- 10.11 The Council's Nature Conservation Officer has been consulted and has raised no objection to the proposals.
- 10.12 An assessment in relation to the Equality Act Legislation 2010 has been carried out by the PROW Network Management and Enforcement Officer for the area and it is considered that the proposed diversion is an improvement to the old route since it is level underfoot and has 'earth and timber' steps and a sleeper bridge to enable descent and ascent to the bridge to enable users to cross a stream. Also, there are no barriers required on the diversion 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

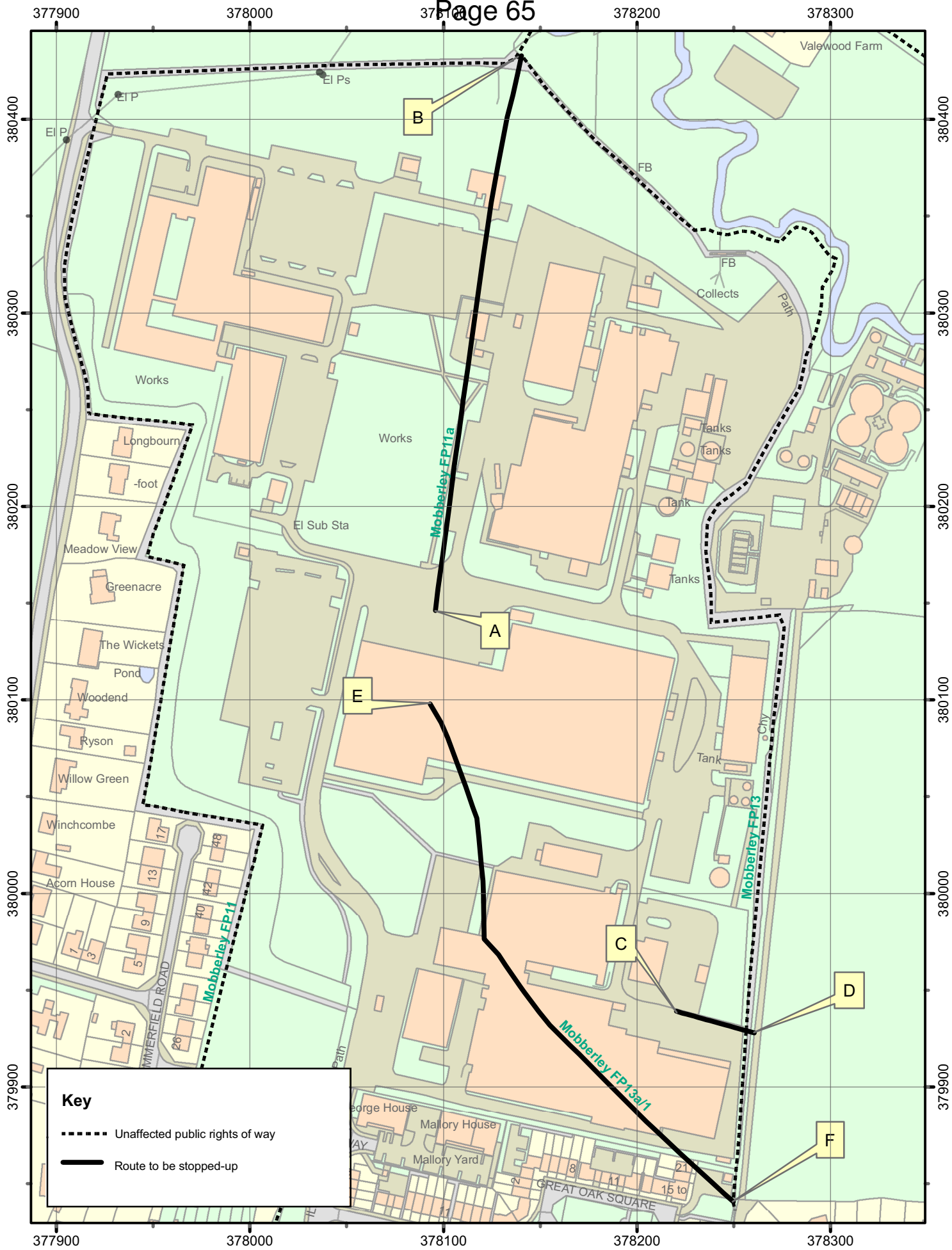
Email: marianne.nixon@cheshireeast.gov.uk

PROW Files: 210D/472

: 210E/473

: 210E/473

: 210E/473



Key

----- Unaffected public rights of way

———— Route to be stopped-up



1:2,500

Highways Act 1980 s118
 The Cheshire East Borough Council
 (Footpath No's 11, 13 & 13a/1 (parts) Parish of Mobberley)
 Public Path Extinguishment Orders 2013

Plan No.
 HA/085



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