

Public Rights of Way Sub-Committee

Date of Meeting:	13 March 2023
Report Title:	Wildlife & Countryside Act 1981 – Part III, Section 53. Application No. MA/5/245 Application for the addition of Public Footpaths at Plumley Nature Reserve / Lime beds
Report of:	Jayne Traverse, Executive Director Place
Ward(s) Affected:	Chelford

1. Purpose of Report

- 1.1.** This report outlines the investigation into an application made by Plumley with Toft and Bexton Parish Council in 2010 and registered in 2011, to amend the Definitive Map and Statement to add various public footpaths to the site known as Plumley Nature Reserve / Plumley Lime beds. This report includes a discussion of the consultations carried out in respect of the claim, the historical evidence, witness evidence and the legal tests for a Definitive Map Modification Order to be made. The report makes a recommendation based on that information, for quasi-judicial decision by Members as to whether an Order should be made to add various public footpaths to the Definitive Map and Statement.
- 1.2.** The work of the Public Rights of Way team contributes to the Corporate Plan priority “A thriving and sustainable place”, and the policies and objectives of the Council’s statutory Rights of Way Improvement Plan.

2. Executive Summary

- 2.1** The report considers the evidence submitted and researched in the application to add various public footpaths at the Plumley Nature Reserve / Lime beds site. The evidence consists of use on foot by individual witnesses over a period of over 50 years. The report determines whether on the balance of probabilities the status of public footpaths has been acquired. The reputation of the routes as historical physical features is demonstrated through the Ordnance Survey maps since at least the 1930s and provides good reputational evidence of both

a circular route and a route heading east off the circular route. The user evidence investigated and discussed provides evidence of use by users on foot over a relevant 20 year period leading to the assertion that Public Footpath rights have been acquired.

3. Recommendations

- 3.1** An Order be made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by adding Public Footpaths at the Plumley Nature Reserve / Plumley Lime beds site as shown between points A-B-C-D-A and A-E-F-G on Plan No. WCA/028.
- 3.2** Public notice of the making of the Order be given and, in the event of there being no objections within the specified period, or any objections received being withdrawn, the Order be confirmed in exercise of the power conferred on the Council by the said Act.
- 3.3** 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.

4. Reasons for Recommendations

- 4.1** The evidence in support of this claim must show, on the balance of probabilities, that public footpath rights are reasonably alleged to exist along the claimed routes. It is considered there is sufficient use of the routes without force, secrecy, or permission, that is without interruption and as of right; to support the existence of public footpath rights along the routes shown between points A-B-C-D-A and A-E-F-G on Plan No. WCA/028.
- 4.2** It is considered that the requirements of Section 53(3)(c)(i) have been met in relation to public footpaths and it is recommended that the Definitive Map and Statement should be modified to show Public Footpaths as per the application on the tracks within the Plumley Nature Reserve / Lime beds site.

5. Other Options Considered

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

6. Background

6.1. Introduction

6.1.1 The Application was made to Cheshire East Council in March 2010 by Plumley with Toft and Bexton Parish Council, to add various public footpaths to the Plumley Nature Reserve / Plumley Lime beds site. The application consisted of user evidence forms, a sales particular document and photographs. A total of 12 user evidence forms were submitted demonstrating use on a foot. The forms were filled out and signed in two separate time periods (8 forms in 2009 and 4 in 2012/13). In addition, one form filled out was submitted twice for the same couple, but the second form did contain extra background information.

6.1.2 In 2022 when the application was assessed the original application of 2010 was reviewed and the Parish Council was contacted as it was a little ambiguous as to the exact routes they were claiming as no marked-up plan was provided in the original application. On the original 2010 application the route claimed was described as being from Ascol Drive entrance and back again in a loop to Ascol Drive. An application map was provided in the form of a covering letter referencing an attached map and stating that the claimed routes were the pecked line tracks on that Ordnance Survey map. No actual clear plotting of the route was separately marked up on the map, the routes were just described. This application map showed Ordnance Survey markings of a double pecked line track route as a circular route included a spur running off to the east. In 2022, to avoid doubt, the routes have been clarified with the Parish Council by them marking up exactly those routes that they are claiming. The claimed routes do correlate with the map showing pecked line tracks on the Ordnance Survey base map attached to the original application.

6.1.3 From discussion with present and past landowners the application site has an interesting history with various landownership changes. From 1914-1916 the site was turned over to making explosives for military purposes and then was owned by the ICI Chemical company in various guises from the 1920/30s for many years for making chemicals of various kinds. From the 1990s onwards the Ammonia Soda Company was making ammonia soda for various bleaches. The Cheshire Wildlife Trust also managed the site on behalf of ICI for many years around the later 1990s (when it also became a nature reserve). The land then passed to a company in Scotland, before going onto the market again in around 2000, when the Parish Council attempted to buy the site, unsuccessfully, before another purchaser bought the entire site in 2009. They then sold the site in more recent times to the now current two landowners who own roughly half the site each with a fence down the middle marking their

respective boundaries on the ground. The current landowners are mentioned in more detail in section 6.5.8 of this report.

- 6.1.4** The application site is known locally as Plumley Nature Reserve or Plumley Lime beds based on its history outlined above. The application site is designated as a site of Special Scientific Interest (SSSI) and was also designated more recently in 2018 as an Ancient Scheduled Monument (SAM) for its history as a Sodium Ash and Calcium Nitrate Works site.

Description of the Application Route

- 6.2.1** The claimed public footpaths are split into two key sections. The first section is a circular loop off Ascol Drive on landowner No.1's land and the second section is a winding linear route off the loop to the east of the site around a large lime bed on landowner No.2's land.

The circular route section starts from its junction with Plumley Footpath No. 15 near to the southern end of Ascol Drive, just by the woodland edge at Grid Ref: SJ 7055,7516, Point A on Plan No. WCA/028. At this point there are now some double locked metal gates. The route runs south in a circular loop on woodland tracks to its most southerly point at Grid Ref: SJ 7088,7487, Point B on Plan No. WCA/028. From here it heads back in a north north westerly direction back to Point A. Parts of the tracks in the woodland are good and stone surfaced and a fair width while other sections are very overgrown with vegetation with the odd tree fallen across and of a muddier surface. The linear second section heading east starts at the same point as the northern tip of the loop at Point A off Plumley Footpath No. 15, and heads east skirting around a large lime bed at Grid Ref SJ 7081, 7515 near Point E on Plan No. WCA/028. It then reconnects with Plumley Footpath No. 15 at Point G. There is also a length running in a southerly direction to end at a lagoon at Grid Ref: SJ 7103,7517 south of Point F at Point Y.

The routes pass various historical features within the woodland including a large old ammunition building at Grid Ref SJ 7064,7493 between Points A-B; various old low level hardcore remains near the eastern side of the circular loop from the soda production days and a large lime bed on the linear eastern arm around Grid Ref: SJ 7103,7517 near Point E. There are also two short dead-end spurs of tracks identified as D-X and F-Y on Plan No. WCA/028.

The surface of the routes vary from being a hard-core track to a mud woodland narrow path, with onsite inspection recording an average width of 4 metres. No width was stated on the

application form. Measurements from Ordnance Survey mapping of the tracks around the site indicate the route varies in width from 2.9 metres to 7.4 metres.

6.3 Main Issues

6.3.1 Section 53(2)(b) of the Wildlife and Countryside Act 1981 requires that the Council shall keep the Definitive Map and Statement under continuous review and make such modifications to the Map and Statement as appear requisite in consequence of the occurrence of certain events:-

6.3.2 One such event, (section 53(3)(c)(i)) is where

“(c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:-

- (i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subsection to section 54A, a byway open to all traffic.

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

6.3.3 Where the evidence in support of the application is user evidence, section 31(1) of the Highways Act 1980 applies. This states; -

“Where a way.....has been actually enjoyed by the public as of right and without interruption for a full period of twenty years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.”

This requires that the public must have used the way without interruption and as of right; that is without force, secrecy or permission. Section 31(2) states that “the 20 years is to be calculated retrospectively from the date when the right of the public to use the way is brought into question”.

6.3.4 In the case of, *R (on the application of Godmanchester Town Council) v Secretary of State for the Environment, Food and Rural*

Affairs (2007), the House of Lords considered the proviso in section 31(1) of the Highways Act 1980:

“...unless there is sufficient evidence that there was no intention during that period to dedicate it”.

The proviso means that presumed dedication of a way can be rebutted if there is sufficient evidence that there was no intention to dedicate the way, during the relevant twenty-year period. What is regarded as ‘sufficient evidence’ will vary from case to case. The Lords addressed the issue of whether the “intention” in section 31(1) had to be communicated to those using the way, at the time of use, or whether an intention held by the landowner but not revealed to anybody could constitute “sufficient evidence”. The Lords also considered whether use of the phrase “during that period” in the proviso, meant during the whole of that period. The House of Lords held that a landowner had to communicate his intention to the public in some way to satisfy the requirement of the proviso. It was also held that the lack of intention to dedicate means “at some point during that period”, it does not have to be continuously demonstrated throughout the whole twenty-year period.

- 6.3.5** For public rights to have come into being through long use, as stated above, a twenty year period must be identified during which time, use can be established. Where no challenge to the use has occurred, this period can be taken as the twenty years immediately prior to the date of the application. In this case the date of challenge can be identified as 2009 when the previous landowner of the whole site put very prominent notices up to challenge use. This landowner has provided a copy of the notices that were put up around the whole boundary of the site which said *“Keep Out! Private Property. Trespassers will be prosecuted”*. This landowner also confirmed that as the notices were often vandalised or ripped down, he had to replace them several times.

6.4 *Investigation of the Claim*

- 6.4.1** An investigation of the available evidence has been undertaken. The documentary evidence that has been examined is referred to below and a list of all the evidence taken into consideration can be found in Appendix 1.

6.5 *Documentary Evidence*

County Maps 18th/19th Century

- 6.5.1** These are small scale maps made by commercial map-makers, some of which are known to have been produced from original surveys and others are believed to be copies of earlier maps. All

were essentially topographic maps portraying what the surveyors saw on the ground. They included features of interest, including roads and tracks. It is doubtful whether mapmakers checked the status of routes or had the same sense of status of routes that exist today. There are known errors on many map-makers' work and private estate roads and cul-de-sac paths are sometimes depicted as 'cross-roads'. The maps do not provide conclusive evidence of public status, although they may provide supporting evidence of the existence of a route.

In this instance these maps do not show any evidence of the claimed routes.

Tithe Records

6.5.2 *Tithe Map and Apportionment 1846*

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

The Tithe Map of Plumley dated 1845, is a second-class map, and shows nothing of the claimed routes. Ascol drive from Ordnance Survey maps did not appear until the 1900s so does not appear on the Tithe Map as a feature either. Holford Hall to the east is present and there is some clear bounded lane feature running south west from Holford past the application site.

6.5.3 *Ordnance Survey Records*

Ordnance Survey (O.S.) mapping was originally for military purposes to record all roads and tracks that could be used in times of war; this included both public and private routes. These maps are good evidence of the physical existence of routes, but

not necessarily of status. Since 1889 the Ordnance Survey has included a disclaimer on all of its maps to the effect that the depiction of a road is not evidence of the existence of a right of way. It can be presumed that this caveat applied to earlier maps.

O.S. 1st Edition County Series 25" to 1 mile 1871

The claimed routes are not shown in anyway on this early map. Ascol Drive has not yet been constructed at this point in time and there is just a small track feature marked around what is now the site edge.

O.S. 2nd Edition County Series 25" to 1 mile 1890

The claimed routes are not shown clearly on this map. Ascol Drive has not yet been constructed at this point in time and there is just the same small track feature marked around what is now the site edge, as on the 1st Edition mapping.

O.S. 3rd Edition County Series 25" to 1 mile 1910

The claimed routes are not shown clearly on this map. However, Ascol Drive to the north has appeared as a double track line feature and there is a boundary forming around what would become a woodland site. However, in 1910 the site clearly has many buildings or structures in situ as the map shows a large Ammonia Soda Works and with track links and sidings joining the railway line to the south. To the east there also appears to be a lagoon or raised areas marked within the site.

O.S. 1:10,000 New Series (1936)

The claimed routes all now appear very clearly as marked tracks within what is now a woodland site and annotated as a Nature Reserve. A remnant works buildings remains in the middle of the site and there is a lagoon to the east.

6.5.4 Bartholomew's Half Inch to a Mile

These maps were revised for the benefit of tourists and cyclists with help from the Cyclists' Touring Club (CTC). Local CTC members would generally have cycled every available route in their area, and it is subsequently assumed that any route that appeared on these maps had initially at least, been used without hindrance. These maps were well used by cyclists for their outings so the depiction here is likely to have led to it being used.

Examination of Bartholomew's maps for the said location in this application from 1902, 1904, 1920.1923 and 1941 do not show anything of the claimed routes or woodland area. This is not

surprising given that Ordnance Survey did not depict the area in any detail until around the 1930s and the purpose of the Bartholomew's maps was more for cycle touring. Holford Hall to the northeast is marked as well as the road network running east/west to the north of the site.

6.5.5 *Finance Act 1910*

The Finance Act of 1910 involved a national survey of land by the Inland Revenue so that an incremental value duty could be levied when ownership was transferred. Land was valued for each owner/occupier and this land was given a hereditament number. Landowners could claim tax relief where a highway crossed their land. Although the existence of a public right of way may be admitted it is not usually described or a route shown on the plan. This Act was repealed in 1920.

Two sets of plans were produced: the working plans for the original valuation and the record plans once the valuation was complete. Two sets of books were produced to accompany the maps; the field books, which record what the surveyor found at each property and the so-called 'Domesday Book', which was the complete register of properties and valuations.

A working copy of the finance plan has been examined in Cheshire Archives which is of generally poor quality and an uncoloured map. It annotates the site as Ammonia Soda Works and encompasses most of the now woodland site referenced as parcel 189. Where Footpath No. 15 runs along the northern boundary of the site this is excluded from adjacent land parcels and unnumbered indicating it was excluded from hereditaments and therefore most likely considered public at the time.

6.5.6 *Pre Definitive Map Records*

The Public Rights of Way team hold records that pre-existed the Definitive Map process. The route is not shown on any of these maps.

6.5.7 *Definitive Map Process – National Parks and Access to the Countryside Act 1949*

The Definitive Map and Statement is based on surveys and plans produced in the early 1950s by each Parish in Cheshire, of all the ways they considered to be public at that time. The surveys were used as the basis for the Draft Definitive Map.

There is no depiction of the claimed routes on the Definitive Map, Draft, Provisional or Parish Survey Map. The nearest footpath shown in this location on these maps is Footpath No. 15 which is shown running along the northern edge of the woodland outside the site boundary. The Footpath Society Survey Map also does not show the claimed routes but has what later became Footpath No. 15 marked as a C.R.F (cart road mainly used as a footpath).

Section 31(6) Highways Act 1980

Under this provision of the Act, a landowner may submit a Statement and Plan to the local authority, declaring the extent of their landownership and depicting the rights of way that they accept to exist. This and a subsequent statutory declaration, have the effect of asserting that the landowner has no intention of dedicating any further right of way over their land.

The Council do not hold any statutory declarations regarding this application site.

6.5.8 *Land Registry Information*

The claimed routes are on land with two affected landowners. Recent Land Registry searches were carried out in 2022. Landowner 1 is a company which owns the land on which the circular loop is identified within the application. Landowner 2 is a private landowner owning land adjacent to the application site and the land on which the linear spur coming off the circular loop is located. The boundary between the two landownerships is marked on Plan No. WCA/028.

6.5.9 *Photographs and other evidence*

No photographs were submitted with the application. Officer photographs of the site were taken in 2011 and again recently in 2022.

It has also recently come to light that, as well as being a Site of Special Scientific Interest, the application site has also been designated as an Ancient Scheduled Monument since 2018 for its former use as a Soda Ash and Calcium Nitrate Works.

6.6 *Witness Evidence*

- 6.6.1 The Application was made in 2010 seeking to record several footpaths on the basis of long usage by the public. One form, filled out in dual names, duplicates forms that were later filled out individually so has not been included in the analysis, although it does contain extra background information which has been considered. A chart illustrating the user evidence from the total number of 12 witnesses is attached at Appendix 2.
- 6.6.2 In general terms the form's questions have been answered correctly, with quite a bit of additional information in some cases. Most users live in Plumley with some in nearby Northwich, representing the public at large, and attesting to up to a total of 57 years of usage. There is some variability in the hand drawn maps each user has submitted with their application, and they differ in showing different points used to access or leave the Nature Reserve / Lime beds area.
- 6.6.3 All users believe the claimed routes to be public footpaths, have used them on foot, by themselves and with others, and have seen other people using them on foot, many of whom they knew. They all describe a similar woodland path, with a natural surface, although there was a difference of opinion about whether the path was enclosed or not, and whether path furniture was to be found, or the existence of signs or notices, possibly due to varying memories over a 57-year time span.
- 6.6.4 Two of the users mention being given permission by the Cheshire Wildlife Trust warden, one of whom seems to have worked with the warden at the nature reserve. It has since been clarified by speaking to some landowners and some of the users, that the Cheshire Wildlife Trust may have given permission to users to walk the site but that they never technically owned the site, rather having managed the site for ICI. Further investigation with the Cheshire Wildlife Trust as to this historical permission unfortunately did not reveal any more detail.
- 6.6.5 One of the main issues with the user evidence is the fact that at least 5 of the users who completed forms are now confirmed deceased and many of the rest are very elderly or not available. Only two of the original users has been contactable to date for a phone interview.

- 6.6.6 Several of the witnesses refer in statements made in autumn 2009, to obstructions and notices being put in place “recently”. Therefore, without further evidence provided by a landowner, it is reasonable to assume that 2009 is the date of the first challenges of public user and therefore the relevant 20-year period for deemed dedication to have occurred is consequently 1989- 2009.
- 6.6.7 There are 12 users within the period of 1989-2009 with 10 of them claiming use throughout this period. They all claimed usage on foot. Therefore, there has clearly been enough use, by the public between 1989 and 2009, to make a prima facie argument for deemed dedication of a footpath.
- 6.6.8 Nearly all the witnesses claim to have used the path on a regular weekly to monthly basis, with one claiming use up to 5 times a week at one extreme, and another saying “occasionally”.
- 6.6.9 All the use appears to have been “as of right” rather than “by right” without any interruption for a full 20-year period. It does not appear any interruption to use occurred until about 2009, when several refer to obstructions in place such as gates and barbed-wire, and signs informing that the land was private and to keep out. Whilst the 20 year period covers the foot and mouth epidemic when paths were closed to the public, this is exempt in law from interrupted use.
- 6.6.10 Until signs were put up in 2009 by the previous landowner (copy of notices by previous landowner have been supplied with the notice wording having read: *“Keep Out! Private Property. Trespassers will be prosecuted”*), no evidence has come to light of any landowner previous to that having carried out any clear overt actions of a lack of intention to dedicate. Indeed, it could be deemed that the public were very much openly invited historically to the site given it was a Nature Reserve at one point (albeit not by the landowner specifically but by the Wildlife Trust as their land manager). However, the majority of the users did not mention gaining permission from anyone to use the site or being invited to use site.
- 6.6.11 In this case the majority of the original witnesses who filled in witness evidence forms are now deceased, have moved out of the area or were not available to contact. An interview with the past landowner who owned the entire site and also both current landowners has been possible and provided a lot of the history to the site. Phone interviews were held with two of the original witnesses and some follow up additional information was gained

from users from the parish council who did not originally fill in forms.

- 6.6.12 From the two interviews conducted with users they both clearly used the claimed footpaths unhindered and uninterrupted until 2009 when the notices went up which deterred use of the site and included their memory of the gate near Point A also being locked at this time. Current landowner 2 has lived near to the site since the late 1980s and provided a lot of the historical background to the usage of the site outlined in Section 6.1.3. Landowner 1 has only taken over the site in more recent years post-2009 so has limited knowledge on its history.
- 6.6.13 There are two dead end spurs within the application, D-X and F-Y on Plan No. WCA/028. These spurs obviously do not connect to another public highway but may have been considered leading to places of 'public resort' in the form of waterbodies. However, from the desktop analysis and interviews these spurs have been less mentioned and probably less used than the rest of the footpaths claimed. The loop on landowner 1's land was clearly very popular and the spur running off to the east onto landowner 2's land also provided a key link to join the other public footpaths in the area.

6.7 *Conclusion*

- 6.7.1 The documentary evidence considered in this case demonstrates that the site as a woodland /nature reserve did not really come into being physically until around the 1930s. In the early 1900s evidence on Ordnance Survey maps can be seen of the historical ammonia works site. Other maps examined do not add any additional evidence by not showing many physical features at the time of their production.
- 6.7.2 Under s.31(1) of the Highways Act 1980 a right of way can come into being by prescription unless there is evidence to the contrary. The use of the route on foot can be demonstrated by the witness evidence over the 20 year period 1989 to 2009. This use can also be supported by the significant length of use up to this period. The use provided is fairly frequent and regular and as it covers a long time period can be considered suitable for the acquisition of rights to have been demonstrated.
- 6.7.3 There is not considered to be enough evidence, however, of use of the spurs D-X and F-Y and also whilst these could have led to

a place of resort they do not join any other public highways and have not been mentioned clearly enough in the desktop analysis by users or during interviewing to suggest sufficient evidence of use.

- 6.7.4 The evidence in support of this application must show, on the balance of probabilities, that public footpath rights subsist along the claimed routes. The balance of user evidence supports the case that public footpath rights subsist along the routes A-B-C-D-A and A-E-F-G on Plan No. WCA/028, therefore, it is considered that the requirements of Section 53(3)(c)(i) have been met and it is recommended that a Definitive Map Modification Order is made to add these public footpaths at the Plumley Nature Reserve / Lime beds site and thus amend the Definitive Map and Statement.

7. Consultation and Engagement

- 7.1 Consultation letters and a plan of the claimed routes were sent out to the Chelford Ward Member; Plumley with Toft and Bexton Parish Council; User Groups/Organisations and statutory undertakers via email on the 25th September 2022. Letters were sent to the current landowners also.
- 7.2 There were a few responses from the consultees.
- 7.3 The Cheshire East Council Conservation Officer responded to say that the application site is designated as a Site of Special Scientific Interest. Another local resident sent a brief response to simply state they agree that a footpath on the site would be an excellent idea and keep walkers on the hard track and had walked other footpaths in the area. Various other responses from the Parish Council came in at a much later date and are discussed in the witness evidence section of this report.

8. Implications

8.1. Legal

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

8.1.2 Upon determination of this application, the authority must serve notice on the applicant to inform them of the decision. Under Schedule 14 of the WCA, if the authority decides not to make an order, the applicant may, at any time within 28 days after service of the notice, appeal against the decision to the Secretary of State. The Secretary of State will then

consider the application to determine whether or not an order should be made and may give the authority directions in relation to the same.

8.1.3 Legal implications are also included within the report.

8.2. Finance

8.2.1 If objections to an Order lead to a subsequent hearing/inquiry, the Council would be responsible for any costs involved in the preparation and conducting of such.

8.3. Policy

8.3.1 There are no direct policy implications of this report.

8.4. Equality

8.4.1 The legal tests under section 53 of the Wildlife & Countryside Act 1981 do not include an assessment of the effects under the Equality Act 2010.

8.5. Human Resources

8.5.1 There are no direct implications for Human Resources

8.6. Risk Management

8.6.1 There are no direct implications for risk management

8.7. Rural Communities

8.7.1 There are no direct implications for Rural Communities.

8.8. Children and Young People/Cared for Children

8.8.1 There are no direct implications for Children and Young People.

8.9. Public Health

8.9.1 There are no direct implications for Public Health.

8.10. Climate Change

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

8.10.2 The addition of public footpaths to the Definitive Map represents the formal recognition of pedestrian rights, creating more opportunities for leisure and the potential for the improvement/promotion of healthy lifestyles as part of a recognised recreational route.

Access to Information	
Contact Officer:	Clare Hibbert clare.hibbert@cheshireeast.gov.uk 01270 686063
Appendices:	Appendix 1 – Archive List Appendix 2 – User Evidence Chart Plan No. WCA/028
Background Papers:	File No. MA/5/245