

Public Rights of Way sub committee

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| Date of Meeting: | 13 March 2023 |
| Report Title: | Informative Report: Secretary of State decision for Wildlife And Countryside Act 1981 – Part III, Section 53. Application to Upgrade Public Footpaths Nos. 8 Marbury cum Quoisley and No. 3 Wirswall to Bridleways |
| Report of: | Jayne Traverse, Executive Director Place |
| Ward(s) Affected: | Wrenbury |

1. Purpose of Report

- 1.1. This report is an informative to brief Members on the decision made by the Planning Inspectorate on behalf of the Secretary of State on the Order made by the Council to upgrade Public Footpaths Nos. 8 Marbury cum Quoisley and No. 3 Wirswall to Bridleways under the Wildlife and Countryside Act 1981 section 53.
- 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 informs Members that following the referral of this Order to the Planning Inspectorate following an objection, it has been determined by written representations and subsequently confirmed.

3. Recommendations

3.1. The report is for information only - no decision is required by Committee

4. Reasons for Recommendations

4.1. Not Applicable.

5. Background

- 5.1. Once a Definitive Map Modification Order (DMMO) application has been determined by the Public Rights of Way Sub-Committee, a legal Order is made, which may then 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 If objections are not withdrawn, this removes the power of the Local Highway Authority to confirm the Order itself, and the case has to be referred for determination to the Planning Inspectorate on behalf of the Secretary of State, it follows that the Committee decision may be confirmed or not confirmed. The Modification Order in relation to the upgrade of these footpaths has been determined by the Planning Inspectorate by the written representations process.
- 5.2. The Cheshire East Borough Council Definitive Map and Statement (Upgrading of Public Footpaths No. 8 Parish of Marbury cum Quoisley and No. 3 Parish of Wirswall to Bridleways) Modification Order 2017, was made on 12th January 2017.
- 5.3. Public notice of the Order having been made was published in the local press, posted on site and served on the relevant organisations on 12th April 2017. The advertising of the Order initially attracted three objections. Officers responded to the objections, addressed the points raised and sought the withdrawal of the objections. Two objections were withdrawn, and one objection was sustained.
- 5.4. No statement of case was submitted from the objector to the Planning Inspectorate so the decision from the Inspector was based on the initial objection.
- 5.5. The objector questioned the claimed status of the Order route. Although the objector contended that there were many documentary sources that did not show the Order route as a bridleway, none of those sources were submitted for consideration.
- 5.6. The Order was confirmed by the Planning Inspectorate on the 6th August 2020.
- 5.7. Following the confirmation there has been a delay in advertising the confirmation to the public. This has been due to Officers monitoring the ground conditions and ensuring they are suitable for use as a bridleway. One section of the bridleway is particularly wet underfoot; and there was concern

for those using the route on horseback. Officers consulted the landowner, who undertook drainage works, and representatives of The British Horse Society prior to advertising the confirmation of the Order on 14th December 2022. In addition new bridle gates and signposts have now been installed.

6. Consultation and Engagement

- 6.1.** This is an Informative report, so no further consultation has been undertaken. All relevant parties were provided with a copy of the Inspectors' decision letters.

7. Implications

7.1. Legal

- 7.1.1. There are no further legal implications for the Authority.

7.2. Finance

- 7.2.1. There are no potential further financial implications.

7.3. Policy

- 7.3.1. There are no direct policy implications.

7.4. Equality

- 7.4.1 There are no direct equality implications.

7.5. Human Resources

- 7.5.1. There are no direct implications for Human Resources.

7.6. Risk Management

- 7.6.1. There are no direct implications for risk management.

7.7. Rural Communities

- 7.7.1. There are no direct implications for rural communities.

7.8. Children and Young People/Cared for Children

- 7.8.1. There are no direct implications for children and young people

7.9. Public Health

- 7.9.1. There are no direct implications for public health

7.10. Climate Change

- 7.10.1. 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.

- 7.10.2. The upgrade of the Public Footpaths to Public Bridleways contributes to the management of the public rights of way network for members of the public on foot, horseback and pedal cycle with the potential for the improvement and promotion of active healthy lifestyles and wellbeing.

| Access to Information | |
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| Contact Officer: | Jennifer Ingram jennifer.ingram@cheshireeast.gov.uk 01270 686158 |
| Appendices: | N/A |
| Background Papers: | CN/7/23 |