

OFFICER DECISION RECORD (ODR2)

This form records an officer decision and is published in accordance with the Openness of Local Government Bodies Regulations 2014

Date of Decision	5th December 2023
Decision Taker (including Job Title)	Genni Butler Acting Public Rights of Way Manager
Specific Delegation	<p>Authority to make decision: This decision has been taken in accordance with Cheshire East Council's Constitution dated July 2023, including the Scheme of Officer Delegation, Chapter 2, Part 5. By a delegation dated 1st January 2018 from the Executive Director of Place to Head of Service Rural and Cultural Economy and a further delegation dated 1st January 2018 from the Head of Service Rural and Cultural Economy to the Public Rights of Way Manager.</p> <p>The delegation was considered by the Constitution Committee on 20 September 2018, and by full Council on 18 October 2018 and it was resolved that <i>"approval be granted for the scheme of delegation to be amended to enable the Executive Director Place to determine, in consultation with the Chairman and Vice Chairman of the Public Rights of Way Committee, any Public Path Order applications that are not contested or contentious at the pre-order consultation stage."</i></p>
Brief Description of Decision	<p>A public path diversion Order be made under Section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No. 20 in the Parish of Buerton on grounds that the Cheshire East Borough Council is satisfied that it is necessary to do so in order to enable development to be carried out.</p> <p>The proposal has been put forward by the Public Rights of Way team on behalf of Mr Geoff Blood of Hankins Heys Farm, as a response to a planning application that has been approved by the Council's Planning Department, for 'Conversion of Barns to Three Dwellings at Lower College Fields Farm, Audlem Road, Woore, CW3 9RW' as detailed within planning reference 22/0523N.</p>

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Reasons for the Decision and alternatives considered	<p>It is considered that it is necessary to divert part of Public Footpath No. 20 in the Parish of Buerton as illustrated on Plan No. TCPA/075A, to allow for the conversion of barns to three dwellings at Lower College Fields Farm, Audlem Road, Woore, CW3 9RW, as detailed within planning reference 22/0523N.</p> <p><i>Alternative options considered</i> Not applicable – this is a non-executive matter.</p>
Member consultation and interests declared	<p>Councillor Rachel Bailey has been consulted and has confirmed that she has no objection to the proposed diversion.</p> <p>Councillors David Browne and Laura Crane, Chair and Vice Chair of the Highways and Transport Committee confirmed their agreement with the recommendations in the report on 22nd November 2023.</p>
Significant Decision	No
Legal Implications	<p>Once an Order is made it may be the subject of objections. If objections are not withdrawn, this removes the power of the Local Authority to confirm the Order itself, and may lead to a hearing or Public Inquiry. It follows that the Committee decision may be confirmed or not confirmed. This process may involve additional legal support and resources.</p> <p>I am satisfied that the recommended option is supportable based on the information provided.</p> <p>Vicky Fox – Planning and Highways 5th December 2023</p>
Financial Implications	<p>I am satisfied that the recommended option is supportable. A Public Path Order application has been determined by Delegated Decision. The costs of the case are covered either by application fee and invoiced advertising charges in the case of an application having been received from a third party, or borne within existing budgets for cases proposed by the authority. Ongoing management of the Public Right of Way network will be covered within existing budgets.</p> <p>Wendy Broadhurst, Lead Finance Partner</p>

Confidential/Exempt Information	N/a
Background Papers	The background papers are available in file 053/599D.

Signed



Dated5th December 2023.....

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