

OPEN

Highways and Transport Committee

4 April 2024

Report Title: Wildlife & Countryside
Act 1981 – Part III, Section 53.

Application No. MA/5/222 Application for
the addition of a Bridleway between Moss
Lane and Newton Hall Lane, Mobberley
also known as Graveyard Lane.

Report of: Peter Skates, Acting Executive Director, Place

Report Reference No: HTC/36/23-24

Ward Affected: Mobberley

Purpose of Report

- 1 This report outlines the investigation into a 2003 application made by Alderley Edge, Wilmslow and District Footpaths Preservation Society (“the Society”) to modify the Definitive Map and Statement of Public Rights of Way (the “DM”) by the addition of a Bridleway over a route running between Newton Hall Lane and Moss Lane otherwise known as “Graveyard Lane”. This report includes a discussion of the consultations carried out in respect of the claim, the documentary and witness evidence investigated and the legal tests for the making of a Definitive Map Modification Order (“DMMO”). The report makes a recommendation based on this information for quasi judicial decision by Members as to whether an Order should be made to add a Bridleway.
- 2 The work of the Public Rights of Way team contributes to the Corporate Plan, the “thriving and sustainable place” priority, and the policies and objectives of the Council’s statutory Rights of Way Improvement Plan.

Executive Summary

- 3 The report considers the evidence submitted and researched in the application to record a Bridleway between Newton Hall Lane and Moss

Lane in Mobberley. The route is also known as Graveyard Lane, a name given, it is assumed because of a seventeenth century Quaker burial site adjacent to the route.

- 4 The evidence consists of use, on foot and with horse by individual witnesses over a period from the 1970s to 2003, at which date the application was submitted. There is secondary evidence of a continued public use which is discussed in the report. The report determines whether on the balance of probabilities rights of use as a Bridleway have been acquired. An historic depiction of the route is demonstrated through commercial maps from the late 18th century and Ordnance Survey mapping from the mid nineteenth century. Together with the initial and then contemporary evidence of use by the public on foot and with horse and bicycle, there is a strong assertion that Bridleway rights have been acquired.

RECOMMENDATIONS

The Highways and Transport Committee is recommended to:

1. Decide that an Order be made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by adding a Bridleway between Newton Hall Lane and Moss Lane, Mobberley as shown between points A-B on Plan No. WCA/34.
2. Decide that 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. 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.

Background

- 5 The application was made to the former Cheshire County Council (“CCC”) in May 2003 by the Society asking for an Order to add a bridleway to the DM. The application was supported by eight user evidence forms and some documentary evidence. A supplementary letter set out certain details; that the route at that time was given no formal status although it had been the route to the Quaker burial ground since 1669; photographs were submitted which show the in-situ bridleway fingerposts and condition of the route; bridleway signs had been erected at both ends of the route since approximately 1993 and the

CCC abandoned review of the DM which had intended to record the route as bridleway. The CCC abandoned review was the consequence of the enactment of the 1981 Act. Prior to that date, the Surveying Authority (the CCC), under the National Parks and Countryside Act 1949, had a duty to review the DM every 5 years then this was changed to a “rolling review” so the DM is constantly being modified.

- 6 The application was investigated in 2007 by CCC and approval was given to create the bridleway by agreement with landowners and adjacent landowners under Section 25 of the Highways Act 1980 (see [Agenda for Public Rights of Way Committee on Monday, 16th September, 2013, 4.00 pm | Cheshire East Council](#)). The process was not completed because it was not found possible to collate a comprehensive set of agreements for the whole length of the lane. It has become apparent that the procedure to record a route by agreement with the landowners will not succeed and it is therefore recommended by this report that the route is recorded by the making of a Definitive Map Modification Order.

Description of the application route

- 7 The route runs in a south-east direction from Newton Hall Lane (C106) at OS grid reference SJ 8048 8029 (point A on Plan No. WCA/34 “the Plan”) to Moss Lane (UW2144) at SJ 8110 8000 (point B on the Plan), approximately 2.2km east from the centre of the village of Mobberley. Newton Hall Lane is a connecting lane between Mobberley and Wilmslow and Moss Lane is a cul-de-sac. There are two Public Footpaths Nos. 44 and 45 Mobberley that connect with this route and can be seen on the Plan. The name of the lane indicates an interesting history associated with a graveyard labelled on historic maps as the Quaker burial ground.
- 8 The route has been diverted at the east end, in the early 1980s and a public right of way is acknowledged by the landowner on its current alignment. The route with this alignment is shown on the Plan that is the subject of this report and recommendation.
- 9 The route is an unsealed mostly gravel surface. Between boundaries at the west end, it is a variable width between 6.6 metres and 2.7 metres and at the eastern end, it is restricted to approximately 1.8 metres wide between boundaries. The width is that which is found on the ground and between boundaries. The location of gates are shown on the Plan. The Plan also shows the location of finger posts with footpath and bridleway blades.

Main Issues

- 10 Section 53(2)(b) of the Wildlife and Countryside Act 1981 requires that the Council shall keep the DM under continuous review and make such modifications to the Map and Statement as appear requisite in consequence of the occurrence of certain events:-
- 11 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, subject to section 54A, a byway open to all traffic.”
- 12 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.
- 13 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”.
- 14 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 application was made in 2003, and the statutory period of use would be 1983 to 2003.
- 15 Public rights can also be established under common law based on evidence of public use and there is no requirement for a period of

twenty years. Establishing rights under common law relies on there being an owner with capacity to dedicate or evidence that there was no capacity to dedicate. In the absence of knowing who the owner was, satisfactory evidence of user by the public would establish rights. In this case, it seems that since the 2003 application was made, the landowners have been willing to enter a creation agreement for a bridleway, the route has been signed with bridleway signs since c.1993 and promoted as a signposted recreational route. In addition, consultees attest to regular use with horses and cycles as well as on foot which are all indicative of rights acquired under common law.

- 16 Restrictions on the recording in the DM for mechanically propelled vehicles (motorised vehicles) have been made by section 67 of part 6 of the Natural Environment and Rural Communities Act 2006 which was enacted on 2nd May 2006. Section 67 (i) states; 'An existing public right of way for mechanically propelled vehicles is extinguished if it is over a way which, immediately before commencement...was not shown on a Definitive Map and Statement.' Section 67 (2) to (8) provides exceptions to the extinguishment of unrecorded rights of way for mechanically propelled vehicles if an application for a DMMO to record a Byway Open to All Traffic had been made before the 'relevant date' (20th January 2005). In this case, no such application had been made and any public rights for motorised traffic users will have been lawfully extinguished. Sub-section 67(5), (7) and 70(4) together retain rights for people to access their land and property. Section (5) preserves, for a person with an interest in land, what may have been public rights which became a private right to the benefit of that land. Private rights co-exist with public rights on many public rights of way.

The Investigation

- 17 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.

County Maps 18th/19th Century

- 18 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 mapmakers' 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.

- 19 On Stuart's map of 1794 the route is not shown, nor burial ground noted. On Bryant's map of 1831, the burial ground is a useful identifier of the route and is given prominence as the "Quakers Burying Ground" adjacent to a route leading west beyond "Graveyard Farm" to a junction opposite "Barlow Ho." [House]. The lane is depicted in the class of "Lanes and Bridleways" described on the map key. The Swire and Hutchings map of 1829, notes the "Quaker burying ground" and a route which is a through route to Newton Hall Lane. It is depicted the same as "cross lane" on the key. In this instance these maps show a route in the early nineteenth century.

Tithe Map and Apportionment for Mobberley, 1847

- 20 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. The 1836 Act relieved the Tithe Commissioners of the need to certify all maps. The Mobberley Award is however, certified by the commissioners and so is viewed as a first-class map.
- 21 It was not the purpose of the Awards to record public highways. Although depiction of both private occupation and public roads may provide good supporting evidence of the existence of a route, especially since they were implemented as part of a statutory process. 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.
- 22 The preamble to the Mobberley Award lists the total quantities of tithes to be commuted and includes a description of four acres, two rood, 16 perch as "occupation road". Hereditament 648 is listed as Grave Yard Lane, owned by the executors of the Late John Bray and occupied by Jeffrey Bray (who also occupied Grave Yard house and yard). At the eastern termination of the lane, hereditament 632a is described as "road" in the ownership of the devisees in Trust of the late Thomas Wright and occupied by Thomas Norbury. There is a separate plot for highways, numbered 1702 and listed in the ownership of the Highways of the Parish. Elsewhere on this Award there are other plots which are described as "road" and are in private ownership, indicating the recognition of untitheable land which was also considered to be an occupation road.

- 23 The Tithe map adds to the reputation of a route that was in existence and whilst the Award does not set out to establish status of highways, the indicated is that Graveyard Lane was considered to be an occupation road not a public highway.

Ordnance Survey Records (OS)

- 24 OS 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 its maps to the effect that the depiction of a road is not evidence of the existence of a right of way. It is argued that this disclaimer was solely to avoid potential litigation. Dr Yolande Hodson has written widely on the interpretation of the OS map. Dr Hodson was formerly employed by the Military Survey and then by the Map Room of the British Museum. In publication, she has described the tension in the twentieth century within the OS to agree on what would be shown on the maps, at which scale and for which audience and what symbols should be used to depict the condition and status of roads and ways. She has indicated that the OS are good evidence of the existence of a way or path and can support any other evidence claiming public rights of way, but they are limited in proof for public status.

- 25 OS 1" to 1mile series, 1848.

The application route is shown running between single weight solid lines. At the western termination a line across the route indicates a gate at the junction opposite Barlow House, and at the eastern termination a line indicates it is gated. The graveyard is labelled.

- 26 OS 1st Edition County Series 25" to 1 mile, 1871.

This route crosses three map sheets. The route is shown with single solid lines. "Burial ground" is noted. At Newton Hall Lane the junction with Graveyard Lane is marked by a line across the junction indicative of a gate. The lane has not been given a parcel number.

- 27 OS 2nd Edition County Series 25" to 1 mile, 1898.

The route crosses three map sheets. The route is shown with single solid lines, the style is on the characteristic sheet. The track is not braced to the adjacent land. Sheet XXVII.8 shows the middle section and the route is labelled "Graveyard Lane" parcel number 404.

- 28 OS 3rd Edition County Series 25" to 1 mile, 1909.

The route runs between solid lines and the parcel number is 518 not braced to the adjacent land. Sheet XXVII.2 shows the east end of the route. The termination at Moss Lane is marked by a line across the track indicating a gate. On Sheet XXVII.8 the lane is numbered parcel 404 and not braced. The disused burial ground is noted. On map sheet XVIII.12 the route is numbered 365 and is not braced to adjacent lane.

- 29 OS Popular Series 1" Sheet 44, 1923 and 1941 and map sheet 101, 1947.

Newton Hall Lane is shown coloured solid yellow, one line weighted, classed on the map key as road, "fit for ordinary traffic"; Moss Lane and Graveyard Lane shown as broken yellow infill, single weight lines, classed as roads under 14' wide and "indifferent". Graveyard Farm is labelled but not the burial ground. The map key includes a notation that private roads are uncoloured. The subsequent 1941 published map does not have this specification listed in the key. The 1941 map colours roads Moss Lane, Graveyard Lane and Newton Hall Lane red, but the printing quality makes it impossible to differentiate the line weight and class of road. On a different sheet, "101", part of Moss Lane, Graveyard Lane are coloured red, line weight equivalent to "other motor roads", "narrow" "good" on the map key. The disclaimer of the representation on the map includes road, tracks and footpath as "no evidence of the existence of a right of way".

The OS map series is good evidence of the physical continuity of the route from commencement of mapping. The route is shown as not braced to adjacent land indicating the boundaries were fixed features. The lines across the route indicating gates strongly suggests control over the lane whereby the route was not part of the ordinary road network. The Popular map series suggests the "gates" were not an obstruction to use in the early to mid-twentieth century.

Bartholomew's Half Inch to a Mile

- 30 Bartholomew was a Scottish company with a good reputation of publishing maps from the late 19th century. Between c.1911 and 1928 there was an arrangement with the Cyclists' Touring Club for their members to send in revisions and their logo was shown on the maps where this arrangement was in place. The maps were based on OS base maps. The maps set out a classification of use, although there is a caveat that the depiction of any route was not evidence of a public right of way and background to the maps indicates that they relied on user reviews to make any corrections. Comparison of map publication dates may show any consistent depiction of a particular route.

- 31 The 1904 publication is at scale half inch, sheet 8 covers Mobberley. The route is shown as a dashed red line, which is on the map key as secondary good roads. The 1920 map which is the following publication of this sheet, shows this route as uncoloured, classed as inferior and not to be recommended. The 1941 publication of re-numbered map sheet 28 covering Mobberley, shows Moss Lane and Graveyard Lane with dashed yellow infill, classed as serviceable roads on the map key. The maps show the route was considered inferior from the first publication, but there is an indication by comparing the map series that the route was considered to be accessible with a cycle.

Finance Act 1910

- 32 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. It is thought that exclusion of highways on the maps came under S35(1) of the Act not to charge on land or an interest in land held by a rating authority. 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.
- 33 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.
- 34 Two of the working map sheets of the western end and eastern end, sheets XXVII.7 and .12 were available to view at the Cheshire Record Office. They show the route as excluded from hereditaments. The Planning Inspectorate guidelines suggests this may be indicative of a public route but is not conclusive of public nor of a vehicular route. The map has little information and the hereditaments outlined in red ink showing graveyard lane is unnumbered. It was most likely considered public at that time. The book of reference shows that none of the adjacent hereditaments claimed a reduction for a public right of way.

Pre DM Records

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

DM Process – National Parks and Access to the Countryside Act 1949

- 36 The DM 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 DM.

The Draft DM was produced with no claim over Graveyard Lane, but Footpath No. 45 joins the lane, with a stile at the junction, opposite Footpath No. 45 is the commencement of Footpath No. 42 and a stile at the junction. North of this crossing is the junction with Footpath No. 44 and Graveyard Lane, with a stile at the junction. The Provisional Map also shows the connecting footpaths, no status for Graveyard Lane is recorded on the Statement the description given is solely "Graveyard Lane". It is indicative that the reputation of the route was as a public right of way in the form of a highway.

Land Registry information

- 37 As part of the lane is unregistered, notice of the 2003 application had been served on the land from November to December 2003. No new owner came forward to claim ownership. Consultations to owners and occupiers were sent 1 November 2023 and acknowledgement of the consultation was received from two landowners, requesting further clarification of the current legal position and corrections of address details.

Photographs

- 38 Photographs were taken for the 2003 application investigation and also for comparison in November 2023. Evidence of continuation of signage, surface and route are apparent between these dates.

Witness evidence and STRAVA data

- 39 The witness evidence submitted with the original application indicates use was made of the route by the public walking and horse riding. A chart illustrating the users who supported the 2003 application can be found at Appendix 2. This use covers the statutory period of claim. The consultation response from the user groups confirms continuity of use on foot and horse riding and cycling. The description of recent and current use is without challenge nor obstruction.
- 40 Use is mainly on foot, with weekly or less use. Horse-riders were generally using the route on a weekly basis. Use was recreational, no one sought permission or was given permission and there were no reports of gates that were forced or signs that said the route was private.
- 41 The 2003 application users noted alterations to the route: a garage was built before 2003 and has since been dismantled. A gate was erected

in approximately 2002 or 2003 but does not get closed. New fencing and an evergreen hedge were installed at the eastern end, at Moss Cottage. Users noted the eastern end of the route was overgrown.

- 42 One user visited friends at Graveyard Farm. Others noted that they had conversed with owners/adjacent owners without a challenge. One user was associated with a former horse-riding school on Newton Hall Lane. Users also recalled bridleway signs were in place c.1993. The 1993 date accords with the publication date of a CCC leaflet of cycle rides in Cheshire describing the route as used by horse-riders and cyclists.
- 43 Strava Data is a dataset which derives from personal usage records which are recorded digitally. The raw data is made available to access organisations and will show as heat maps of use on foot and by cycle aggregated from the previous two years. It should be noted the data is only from people who have elected to be included with public data. A December 2023 snapshot of usage shows the application route is more heavily used by walkers than the connecting footpaths. The maps do not record horse-riding activity but show that cyclists have used the route almost to the same frequency as the ordinary road network.

Consultation and Engagement

- 44 In addition to the owners and occupiers, a consultation with the Plan was sent on 1st November 2023 to the Mobberley Ward Member, the Mobberley Parish Council and the local user groups.
- 45 The Parish Council requested further information about the application and have not made any further response.
- 46 The CycleWilmslow group and the Wilmslow U3A cycling group have written in support of the claim. They say the groups are already using the route on a regular basis. A representative of the local rambling group, Mid Cheshire Footpath Society, confirms that he has regularly walked the route and the group has a promoted walk incorporating this route. He recalls having seen horse-riders but not on the dates. A representative of the Peak and Northern Footpath Society supports the making of an Order to add this route to the record, additional comments were made that the society had paperwork indicating the route was already on the record as a bridleway. This refers back to a CCC review of the DM in the 1980s which was abandoned (paragraph 5 above). The Strava data corroborates the consultee comments on the popularity of the route.
- 47 A representative of the North Cheshire Riders group (horse-riding) quoted from the group archives indicating that there is considerable user evidence available as the route is an essential link for riders because it forms a circular riding circuit to Paddock Hill (east of the

route) and has been regularly used. Since 2012, it was said, the application route had been incorporated into the Northern Heritage Loop of the Laureen's Ride promoted route for horse-riders and cyclists, which was quoted as additional evidence of current and regular use.

- 48 Landowners and occupiers were all sent letters of consultation and a copy of the Plan submitted with this report. One owner expressed concern that the proposed recorded rights would have an impact on the occupiers right of access. It was explained that private rights can co-exist with the public rights, where private rights already exist, and these were preserved by law as discussed at para 16.

Reasons for Recommendations

- 49 Under Section 53 of the 1981 Act, the Council has a duty as the Surveying Authority to keep the DM under continuous review. Section 53 (c) allows for an authority to act on the "discovery of evidence" that suggests that the DM needs to be amended. The authority must investigate and determine that evidence and decide on the outcome whether to make a DMMO or not.
- 50 The documentary evidence has shown the route was a feature at least in the early nineteenth century, as shown by county commercial maps. The route continues to be shown on subsequent maps, such as the OS and Bartholomew's. Maps produced under a statutory process, such as the Tithe Award and the Finance Act, cannot determine the status but suggest at an earlier period use was as an occupation route as indicated by ownership and gates. At a later date, use seems to be public as shown by Bartholomew's map and the record of the connecting public footpaths on the DM. The indication is that the documentary evidence shows the route was not considered to be part of the ordinary road network but had an undetermined public status.
- 51 Witness evidence from pre 2003 and since then shows regular and uncontested use by walkers and horse-riders, with additional evidence of use by cyclists indicating a public reputation for this route as a bridleway. The CCC indicated the status would be recognised by recording a bridleway in the 1980s but the legal context changed and the process was left to be dealt with under the 1981 Act. The route was signed and incorporated into recreational cycling and horse-riding publications and has been in use as a bridleway since the 2003 application was submitted.
- 52 Landowners have not submitted evidence to rebut the claim, neither at the earlier investigations under CCC nor under the current investigation. The attempts to record the status by creation agreements is indicative that the landowners and occupiers accept the status of a bridleway. It seems therefore that there is insufficient evidence of any lack of

intention to dedicate public rights. The available and relevant evidence is supportive of a reasonable allegation in favour of presumption of dedication under common law. There is sufficient evidence to support an inference of dedication under common law.

Implications and Comments

Monitoring Officer/Legal

- 53 The Council is complying with its legal duties as stated in paragraphs 10-16.
- 54 The Human Rights Act is also of relevance. Whilst article 1 to the first protocol (peaceful enjoyment of property) and article 8 (right to respect for family, private life and home) are engaged, it is important to note that these rights are qualified, not absolute, which means that they can be interfered with in so far as such interference is in accordance with domestic law and is necessary in a democratic society for the protection of the rights and freedoms of others. It is considered that any interference occasioned by the making of a Modification Order is both in accordance with domestic law (the Wildlife and Countryside Act 1981) and is in the public interest as it is necessary in a democratic society for the protection of the rights and freedoms of others, namely the public who wish to use the way.
- 55 Should Members resolve that a Modification Order be made in accordance with highways legislation, this is merely the start of the legal process. Once a Modification Order is made, it must be publicised, and any person will have an opportunity to formally object to it. Should objections be received, the Modification Order would have to be referred to the Secretary of State who would usually hold a Public Inquiry before deciding upon whether or not to confirm the Modification Order.
- 56 Please note that the Council will not disclose the user evidence forms that form part of the background documentation at this stage in the process. The Council considers that the information provided within the user evidence documentation is exempt information under s1&2 Schedule 12A Local Government Act 1972, as amended.
- 57 Under the Wildlife and Countryside Act 1981, there is no such statutory right prior to an Order having been made - persons affected are entitled to the information in the event that an Order is made following the Committee decision.

Section 151 Officer/Finance

- 58 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.

Policy

- 59 The work of the Public Rights of Way Team contributes to the Green aim of the Corporate Plan, the “thriving and sustainable place” priority, and the policies and objectives of the Council’s statutory Rights of Way Improvement Plan.

A thriving and sustainable place

- A great place for people to live, work and visit
- Welcoming, safe and clean neighbourhoods
- Reduce impact on the environment
- A transport network that is safe and promotes active travel
- Thriving urban and rural economies with opportunities for all
- Be a carbon neutral council by 2027

Equality, Diversity and Inclusion

- 60 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.

Human Resources

- 61 There are no direct implications for Human Resources.

Risk Management

- 62 There are no direct implications for risk management.

Rural Communities

- 63 There are no direct implications for Rural Communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 64 There are no direct implications for Children and Young People.

Public Health

- 65 There are no direct implications for Public Health.

Climate Change

- 66 The Council has committed to becoming carbon neutral by 2027 and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint.
- 67 The addition of a public bridleway to the Definitive Map represents the formal recognition of pedestrian, horse-riding and cyclists 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: | Adele Mayer, Definitive Map Officer adele.mayer@cheshireeast.gov.uk |
| Appendices: | Appendix 1 documentary evidence Appendix 2 User evidence chart Appendix 3 Plan No. WCA/34 Appendix 4 Site Images |
| Background Papers: | Case File MA-5-222 Application to add a bridleway, Mobberley. The background information may be requested by contacting the report author |

Appendix 1

OPEN

Application No. MA/5/222

Application to add a bridleway between Newton Hall Lane and Moss Lane, Mobberley

PROW = Public Rights of Way, Cheshire East Council

CRO = Cheshire Record Office

TNA = The National Archives, Kew

SML = maps online at National Library of Scotland

| Primary Sources | Date | Site Shown/Mentioned | Reference Number/Source |
|--|-------------|--|--------------------------------|
| County Maps | | | |
| James Stuart | 1794 | Not shown | CRO 111834 |
| Swire and Hutchings | 1829/30 | Route shown | CRO PM 13/8 |
| Bryant map | 1831 | Route shown | CRO searchroom |
| Tithe Records | | | |
| Tithe Map | 1847 | Route shown, owners and occupiers listed | CRO EDT 278/2 |
| Ordnance Survey Maps | | | |
| OS 1" to 1 mile 1 st Edition Sheet 80NE | 1848 | Route shown as minor road, graveyard farm depicted | PROW/Cheshire East Council |

| | | | |
|--|---------------------|--|---|
| OS 1:25 inch 1st Edition | 1871 | Route shown single weight lines, labelled Graveyard Lane. Solid line across junction with Newton Hall Road (labelled Barlowhouse Lane). No line across at Moss Lane. | PROW |
| OS 1:25 inch 2nd Edition | 1898 | Route shown, single weight solid lines, labelled Graveyard Lane. Line across at junction with Moss Lane. Broken line across junction at Barlowhouse Lane | SML/PROW |
| OS 1:25inch 3 rd Edition | 1909 | Route shown single weight solid lines and labelled graveyard lane | SML/PROW |
| OS 1" to 1 mile Popular Series | 1921, 1941 and 1947 | Route is shown; coloured solid red in class of "other motor roads narrow good". | SML |
| Bartholomew's Maps | 1904/1941 | 1904 shown as broken red infill, classed as second class road. 1941 shown with broken yellow infill, classed as "serviceable" roads | SML 1904:Sheet 8 CTC logo roads revised by the CTC. Reproduced by permission of OS special local revisions. SML 1941:Sheet 28 general acknowledgement of |

| | | | |
|-----------------------------------|--------|---|---|
| | | | corrections submitted by users |
| Finance Act | | | |
| Working Copy Map | 1910 | Route excluded from hereditaments between Newton Hall Lane and last section at east end. Map Sheet OS:27.12 the lane is numbered 379 hereditament | CRO NVB27.7, 12 Cheshire Sheet, book of reference not available (ie no information for 379) |
| Local Authority Records | | | |
| Walking Survey Schedules and Maps | 1951 | Route not recorded | PROW |
| Draft Map | 1950's | Route not recorded | PROW |
| Provisional Map | 1952 | Route not recorded | PROW |
| Definitive Map & Statement | 1953 | Route not recorded | PROW |
| Additional records | | | |
| Photos | 2023 | Site photos taken in 2023 of claimed route | PROW – photo sheet |
| “Popular Maps” | 1999 | Yolande Hodson | London, Charles Charles Close \society |

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|------------------------|------------|-----------------------|---------------------|
| Consistency Guidelines | 27.01.2022 | Planning Inspectorate | Gov.Uk |
| Strava Data | 12.2023 | | Strava Metro online |