

OFFICER DECISION RECORD (ODR1)

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

Date of Decision	12th November 2025		
Decision Taker (including Job Title)	Nicola Lewis-Smith Public Rights of Way Manager		
Specific Delegation	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. 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>		
Type of Decision to be taken (tick as appropriate)	Granting a permission or licence		
	Affecting the rights of an individual	/	
	Awarding a contract or incurring expenditure which, materially affects the Council's financial position		
Brief Description of Decision	A public path diversion Order be made under Section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath Nos. 3 and 14 in the Parish of Wardle 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.		

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	The proposal has been put forward by the Public Rights of Way team on behalf of Mr Philip Posnett, as a response to a planning application that has been approved by the Council's Planning Department, for 'second phase of the Spine Road and other associated infrastructure works', at Land Bounded By The Shropshire Union Canal, Land At Former Wardle Airfield, Wardle, Nantwich, as detailed under approved planning ref. 21/6382N (reserved matters).
Reasons for the Decision and alternatives considered	It is considered that it is necessary to divert part of Footpath Nos. 3 and 14 in the Parish of Wardle as illustrated on Plan No. TCPA/081, to allow for the development for 'second phase of the Spine Road and other associated infrastructure works', at Land Bounded By The Shropshire Union Canal, Land At Former Wardle Airfield, Wardle, Nantwich, as detailed under approved planning ref. 21/6382N (reserved matters). No alternative option considered – this is a non-executive matter
Member consultation and interests declared	Councillor Mark Goldsmith, Chair of the Highways and Transport Committee, confirmed agreement with the recommendations in the report on 7 November 2025. Councillor Liz Braithwaite, Vice Chair of the Highways and Transport Committee, confirmed agreement with the recommendations in the report on 29 October 2025.
Significant Decision	No
Legal Implications	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
Financial Implications	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. Wendy Broadhurst, Lead Finance Partner
Confidential/Exempt Information	N/A
Background Papers	The background papers are available in file PROW/HD/305D/614.

Signed Nicola Lewis-Smith

Dated 12th November 2025