

# CHESHIRE EAST COUNCIL

## Cabinet Member for Prosperity and Economic Regeneration

---

**Date of Meeting:** 22<sup>nd</sup> October 2012  
**Report of:** Kevin Melling, Head of Highways and Transport  
**Subject/Title:** Dedication of New Public Rights of Way on Cheshire East Council Public Open Space in the Parishes of Holmes Chapel and Cranage

---

### **1.0 Report Summary**

- 1.1 This report presents a proposal to create public rights of way on Cheshire East Council owned public open space in the Parishes of Holmes Chapel and Cranage.

### **2.0 Recommendation**

- 2.1 That approval be given for the proposal to enter into a Deed of Dedication to create public rights of way on Cheshire East Council-owned public open space in the Parish of Holmes Chapel and Cranage, as illustrated on Plan No. LGA/003, the proposal to be put before the Public Rights of Way Committee for decision.

### **3.0 Reasons for Recommendation**

- 3.1 Cheshire East Council is involved, as the owner of public open space, in a project to improve public access in the Dane Meadow area between Holmes Chapel and Cranage, alongside the River Dane. A Dane Valley Programme Board, comprising representatives from Holmes Chapel Parish Council, Cranage Parish Council and Cheshire East Council are progressing the project.
- 3.2 The first phase of this project is being developed presently within which it is proposed to improve the accessibility of existing paths within Dane Meadow using externally sourced funding. It is a requirement of this funding that the paths are dedicated as public rights of way. This will have the effect of securing the public's rights of access for perpetuity.
- 3.3 Consultation undertaken for the Council's statutory Rights of Way Improvement Plan (ROWIP) identified the need for local access to the countryside, safe off-road pedestrian and cyclist routes and circular routes close to people's homes. These needs are met by the proposed paths which will offer leisure and active travel facilities.
- 3.4 The decision to create public rights of way is taken by the Public Rights of Way Committee under the Council's Constitution.

- 3.5 The proposal is to create public rights of way on Cheshire East Council land and therefore the approval of the Cabinet Member, as Portfolio Holder for the Asset Management Service, is also required.

#### **4.0 Wards Affected**

- 4.1 Dane Valley Ward.

#### **5.0 Local Ward Members**

- 5.1 Councillor Gilbert and Councillor Kolker.

#### **6.0 Policy Implications including - Climate change - Health**

- 6.1 The proposal supports the following policies and initiatives of the Cheshire East Rights of Way Improvement Plan 2011-2026:
- Policy H3: Public rights of way and green infrastructure: Protect and enhance our public rights of way and green infrastructure and endeavour to create new links where beneficial for health, safety or access to green spaces. Initiative: 'Leisure routes for cyclists, horse riders and walkers'.
  - Policy H2: Promotion of active travel and healthy activities: Work in partnership to promote walking, cycling and horse riding as active travel options and healthy activities. Initiative 'Public information on the public rights of way network'.
- 6.2 The development of new walking routes for local residents and visitors alike is aligned with the health and wellbeing objectives and priorities of the Council as stated in the Business Plan 2012/2015, in particular Priority 5 Ensure a Sustainable Future and Priority 7 Drive out the causes of poor health, and the Council's commitment to the Change4Life initiative.

#### **7.0 Financial Implications**

- 7.1 The proposal would incur minimal immediate financial implications in the advertising costs for a Deed of Dedication.
- 7.2 The proposal to create public rights of way would enable the Dane Valley Programme Board to access funding via Natural England's Paths for Communities Fund, one of the stipulations of which is that a new public right of way is created as a result of the project. The Programme Board have been invited to submit an application following initial screening. The funding would be used to improve the surface of the paths, access furniture and interpretation around the Dane Meadow site.
- 7.3 The paths would become maintainable at the public expense on the date that the Deed of Dedication is sealed. The paths are, in effect, already maintainable at the public expense as they are currently available to the public within the open space management regime, although the proposal will involve a greater maintenance liability than at present due to the improved surfaces of the routes.

- 7.4 The Programme Board has demonstrated a commitment to future maintenance with the following statement:
- “The Dane Valley will remain in the ownership of Cheshire East Council, which will continue with its existing maintenance programmes and responsibilities with regard to the public open space. The Programme Board is tasked with the strategic development of the projects. Holmes Chapel Partnership will oversee the maintenance and development of the area including any newly created public rights of way, supported by existing maintenance funding from Holmes Chapel Parish Council. The Partnership will also become the wardens for the area and carry out regular maintenance audits and secure improvements where necessary. Volunteer groups have already contributed to the maintenance of the site including Home Grown in Holmes Chapel, the Scouts and the Village Volunteers (an existing group of community volunteers).”
- 7.5 The Asset Management Service has assessed the proposal with respect to the Council’s landholding. The conclusion reached was that there are no negligible effects to the land as an asset of the Council as the land has no development potential due to the fact that the land is identified as an area of biological importance in the existing Congleton Local Plan and also has a steep and wooded topography.
- 8.0 Legal Implications (Authorised by the Borough Solicitor)**
- 8.1 Under Section 2 of the Local Government Act 2000, a local authority has the power to do anything to improve the economic, social or environmental wellbeing of their area. In accordance with this power, the Council may enter into a Deed of Dedication to create a public right of way.
- 8.2 The use of the powers under Section 2 of the Local Government Act 2000 fall within the general powers of the Public Rights of Way Committee which are described in the Constitution: “The Public Rights of Way Committee shall discharge all the functions of the Council in relation to all matters relating to public rights of way.”
- 9.0 Risk Management**
- 9.1 No matters arising.
- 10.0 Background and Options**
- 10.1 For a number of years, Cheshire East Council, Holmes Chapel Parish Council and Cranage Parish Council have been working on a project to improve access between the two parishes within the public open space land known as Dane Meadow.
- 10.2 The first phase of this project is currently being developed and includes a bid to Natural England’s Paths for Communities Fund in order to improve the surface of, and access furniture on, the paths within the public open

space. The funding bid also seeks finance for signposting and interpretation boards.

- 10.3 One of the stipulations of the funding stream is that the improved paths are dedicated as public rights of way, thereby securing public access rights for perpetuity. This also means that the paths can be shown on Ordnance Survey mapping as being available to the public. A plan of the proposed public rights of way, Plan No. LGA/003, is appended.
- 10.4 It is planned that the proposed public bridleway will be surfaced in order to enable maintenance vehicles and disabled users to access the level part of Dane Meadow adjacent to the river. The proposed footpaths on the east of the site would be improved to a bound gravel surface, whilst those on the west would remain as grass paths or woodland paths as at present.
- 10.5 Due to the movement of the river, the parish boundary between Cranage and Holmes Chapel is, in places, south of the river and therefore the proposed public rights of way would fall mainly within Holmes Chapel and partly in Cranage.
- 10.6 A second phase of the project will be to seek to create an off-road route for pedestrians and cyclists linking the two villages via a bridge over the River Dane. The proposed public bridleway shown in Plan No. LGA/003 reflects this aspiration as bridleways may be used by walkers, cyclists and horse riders.
- 10.7 Colleagues in the Asset Management Service, Countryside Development, Parks Development and Streetscape have been consulted and are supportive of the proposal.
- 10.8 The decision to enter into a Deed of Dedication to create the public rights of way will be taken by the Public Rights of Way Committee in line with the Constitution. In advance of this, the Parish Council and local Ward Members will be consulted.
- 10.9 If the Programme Board's application to the Paths for Communities fund is unsuccessful, the Programme Board would be unlikely to seek to continue the proposal to establish these paths as public rights of way as the improvements proposed could not be undertaken.

## **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Genni Butler  
Designation: Countryside Access Development Officer  
Tel No: 01270 686059  
Email: [genni.butler@cheshireeast.gov.uk](mailto:genni.butler@cheshireeast.gov.uk)